

**LICENSING AND SAFETY COMMITTEE
5 JULY 2012
7.30 - 8.43 PM**



Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Brossard, Davison, Finch, Finnie, Kensall, Porter, Mrs Temperton and Ms Wilson

Apologies for Absence were received from:

Councillors Mrs Barnard, Brunel-Walker and Gbadebo

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

RESOLVED that, the minutes of the Licensing and Safety Committee meetings held on 22 March 2012 and 16 May 2012 be approved as a correct record and signed by the Chairman.

6. Urgent Items of Business

There were no urgent items of business.

7. Notice of Public Speaking

There were no applications for public speaking.

8. Animal Boarding Establishment Licence Conditions: Oakwood Park Kennels

The Head of Regulatory Services presented a report seeking a decision on the conditions to be issued with the Oakwood Park Kennels animal boarding establishment licence.

The Committee was informed that since the publication of the report officers had met with the owners of Oakwood Park Kennels and an agreement had been reached over the contested condition 5.6.2. Consequently recommendation 2 in the report had been withdrawn and recommendation 1 had been revised to reflect the agreement reached.

At the meeting, the licence holders had agreed to revise current practice in relation to the boarding of those dogs who either were presented for boarding with no proof of up-to-date vaccination documentation or those dogs who were presented with homeopathic nosode or treatment. In future, animals in both categories would be boarded into a separate area away from the general population. During the Kennels' traditional busy period of July and August there would be likely to be insufficient space to have a separate area and animals in these two categories would not be

accepted for boarding at these times. Oakwood Park Kennels' procedures and policies would be updated to reflect these changes.

RESOLVED that the new model conditions, including 5.6.2 be implemented for all animal boarding establishments in Bracknell Forest from 1 January 2013.

9. **Annual Report and Service Plan**

The Head of Regulatory Services presented the Licensing Annual Report and Service Plan.

The Report set out an overview of the work carried out during the period 1 April 2011 to 31 March 2012, associated performance data, areas for development during 2012/13 and details of the number and type of licences issued.

During the reporting period officers carried out 281 inspections, 105 of which had been brought about by intelligence gathered and received by officers. 12 operations had been carried out jointly by the Licensing Team, Thames Valley Police and VOSA and 225 licensed vehicles had been checked. During these joint operations, 23 vehicles were found to have breached their licence conditions and 3 vehicles were immediately prohibited from being driven by VOSA.

In addition, 14 warnings had been issued to licence holders and 391 enforcement points were issued to 52 taxi drivers. Of particular concern were the 20 drivers that had been issued with enforcement points for failing to notify the Licensing Section of any convictions they had received during their licensed period.

In an attempt to make communication with taxi drivers quicker and more efficient a new SMS text message alert service had been introduced to remind taxi drivers of the expiration of documents or inspections and this had been well received by drivers.

An alternative was being sought for the 'Am I Safe' web based application which enabled smartphone users to check the licence details of hackney carriage or private hire vehicles licensed in the Borough following its withdrawal by the suppliers.

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

- Following the introduction of guideline figures setting the minimum percentage of the proceeds of door to door collections that should be received by the named charity 3 collections had been refused for falling below these guideline figures, 16 collections had been approved.
- It would be double checked that details of the charity collections that had received approval were being published on the Council's website
- It was clarified that while it was possible to audit smaller park home sites in a single day audits of the larger sites, for example Warfield Park, could take several weeks
- A significant piece of work during 2012/13 would be to ensure that by the 31 March 2013 all LA03 premises licences included the new mandatory conditions
- It was clarified that all dual driver licence holders must take a DSA practical wheelchair assessment to demonstrate that they could safely load and unload wheelchair users. This particular action had also been included in the Council's Equalities Scheme 2012-2016 Action Plan.

RESOLVED that the Licensing Section Annual Report and associated work plan for 2012/13 be approved.

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

The Committee considered a report seeking approval of the annual review of the Council's Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

The Guidance Notes were updated annually to reflect changes in the law and Council policy and were, following the completion of consultation with the trade, scheduled for publication by 1 April 2013. The revised guidance contained the following material changes:

- The updating of the process for checking driving licence information
- The addition of details of the Chauffeur badge
- The addition of the specification that electronic documentation may be accepted where the Licensing Team is able to verify the veracity of the document
- Confirmation that every licensed vehicle must carry a replacement bulb kit
- The removal of the requirement for private hire operators to print hard copies of their booking records unless requested by an authorised Council officer or police officer
- Updating of the 'Recording of Contraventions procedure and amendments to the penalty points table
- The addition of a requirement for Home to School applicants to pass the Council's knowledge test

Officers acknowledged that replacement of headlamp bulbs in many cars was not a straightforward process and the Committee's concern over the usefulness of carrying a spare bulb kit. In addition, the Committee suggested that warning triangles and high visibility jackets should be considered for inclusion as part of a licensed vehicle's standard kit. It was agreed that VOSA would be asked for guidance on the most appropriate additional equipment that drivers should be expected to carry and the results included in the consultation documentation.

