

**LICENSING AND SAFETY COMMITTEE
13 OCTOBER 2011
7.30 - 9.23 PM**



Present:

Councillors Brunel-Walker (Chairman), Leake (Vice-Chairman), Allen, Baily, Mrs Barnard, Brossard, Davison, Finch, Gbadebo, Kensall, Porter and Thompson

Apologies for Absence were received from:

Councillors Sargeant and Ms Wilson

17. Declarations of Interest

There were no declarations of interest.

18. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee held on 7 July 2011 be approved as a correct record and signed by the Chairman.

Matters Arising:

Minute 15: Licensing Annual Report and Service Plan

The average failure rate of licensed vehicles following inspections over the past three years was: 2009/10 23%, 2010/11 9%, 2011 to present 29%

It was stressed that the statistics covered a range of issues from relatively minor problems which would ordinarily result in the issuing of penalty points to more serious problems that resulted in immediate suspension of a licence. It was agreed that a report setting out the area in more detail would be brought to the Committee's next meeting.

A number of Committee members had now accompanied Licensing Officers on out-of-hours visits. These visits had been considered extremely informative and officers were thanked for their time.

19. Urgent Items of Business

There were no urgent items of business.

20. Notice of Public Speaking

The Committee noted that Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, had registered to speak to Item 9 of the agenda.

21. **Animal Boarding Establishment Licence Conditions**

The Chief Officer: Environment & Public Protection presented a report setting out proposals to adopt the Chartered Institute of Environmental Health's (CIEH) Model Licence Conditions for Animal Boarding Establishments.

The CIEH's Model Licence Conditions were nationally accepted as representing the minimum standards required to ensure appropriate standards of health, safety and welfare in animal boarding establishments. The Council's current licence conditions were too simplistic and adoption of the Model Licence Conditions would provide premise owners with a consistent and transparent approach.

Officers would work with animal boarding establishments currently operating within the Borough to ensure that there would be adequate time to carry out any works required to comply with the new conditions.

The Committee was of the opinion whilst the responsibility to determine licence applications is a delegated function that officers should exercise their discretion and where minded to cancel or suspend a licence give the licence holder the option of having the matter placed before an Internal Council Licensing Panel.

RESOLVED

- i. That the CIEH Model Licence Conditions for Boarding Establishments shall be used for the purposes of applying appropriate conditions in respect of any new animal boarding establishment licences with immediate effect; and
- ii. That a further report is brought to the Committee in respect of the existing licences with a proposed timeframe for compliance with the new conditions having regard to the extent of the works, the associated risks to animal welfare and the potential cost

22. **Street Trading - Adoption of new consent streets**

The Head of Trading Standards presented a report setting out proposals to amend the list of designated Consent Streets for the purposes of street trading in the Borough.

The Committee's attention was drawn to a typographical error in paragraph 2.1 of the report. It was noted that the recommendation should read '...to include land within 150 metres of the highway: and...'. It was stressed that 150 metres was the limit currently used.

The Committee was informed that under the current street trading regulations if a street was not named on the Consent Street List then a street trader would be able to trade on the street without having to apply for a licence and would not be subject to the same conditions of operation and inspections by Licensing and Environmental Health Officers that licensed traders had to undergo.

The designation of all streets in the Borough as Consent Streets would enable the successful regulation of street traders in the Borough to continue. Applications would continue to be judged on their individual merits and residents would continue to make representations to any application.

RESOLVED

- i. That the Committee approve the publication of a notice proposing to rescind the current list of Consent Streets and to designate all streets within the Borough as Consent Streets, to include any land within 150 metres of the highway; and
- ii. That the Committee consider any representations made at the next available meeting and determine whether or not to recommend the Council pass a resolution in the above terms.

23. Chauffeur Badge

The Committee considered a report proposing the creation of a category of Private Hire Driver Licence referred to as a Chauffeur Licence.

The holder of a Chauffeur Licence would only be licensed to drive a chauffeur exempted vehicle and would not be permitted to drive either a hackney carriage or private hire vehicle. Due to the geographical range covered by drivers licensed under the Chauffeur Licence they would not be required to pass the geographical element of the Council's Knowledge Test for Licensed Drivers.

RESOLVED that the Committee agrees to the introduction of a Chauffeur Private Hire Driver Licence subject to the following:

- i. the Chauffeur Licence permits the driver to drive only a vehicle that has been granted a Private Hire Dispensation by the Council
- ii. the applicant must take and pass the council Private Hire Driver Knowledge Test without the geographical element
- iii. the applicant must also satisfy the other elements including the criminal records checks, the DSA Private hire Saloon Test, medical fitness and attend the Council's First Aid Course within 12 months of the grant of the licence; and
- iv. a report is brought back to the Committee in October 2012 on the implementation of the Chauffeur Licence

24. Fees and Charges

The Committee considered the proposals for fees and charges and were asked to agree a set of fees for general licences that would go forward for public consultation and agreement by the Executive as part of the budget review process. The fees for Hackney and Private Hire vehicles and operators would go through a separate prescribed process before being adopted.

It was reported that where the Council had discretion to set fees and charges a decision had been taken to increase these by an average of 4%. Although unable to use the Fees and Charges system to make a profit the Council was working towards making the service cost neutral.

Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, addressed the committee expressing the view that raising the cost associated with licensed vehicle fees and charges would have an adverse impact on businesses and lone operators in particular.

Arising from Members' questions and comments the following points were noted:

- It was unclear if the one-off fee paid by hairdressers covered those hairdressers operating out of their own homes and clarification would be sought

- Consideration would be given to altering the Street Trading Consent Fee for ice cream vans so that in future each van would need a separate licence
- It would no longer be necessary for Hackney Carriage Licence fees to include the £50 supplement charged to cover the costs of the Unmet Demand Survey
- Discounts would be offered to drivers and operators who on renewal renewed their licences for a three year period
- If a driver failed one part of the Driver Knowledge Test they would be subject a £27 charge for retesting. If they failed both parts of the test then retesting of each part of the test would be charged separately i.e. they would be charged £54 for a retest
- The current fees and charges levied did not currently cover the cost of the Licensing Service
- If all the proposed increases were implemented across all licensable activities the Council would raise approximately £6,000 extra from renewal income

RESOLVED

- i. That save for the Operator, Hackney Carriage and Private Hire Vehicle licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A of the report for public consultation.
- ii. That the proposed charges for Operator and vehicle licence fees are:
 - (a) Advertised
 - (b) If no objections are received, implemented as from 1 April 2012; or
 - (c) If objections are received, that they be considered by the Committee at the meeting on 12 January 2012

25. Licensing Panel Minutes

The Committee received and noted the minutes of the Committee's Licensing Panels held during the previous quarter.

CHAIRMAN