

**LICENSING AND SAFETY COMMITTEE
08 FEBRUARY 2010
7.30 - 9.15 PM**



Present:

Councillors Brunel-Walker (Chairman), Baily, Mrs Barnard, Beadsley, Brossard, Finch, Leake, Osborne, and Phillips

18. Apologies for Absence

Apologies were received from Councillors Mrs Ryder, Mrs Angell, Burrows, Thompson and Virgo.

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 1 October 2009 be approved and signed by the Chairman.

21. Draft Health and Safety Law Enforcement Plan 2010-2011

Steve Loudoun, Chief Officer - Environment and Public Protection introduced the early draft version of the Draft Health and Safety Law Enforcement Plan, explaining that this was brought to the Committee annually. The Council worked with businesses to help them meet health and safety requirements. The Council officers worked closely with the Health and Safety Executive. The final version would be signed off by the Executive Member for Culture, Corporate Services and Public Protection. Mr Loudoun welcomed and introduced Maria Griffin, Commercial Team Manager, Environment, Culture and Communities, who answered members' questions about the draft plan. Mrs Griffin explained that on smokefree issues, there was a high level of general compliance; there were very few enquiries and complaints from businesses and the public so this was not a big work demand. In response to a question about "joint warranting", she told the meeting that officers had to be authorised to enforce health and safety issues, along with the Health and Safety Executive, because there were shared resources for emergency situations. Mr Loudoun explained that there were also arrangements between the five Berkshire unitary authorities which meant that authorised environmental health, trading standard of licensing officers from any of these Councils could respond and act in any emergency situation.

It was unanimously **RESOLVED** that the Committee

- (a) note the timescales for the production of the final Health and Safety Law Enforcement Plan 2010-2011; and

- (b) comment on the content of the draft Enforcement Plan at Appendix A to the report.

22. **Age of Vehicle Policy**

Robert Sexton, Head of Trading Standards and Licensing, introduced the report, which had been circulated with the agenda. He explained that the Age of Vehicle condition was being clarified following a challenge in the magistrate's court where an appeal was allowed because the magistrate deemed the definitions of the condition were unclear. In December 2009 the Council wrote to all operators and asked for comments by 15 January, but few comments were received. The Bracknell Licensed Taxi Forum members had asked for a longer consultation period; the report's recommendations were in line with a further consultation to take place until 5 April, following which a report would be brought to the April meeting of the Committee for their consideration.

In response to a question about who was canvassed for the initial consultation, Mr Sexton told the meeting that initially all private hire operators and some members of the BLTF were consulted. The Council wanted to ensure that the taxi and private hire fleet was fit for purpose for the residents. There followed some further detailed questions about exceptional cars, and Mr Sexton reiterated that the Council officers were flexible in their interpretation of the condition. The resulting framework arrived at following consultation would be used in considering any cars which were older than eight years to determine if they were of abnormally low mileage and exceptional condition. If the car in questions could be brought up to the standard, then owner would be given the opportunity to do so.

The Committee **RESOLVED**

- (a) to formally authorise the consultation process to define the terms "exceptional condition" and "abnormally low mileage" which were included within the Age of Vehicle licence condition for hackney carriages and private hire vehicles;
- (b) to adopt annex 4 of the report as the initial consultation document;
- (c) that following completion of the consultation ending on 5 April, to receive a report at the next Licensing and Safety Committee on 29 April, which would summarise the results of the consultation and provide a recommendation for consideration by the Committee.

23. **Review of Guidance Notes**

Robert Sexton, Head of Trading Standards and Licensing, introduced the report which had been circulated. The Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers was reviewed each year to clarify any areas which were unclear and to encompass any new conditions that may have been introduced by the committee during the last year. There were two areas where questions had been raised, and these were (a) home to school drivers to undertake first aid training; and (b) the use of cautions under the heading of "convictions" in Appendix A.

In response to questions, Mr Sexton told the Committee that the officers were committed to dealing sensitively with cautions, and reminded the members that there was a right of appeal through the Licensing Panel and then the courts. A question was asked about the use of bus lanes, and Mr Sexton clarified by saying there was

only one bus lane as such in Bracknell Forest – the rest were bus gates, which were not covered by traffic orders and therefore could not be used by taxis.

The Committee **RESOLVED**

- (a) to note the changes made to the guidance notes;
- (b) to provide comment on the proposed changes to the Licensing Team Leader by 19 February 2010; and
- (c) to agree that the Guidance Notes might be amended and re-issued following consultation with and agreement of the Chairman of the Licensing and Safety Committee.

