

LICENSING AND SAFETY COMMITTEE
29 APRIL 2010
7.30 - 9.10 PM



Present:

Councillors Mrs Ryder (Vice-Chairman), Mrs Angell, Baily, Beadsley, Brossard, Burrows, Finch, Leake, Osborne, Phillips, Thompson and Virgo

Apologies for absence were received from:

Councillors Brunel-Walker and Mrs Barnard

31. Declarations of Interest

There were no declarations of interest.

32. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 08 February 2010 be approved and signed by the Chairman.

Arising on minute 25, a full report on amendments to the Penalty Points Enforcement Scheme would be brought to the Committee on 1 July 2010.

33. Public Speaking at Licensing and Safety Committee

The Head of Trading Standards and Licensing, introduced a report on continuation of the present public speaking arrangements for the Committee which had been agreed in April 2009. The Committee had agreed to review the decision after a trial period of 1 year.

It was agreed that 'licensing officer', in Question 3 part i), of the Speaking to Reports at Licensing and Safety Committee Meetings document, would be amended to read 'officer', as reports would not always be presented by a licensing officer.

The Committee also agreed that written notification of requests to speak at the Committee should be defined as 2 days prior to the meeting rather than on the Tuesday prior to the meeting, as Committee meetings may not always be held on Thursday evenings.

RESOLVED that public speaking be permitted to continue at the Licensing and Safety Committee in line with the requirements set out within the Public Speaking at Licensing and Safety Committee document.

34. Annual Report and Service Plan

The Head of Trading Standards and Licensing, introduced a report which detailed activities carried out by the Licensing Section during the period 1 April 2009 and 31 March 2010 and referred to the 2009/10 work plan brought to the Committee for comment in April 2009.

Changes to licences during the year showed that the number of Hackney Carriage Vehicle licences had decreased by 5 and the number of driver licences had increased. It was suggested that this could be an indication that drivers were sharing vehicles.

It was reported that the majority of tasks in the work plan had been completed. The Committee also considered the Trading Standards and Licensing Work Plan 2010/11. It was noted that the target length of time to issue licence applications had been set at 3 clear working days on 95% of applications.

The Chairman congratulated the section on their hard work, good service provision and high level of achievement in 2009/10. The Committee hoped to see further success in 2010/11 and noted that careful monitoring of those who did not comply with their licence agreements would provide a message to licence holders that maintenance was important.

RESOLVED that the work carried out by the Licensing Section in 2009/10 and the proposed work plan for 2010/11 be noted.

35. **Age of Vehicle Policy**

The Head of Trading Standards and Licensing, introduced a report on the Age of Vehicle Policy. The Committee had requested officers to undertake a period of consultation with the taxi trade upon proposals to introduce guidelines to define what was meant by the terms 'exceptional condition' and 'abnormally low mileage' contained within in the Council's Age of Vehicle Licence condition.

A vehicle would not be regarded as in 'exceptional condition' except where evidence had been presented to the Council that the vehicle had been regularly serviced and maintained in line with the manufacturer's servicing schedule.

The Council would not normally regard the vehicle as having travelled an abnormally low millage in the following circumstances:

- 1 A vehicle intended for normal private use – a mileage in excess of 200,000 miles; or,
- 2 A vehicle purpose built for use as a licensed vehicle with a millage in excess of 300,00 miles; or,
- 3 A 'prestige car' with a millage in excess of 300,000 miles.

The definitions had been carefully considered by officers as they did not wish to place unnecessary burden on the trade.

The Chairman invited John Yexley, Chairman of the Bracknell Licensed Taxi Forum, to speak to the meeting. Mr Yexley expressed concern that the millage level was low and that a more generous allowance should be allowed for private saloon vehicles. Mr Yexley informed the Committee that few local authorities in Southern England had a mileage policy. Mr Yexley suggested that a sub-committee be established to look at the issue of abnormally low mileage.

The Chairman thanked Mr Yexley and asked the Committee if there were any points of clarity they may wish to ask Mr Yexley. There was none.

It was noted by the Committee that the Council had agreed to have an Age of Vehicle Policy, which had now been in place for a number of years. The decision to have a policy in place was a local decision with some local authorities choosing to have a policy and some not to do so.

