

LICENSING AND SAFETY COMMITTEE

Thursday, 1 February 2007

(7.30 pm - 9.15 pm)

Present:- Councillors Kendall (Chairman), Mrs Ryder (Vice-Chairman), Adams, Baily, Mrs Barnard, Beadsley, Browne, Finch, Leake, Osborne, Piasecki and Thompson

21. APOLOGIES FOR ABSENCE (ITEM 1)

Apologies for absence were received from Councillor Mihell.

22. DECLARATIONS OF INTEREST (ITEM 2)

There were no declarations of interest.

23. MINUTES (ITEM 3)

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 5 October 2006 be approved as a correct record and signed by the Chairman.

24. URGENT ITEMS OF BUSINESS (ITEM 4)

There were no urgent items of business.

25. COMPETENCY OF TAXI AND PRIVATE HIRE VEHICLE DRIVERS (ITEM 6)

The Committee received a presentation on Hackney Carriage & Private Hire practical driving tests from Terry Denton, a Senior Driving Examiner and the Manager of Taxi Testing with the Driving Standards Agency (DSA), which outlined the benefits to drivers, eg official certification, and the Council. Points highlighted during the presentation included:

- The DSA was an Executive Agency of the Department of Transport with its headquarters in Nottingham, and regional centres in Cardiff and Newcastle. They also had 430 Driving Test Centres and 140 Theory Test Centres in England and Wales;
- They administered over 1.5 million Theory Tests a year and also administered the Register of Approved Driving Instructors (ADI) and the Register of Large Goods Vehicle (LGV) Instructors. This latter register was currently voluntary, but the DSA were working to bring it in line with the ADI register, which currently contained over 30k people;
- The DSA first introduced a practical driving test for Hackney Carriage and Private Hire in 1999 after complaints to Leeds City Council about the standard of taxi drivers in the city. They now conducted tests on behalf of 82 Licensing Authorities on a national basis, and this number was increasing rapidly. Leeds City Council were currently their biggest customer, followed by the Public Carriage Office (PCO) in London;
- This scheme would help address some of the concerns expressed about the quality of driving by some licensed drivers;
- Separate certificates were issued for the driving and wheelchair

elements of the test. A full debrief and training advice was given to drivers who failed either part of the test. A driver taking the taxi test would fail if they had 10 or more traffic violations. For a normal driving test, a driver would only fail after making 16 or more traffic violations;

- The DSA had a Standards and Quality monitoring system, and their examiners were tested twelve times a year. They also operated a complaints procedure and provided statistical information;
- The DSA operated the Test Booking System. Applicants could book online, by telephone or by post. Most people booked their test by telephone;
- Licensing Authorities could decide on their own rules and what to add on to the basic requirement of a DSA certificate. This could include whether or not to allow drivers from other areas who held certificates to operate in Bracknell Forest and requiring a driver who went before an appeal to take the DSA test;
- The national pass rate for the practical driving test for Hackney Carriage and Private Hire was 48%. Locally, the pass rate was 36%;
- The nearest taxi testing centres to Bracknell Forest were Slough, Reading and Farnborough.

The Chairman thanked Terry Denton for his most informative and interesting presentation.

The Committee then considered the report from the Director of Environment and Leisure regarding the Best Practice Guidance recently released by the Department for Transport to assist taxi and private hire vehicle licensing authorities in England and Wales and the proposed new procedures to ensure the competency of licensed taxi and private hire vehicle drivers in Bracknell Forest.

The Committee was advised that the background to recommendation 2.1 a) was covered in paragraph 4.3 of the report, while recommendations 2.1 b) and 2.1 c) covered drivers who did not hold a UK driving licence or passport. The 12 months minimum time that a driver needed to have held a full driving licence was in line with EU guidance.

The Committee noted the legal advice that implementing the proposed changes would not be discriminatory to new applicants, but could be construed as discriminatory if they were applied to existing licence holders.

RESOLVED that the existing conditions for taxi and private hire drivers be amended as follows:

- i) the minimum age condition for taxi and private hire drivers be removed; and
- ii) persons who had held full driving licences issued by any EU or EEA state for at least 12 months should be entitled to apply for a taxi or private hire vehicle driver's licence; and
- iii) all applicants who did not hold a UK passport and had not been resident in the UK for the last 5 years be required to obtain a certificate of good conduct or equivalent from the relevant embassy or High Commission; and
- iv) all new applicants for driver licences must take and pass the Driving

- Standards Agency practical test specifically designed for either:
- a) Hackney Carriage drivers, to include loading and unloading of wheelchair users or
 - b) Private Hire drivers
- from 1 April 2007; and
- v) the medical standard required for insulin-treated diabetic drivers be amended to match the DVLA Group 2 standard for drivers of category C1 vehicles.

26. HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2007-08 (ITEM 5)

The Committee considered a report from the Assistant Director of Environment and Leisure, which would provide Members with the opportunity to comment on the draft Plan prior to receiving the final version at a future meeting.

During discussion, the following points relating to the Plan were noted by the Committee:

- Inspections of businesses usually took place unannounced. However, planned meetings were made when the Council had worked with businesses on specific projects;
- All workforce accidents were reported to an accident reporting centre in Wales, which were then picked up by the Council on a daily basis;
- The 'watch your step' message was reinforced by visits and newsletters;
- Every restaurant in Bracknell Forest would be visited, with food hygiene as well as Health and Safety aspects being looked at. Mail shots and newsletters were also used to keep in contact with businesses;
- The highest risk builders merchants would be selected from Category A businesses on the national list.

The Chairman commented that it had been helpful to receive the Plan in this format, which helped the Committee to check on progress made.

RESOLVED that the Committee

- i) noted the timescales for the production of the final Health and Safety Law Enforcement Plan 2007-2008; and
- ii) the contents of the draft Enforcement Plan at Appendix A of the report be noted.

27. NEIGHBOUR NOTIFICATION (ITEM 7)

The Committee considered a report from the Director of Environment and Leisure that advised of a new initiative in relation to the introduction and implementation of a 'Neighbour Notification' procedure for applications for premises licences under the Licensing Act 2003 and the Gambling Act 2005.

The Committee was advised that the Council wanted to do a bit more than the statutory minimum without overloading officers, and officers were confident that what was being proposed could be delivered. There would be a two stage process, a desktop review followed by a site visit. The procedure aimed to limit notification to those who would be most affected, although there would need to be an element of discretion. The Council had to be careful that the status of

those being consulted was not unduly promoted.

During discussion, amendment, or the complete removal, of the first sentence of the Guidance - Neighbour Notification procedure was raised, as it could be considered to be too subjective and open to interpretation and debate. These suggested amendments were not supported by the Committee.

RESOLVED that

- (i) the Committee considered and commented on the Neighbour Notification procedure attached to the report; and
- (ii) the officers would provide a briefing to the Committee at its meeting in October 2007 in relation to the experience gained.

28. REVIEW OF FEES AND CHARGES 2007-2008 (ITEM 8)

The Committee considered a report from the Director of Environment and Leisure, which set out the current fees and charges and the proposed fees and charges from 1 April 2007.

The Committee was advised that, in order to meet the timescales, any objections received would need to be reported to the Chairman and Vice Chairman of the Committee for them to consider and approve prior to making a recommendation to the Executive.

The Committee was advised of one small amendment in Section B of Annex A to the report which would align proposed copying charges with other charges in the Department. The proposed 'Subsequent copies per sheet' should be 20p.

RESOLVED that

- (i) the Committee recommended to the Executive the revised charges detailed in Appendix A of the report, subject to the amendment noted above, for implementation from 1 April 2007; and
- (ii) the proposed changes in operator and vehicle licence fees were:
 - (a) advertised; and
 - (b) any objections be reported to the Chairman and Vice Chairman of the Committee for consideration and approval prior to recommendation to the Executive.

29. STRETCHED LIMOUSINES (ITEM 9)

The Committee considered a report from the Director of Environment and Leisure, which asked the Committee to consider and decide if other quality and safety schemes could be adopted as additional alternatives to the single vehicle approval (SVA) or low volume vehicle approval (LVVA) system presently in place for such vehicles.

The Committee was advised that certain limousine operators would like to obtain licences for their vehicles, but the current rules would not allow this, and this report would remedy this. Such vehicles would still need their normal MOT and have their Taxi Inspection undertaken by the Council.

RESOLVED that a vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme; or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

30. REVIEW OF LICENSING POLICY (ITEM 10)

The Committee considered a report from the Director of Environment and Leisure, which advised the Committee of the proposed timetable which would enable the implementation of the legal requirement to review the present Licensing Policy and re-publish it on or before 6 January 2008.

The Committee was advised of the requirement under the Licensing Act 2003 for the Council to review and consult on its Licensing Policy at least once every three years to allow for comment and debate.

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

31. TAXI AND PRIVATE HIRE VEHICLE LICENSING – BEST PRACTICE GUIDANCE (ITEM 11)

A report was submitted for information which updated the Committee on the recently released Best Practice Guidance to assist taxi and private hire vehicle licensing authorities in England and Wales. The Committee noted the report.

32. GAMBLING ACT 2005 – PRESENT POSITION (ITEM 12)

A report was submitted for information which updated the Committee on the recently released guidance in respect of the transitional arrangements put in place for the implementation of the Gambling Act 2005. The Committee noted the report.

33. ANIMAL WELFARE ACT 2006 (ITEM 13)

A report was submitted for information which updated the Committee on the Animal Welfare Act 2006. The Committee noted the report.

CHAIRMAN