24. **Recommendations from Taxi Survey**

The Chairman told the group that a member of the public wished to speak to this item following its introduction by the officer and questions from members.

Steve Loudoun, Chief Officer – Environment and Protection, introduced the recommendations, which came as a result of the Taxi Survey. The recommendations contained in the report were based on further consultation with the trade, and they suggested continued limitation of the issue of hackney carriage licences. In response to a question about taxi ranks where no passengers were picked up, Mr Loudoun told the meeting that officers were talking to the trade and would bring recommendations about this in due course.

The unmet need survey revealed that there was a need for awareness-raising about the difference between a hackney carriage and private hire vehicle. It had been suggested that private hire vehicles might have signage on the side of the vehicle indicating that it was for “advance booking only”. The officers also indicated that it would be profitable to have some committee members to give input to the discussions about the taxi survey.

In response to a question about the long-awaited DfT guidance, one of the officers indicated that although it had not yet been published, the consultation document had been seen, and this appeared to have nothing new of significance in it.

The Chairman invited John Yexley, Bracknell Licensed Taxi Forum Chairman, to speak to the meeting. He opened by thanking the Committee on behalf of the Borough’s drivers for limiting hackney carriage licences. The drivers would appreciate it if the Committee would continue this for three years, to 2012. He knew Councillors had read the survey and taxi drivers were working with officers to cover the needs of disabled people so that they received a dedicated service. Mr Yexley had offered his services to the officers to help train drivers on the use of disabled equipment in hackney carriages. There were new vehicles coming onto the market which were even better equipped for the needs of disabled people and he believed these would attract more customers.

The Chairman thanked Mr Yexley and asked if there were any questions, but there was none. The Chairman then asked whether there were any members who would like to be involved in the continuing discussion on this subject, and Cllr Leake indicated his willingness. The Chief Officer – Environment and Protection suggested that an officer/member/trade working group needed to be set up and a resolution brought to the next meeting.

The Committee **RESOLVED**

- (a) to note progress already made;
- (b) to request officers and members to work together with the trade in order for officers to bring a further report to the next meeting; and
- (c) to continue with the restriction on the issue of Hackney Carriage licences whilst issues arising from the TPI recommendations were being actively pursued.

25. **Fees and Charges**

Steve Loudoun introduced the report, which had been circulated. He drew the meeting's attention to the fact that an objection had been raised over the increase of the licence fee for hackney carriages. The basis for the BTLF's objection was that the Council planned to increase the fee by £7 when the trade had not requested or received any increase in the fare rate since July 2008.

The Chairman thanked the officers for their hard work in drawing up all the tables of fees, and reminded the Committee that these fees were merely to cover the cost of the officers' time in administration, and were not for profit. Robert Sexton clarified the question of comparison with fees from other UAs in the area, indicating that once the £50 Unmet Need survey fee was deducted, Bracknell's fees were very similar to those of neighbouring authorities.

The Chairman invited John Yexley to speak to the meeting. Mr Yexley asked the members to vote against the rise in fee; the drivers were asking for a little leeway in the light of the fact that they had not increased their fares for over a year. He suggested the Council could save money by not sending out vehicle inspection reminders to drivers; this matter had been raised before, and the Chief Officer agreed that this should be stopped.

The Chairman then suggested an amendment that in the light of representations made, and given the current economic situation, the fee remain at £270. It was pointed out to the Committee that this was a matter for the Committee's determination and not the Executive's as had been indicated in the report.

The Committee **RESOLVED** that the Hackney Carriage fee should not be increased, and should remain at £270.

26. **Bracknell Licensed Taxi Forum**

The Licensing Team Leader introduced the information item, and the Chairman suggested that members would find these meetings very interesting and well worth attending.

27. **Licensing Enforcement Protocol**

The Committee noted the information item on the updated Licensing Enforcement Protocol.

28. **Update of Review of Gambling Policy**

The Officers had nothing to add to the update of the review of Gambling Policy, and the Committee noted the report.

29. **Training Opportunity**

The Chairman reminded the Committee that training would take place in Maidenhead, and strongly recommended that members attend if at all possible. The trainer was excellent, and if there were specific areas which members would like to have covered in the training, they should tell the Officers who would ensure that this was done.

30. **Date of next meeting**

The next meeting of the Committee is scheduled for Thursday 29 April 2010 at 7.30 pm.