Arising from the subsequent discussion the Committee noted the following points:

- The average annual millage of a private car was 15,000 miles and the average annual millage of a hackney Carriage vehicle in Bracknell Forest was 33,000 miles a year.
- Keeping a clear service history for vehicles was important as well as regular MOT checks as vehicle services included safety checks which were not covered by an MOT.
- Concern was expressed by some members of the Committee that the millage limit for vehicles had been set at too low a level.
- Other provisions were in place for private hire vintage vehicles such as those used for weddings and special events.
- The public perception of the safety of the vehicles being used as taxis in Bracknell Forest was important.
- The guidelines produced to define 'exceptional condition' and 'abnormally low mileage' were not absolute and existed to provide officers with guidance on the process, judgements would be made on a case by case basis.

It was important that the two terms were accurately defined to provide clarity to aspects of the Age of Vehicle Policy. The set level of millage was a separate issue which would require a change of Council Policy.

RESOLVED

- 1 That the guidance set out in Annex 2 of the Director's report be adopted to interpret the terms 'exceptional condition' and 'abnormally low mileage'.
- 2 That the guidance come into effect on 1 May 2010.

NB: Councillor Leake asked to be recorded as abstaining from voting.

36. Review of Statement of Licensing Policy

The Committee considered a report advising it of the arrangements for the review of the Bracknell Forest Statement of Licensing Policy which needed to be re-published on 7 January 2011.

RESOLVED that the proposed timetable for review of the Bracknell Forest Statement of Licensing Policy be noted.

37. Bracknell Licensed Taxi Forum Update

The Licensing Team Leader introduced the minutes from the Bracknell Licensed Taxi Forum meetings that had been held on 18 February and 6 April 2010.

The Committee noted the minutes and, in particular, that taxi drivers were not being given access to the train station toilets. It was agreed that this issue would be raised with South West Trains.

38. Recommendations from Unmet Demand survey

The Head of Trading Standards and Licensing, introduced a report which gave an update on progress made in respect of the recommendations within the TPI Unmet Demand Survey report presented to the Committee in October 2009.

Recommendation 6 within the survey was for training for drivers in the care of disabled people. A sufficient number of responses had now been received from drivers to create guidance which would be included as part of a guide to accessible taxis. Officers were currently working with the Council's training department to look at provision of training for taxi drivers and operators.

The Chairman invited John Yexley, the Chairman of Bracknell Licensed Taxi Forum, to speak to the meeting. Mr Yexley reported that there were now 20 wheelchair accessible vehicles registered in Bracknell Forest and that the Forum did not condone drivers refusing to take a customer who was in a wheelchair.

The Chairman thanked Mr Yexley and asked if there were any points of clarity on the question, but there were none.

Arising from the subsequent discussion the following points were noted:

- Training for taxi drivers and operators in the care of disabled people could be run in conjunction with neighbouring authorities to reduce cost.
- There had been a number of actions in the TPI that had taken longer to complete than anticipated. It was likely that the report would be completed by October 2010.
- It was reported that taxi access through newly installed bus gates would be considered in the LTP3 which was currently out for consultation as clarity was needed on whether allowing use by taxis would be beneficial. It was agreed that officers from the transport policy development section would be invited to attend a future meeting of the Committee to explain the issues fully.

RESOLVED:

- 1 That the progress made be noted;
- 2 That the decision to limit the number of hackney carriage licences whilst work was carried out in respect of the TPI recommendations be reaffirmed; and,
- 3 That a further report be presented to the next meeting.

39. Neighbourhood Notification Scheme

The Committee noted an information report on a review recently carried out of the Neighbour Notification Scheme, which had been introduced in April 2007.

The Licensing Team Leader reported that it was currently felt that the period of notification for residents was correctly balanced.

40. **Licensing of sexual entertainment venues**

The Licensing Team Leader introduced a report which detailed a change in legislation and introduced a new category of sex establishment called 'sexual entertainment venues', which would allow local authorities to regulate lap dancing clubs and similar venues under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

The Committee noted that there was currently one sexual entertainment venue in Bracknell Forest.

RESOLVED that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 be adopted.

41. **Urgent Items of Business**

There were no urgent items of business.

42. **Date of next meeting**

The next meeting of the Committee was to take place on Thursday 1 July 2010 at 7.30pm.

CHAIRMAN