It was thought that references to child restraints covered the use of booster seats but this would be clarified.

RESOLVED that:

- i. The amended Guidance Notes and Conditions document be approved for consultation
- ii. The results of the consultation be brought back to the Committee's next meeting for consideration

11. **Review of Statement of Gambling Principles**

The Committee considered a report advising them of the results of the consultation around the Review of Statement of Gambling Principles.

Under the Gambling Act 2005, the Council is required to review and consult upon its Statement of Gambling Principles every three years from the date of adoption. The present Statement was published on 31 January 2010 and a new Statement must therefore be published on or before 31 January 2013

Consultation, with a range of organisations including current licence holders, trade associations and community groups, took place between March and May 2012. Three responses had been received and the comments incorporated into the revised statement.

The Committee queried section 4.2 Committee Terms of Reference and the statement that in the interests of good governance where a Councillor who is a member of the Licensing and Safety Committee was making representations regarding a licence on behalf of an interested party then they would disqualify themselves from any involvement in the decision making process. It was agreed that for the sake of clarity this statement would be amended to read '...in the interests of good governance they should take no part in the decision making process affecting the licence in question.'

RESOLVED that it be recommended to Council that the revised Statement of Gambling Principles be adopted with effect from 30 January 2013.

12. **Street Trading Consent - Standard Conditions**

The Committee received a report seeking approval to commence consultation on an amended version of the Council's standard conditions for Street Trading Consents.

The existing Street Trading Consent standard conditions had been subject to very little modification since their adoption in 1995. A review of their content had been undertaken to ensure that they remained accurate and complied with current legislation. It was noted that following this review officers had: changed wording to aid clarity and changed, deleted or introduced new conditions that reflected present legislation and best practice with the material changes being:

- Changing references to 'rental period' in Condition 5 to 'consent period'
- Confirmation that no refunds are paid in circumstances where a consent was suspended or revoked
- Confirmation that failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant
- Amendment of condition 19 to make the intention of the condition clearer
- Addition of a condition to confirm responsibilities in respect of disposal of waste
- Addition of new conditions specific to ice cream traders
- Removal of the reference to 'street trading assistants' which is not always manageable for traders such as continental markets, and
- Amendment of the food hygiene condition to implement suggested refresher training timescales and an ability for officers to require further training if there are concerns about competence of an individual.

It was clarified that the fee charged for Street Trading Consent was used to contribute towards the cost of administering and enforcing the law and should the conditions of the consent be breached and the consent subsequently revoked or suspended the trader would not be entitled to a partial refund of the fee.

It was felt that Condition 25 in the revised standard conditions needed to be more robust and that additional conditions that specified that all heat sources should be turned off when the vehicle was in motion should be included.

Visits were made to temporary markets to ensure that Food Hygiene Certificates were held by traders handling food. Should any concerns arise at weekends then details of the concern should be noted and passed to officers for action.

It was not possible to specify in the Standard Conditions that traders had to have access to their own toilet facilities. In practice unofficial arrangements were made with other organisations to use their facilities for example nearby petrol stations.

RESOLVED that:

- i. The revised Street Trading Consent conditions be approved for consultation
- ii. A report detailing the results of the consultation be brought back to the Committee's next meeting

13. **Health and Safety Law Enforcement Plan**

The Committee received the Health and Safety Law Enforcement Plan 2012/13.

The Health and Safety Law Enforcement Plan set out an overview of the work carried out during the 2011/12 municipal year and detailed the work that would take place during the 2012/13 municipal year and how this work would be carried out.

In 2011/12 a total of 574 health and safety inspections and visits had been carried out. Of these:

- 19 had been programmed inspections and 337 were first visits to the business
- 11 had been advisory visits
- 57 had been revisits to follow up on issues of non-compliance
- 11 had been in relation to accidents
- The remaining 139 visits had been made either in response to complaints or enquiries from members of the public and other visits where previous visits had identified the business as being closed or not trading at that time.

Of the 302 enforcement actions taken during 2011/12: informal improvement notices had been issued in 274 cases, formal improvement notices had been issued in 16 cases, there had been no prosecutions, six immediate prohibition notices were issued and no Simple Cautions were issued.

The primary reason for the low number of prosecutions (1 prosecution over a 5 year period) was that prosecution was seen as being an action of last resort and that negotiation and the provision of advice and assistance was the preferred course of action in the first instance.

Arising from members questions and comments the following points were noted:

- The Consumer Services category of premises referred to those businesses where a service was provided for example a hairdressers or launderette
- The number of premises falling into the category of hotels, campsites and other short stay accommodation would be double checked. However the premises were only included if they had in excess of four rooms, as the Health and Safety Executive is responsible for those business with fewer rooms
- In future details of the accident data relating to Bracknell Forest would be moved and included in the section detailing the total number of notified accidents and dangerous occurrences in Berkshire

RESOLVED that the performance outturn report for 2011-12 and the Health and Safety Law Enforcement Plan for 2012-13 be noted.

14. **Licensing Panels**

The Committee noted the minutes of the Licensing Panel held on 4 April 2012.

CHAIRMAN