

LICENSING AND SAFETY COMMITTEE
05 FEBRUARY 2009
7.30 - 9.35 PM



Present:

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Beadsley, Brossard, Browne, Finch, Leake, Osborne, Thompson and Virgo

Apologies for absence were received from:

Councillors Mrs Barnard, Burrows and Kendall

Also in attendance:

Simon Bull, Legal Services
Laura Driscoll, Licensing Team Leader
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

21. Declarations of Interest

There were no declarations of interest made at the meeting.

22. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee on 2 October 2008 were approved as a correct record and signed by the Chairman.

23. Health & Safety Law Enforcement Plan 2009-10

It was reported that the Council had responsibility for the enforcement of health and safety in private sector businesses in the Borough and that members' had approved the Health and Safety Law Enforcement Plan 2008-2009 at their meeting on 3 July 2008.

It was noted that the staff shortages that had existed last summer had now been resolved and as a result it was anticipated that the enforcement plan would be met.

Councillor Browne requested that officers provide him with figures on the attendance at seminars that focussed on disease reduction – dermatitis, as detailed on page 11 of the agenda papers.

Members' noted that many actions were due to be completed by March 2010, yet it was clear that many of these action would be ongoing. Officers were requested to make this clearer in the report.

Members' thanked officers for a comprehensive and interesting report and stated that they looked forward to receiving the final report later in the year.

It was **RESOLVED** that;

- i) the timescales for the production of the final Health and Safety Law Enforcement Plan 2009-2010 were noted and that
- ii) the contents of the draft Enforcement Plan were commented on as detailed above.

24. **Bracknell Licensed Taxi Forum Update**

It was reported that since the last meeting of the Committee, officers had met with representatives of the Bracknell Licensed Taxi Forum on two occasions. The minutes of these meetings were attached to the agenda papers.

Officers reported on the following items:

- Plying for hire, this allegation had been investigated and extensive monitoring by officers had found no evidence to support the allegation.
- Complaints about drivers, it was reported that officers would need to address complaints personally with drivers but that drivers had every right to have a representative with them.
- Extensions for existing saloon vehicles, it was confirmed that extensions were issued when a vehicle had an abnormally low mileage and was in exceptional condition.
- Safety Guidance, a leaflet on this would be circulated to drivers.
- Wheelchair users, officers confirmed that they would be seeking legal advice on the use of meters, as no charge should be made for reasonable assistance provided to disabled persons.

It was reported that applications from drivers under the extensions policy were received on a regular basis but that only one appeal had been received in the last 12 months.

The Chairman stated that he was pleased that a number of representatives from the taxi trade were in attendance and thanked officers for the report.

25. **Update on Hackney Carriage Unmet Demand Survey**

The report before the Committee updated them on the Council's response to the Hackney Carriage trade request for a limit to be set on the number of Hackney Carriage licences to be issued.

Officers reported that best practice guidance and comments issued by the Department of Transport could be summarised as follows:

- Best practice for a Local Authority was not to restrict numbers.
- Consumers should enjoy the benefits of competition in the taxi market.
- A restriction policy was detrimental to those seeking entry to a market.
- Those authorities who had policies were strongly encouraged to remove restrictions as soon as possible.

- Restrictions should only remain if there was a strong justification that removal would lead to significant consumer detriment as a result of local conditions.

It was noted that the approximate costs of an unmet demand survey would be between £15-20,000 and would need to be met through increased licence fees. It was noted that the original petition from the local taxi trade had indicated that they would like a survey to be undertaken, but there was no mention in the petition that there the trade agreed to pay the cost of the survey through licence fees.

Officers stated that they would write to each driver to ask whether they thought that a survey was necessary and whether they would be willing to pay for the survey through an increased fee.

It was noted that the trade had requested that the issuing of licences be suspended until the survey was completed. It was reported that this would not be possible as it would leave the Council open to legal challenge and in any event, was likely to generate a surge of applications in anticipation of the suspension of licences.

Members' stated that they were pleased that every driver would be contacted individually and that it was important that this matter was resolved expeditiously.

It was **RESOLVED** that officers would bring to the Committee meeting on 23 April 2009 a report on the options for an unmet demand survey. The report would include an evaluation of the proposals by interested companies, the legal implications of such an action, results of consultation with licence holders and proposals for financing a survey.

26. Review of Penalty Points Scheme

The Committee were asked to review the current penalty points scheme and to consider whether the points given in respect of contraventions were necessary and proportionate.

It was **RESOLVED** that;

- i) the Committee approved the proposed new penalty points system at Appendix A of the agenda papers, for use from 1 April 2009, with the following amendments:

Existing wording	Existing points	Proposed wording	Proposed points
No valid insurance	10	Trading without valid insurance	12
No valid MOT	10	Trading without MOT/inspection	12
Illegal tyres	10	Illegal tyres	3 points per illegal tyre
Too many passengers	8	Too many passengers	8
C&U regulations	2-4	C&U regulations	2-4

- ii) the Chairman and Vice-Chairman to be sent a final version of the penalty points scheme with the amendments incorporated.

27. **Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers**

It was reported that the Council issued guidance notes on an annual basis to owners, drivers and operators of hackney carriages and private hire vehicles. These notes were intended to set out the legal requirements, licence conditions and to give guidance to the trade.

Members queries whether some of the guidance notes were a little too prescriptive, in particular those relating to the minimum size specifications for licensed vehicles. Officers stated that the seat specifications were added to regulate the use of smaller seats which are generally intended for use by children.

The Chairman asked that if the taxi trade wished to comment or make any suggestions on the Guidance Notes that they should do so at the next meeting of the Forum. In particular, feedback on the minimum size specification for licensed vehicles would be useful.

It was **RESOLVED** that the Committee;

- i) noted the changes made to the Guidance Notes,
- ii) would provide comment on the proposed changes to the Licensing Team Leader by 27 February 2009 and
- iii) agreed that the Guidance Notes may be amended and re-issued following consultation with and agreement of the Chairman.

28. **Review of Statement of Gambling Principles**

It was reported that the present Statement of Gambling Principles was published on 31 January 2007 and therefore needed to undergo a review and be re-published on or before 30 January 2010.

It was **RESOLVED** that the Committee noted the proposed timetable for the review as set out in paragraph 4.6 of the agenda papers.

29. **Changes to the Licensing Act 2003**

It was reported that currently there were two draft legislative reform orders laid before Parliament which were associated with the Licensing Act 2003. They related to a proposed new procedure for dealing with applications for minor variations to premises licences and club premises certificates, and the proposed removal of the requirement for a designated premises supervisor for community premises which sold alcohol.

If the orders were not rejected, they are likely to come into effect in April 2009 (minor variations). Licence holders would be notified of the changes through the annual newsletter, which would be sent out to all licensed premises in April 2009.

The Chairman queried how schools fitted in with the definition of 'community', officers agreed to look into this. For example, school fetes and plays may wish to serve alcohol.

30. **Any Other Business**

The Chairman commended the Chief Officer for the excellent work of the road team during the recent bad weather conditions. The roads had been gritted in a timely fashion and had been successfully kept cleared, the Chairman asked that the Committee's thanks be passed on to all staff involved.

CHAIRMAN