

LICENSING AND SAFETY COMMITTEE
11 OCTOBER 2012
7.30 - 8.25 PM



Present:

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

15. Declarations of Interest

There were no declarations of interest.

16. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee meeting held on 5 July 2012 be approved as a correct record and signed by the Chairman.

17. Urgent Items of Business

There were no urgent items of business.

18. Notice of Public Speaking

It was noted that Mr Steve Richardson and Mrs Jackie Richardson had registered to speak to Item 6: Age of Vehicle at First Registration.

19. Age of Vehicle at First Registration

The Licensing Team Leader presented a report seeking agreement to vary the existing licensing condition relating to the maximum age for the first licensing of a vehicle such that a 'prestige car' can be first licensed up to nine years subject to the vehicle meeting the exceptional condition requirement and having travelled less than 150,000 miles.

The Committee noted that 'prestige vehicles' were used exclusively for corporate work and were often high quality vehicles with high specification safety features. In addition, the first licensing of these vehicles beyond five years would not adversely impact upon the safety of those travelling within the vehicle.

The Committee questioned the exclusion of vehicles that had been designed or adapted for off-road use from the classification of 'prestige vehicles' in the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers. It was agreed that this exclusion appeared arbitrary when applied to some of the newer high value off-road vehicles and that the condition would be removed from the Guidance Conditions and Notes when they were reissued in January 2013.

RESOLVED that a 'prestige car' can be first licensed if it is less than 9 years old as long as it meets the 'exceptional condition' requirement and has travelled less than 150,000 miles.

20. **Chauffeur Licences**

The Licensing Team Leader presented a report seeking the implementation of a Chauffeur Private Hire Driver Licence.

In October 2011, the Council introduced a Chauffeur Licence trial for one year. The licence was for those drivers who had been granted a private hire dispensation to drive vehicles of a certain size and standard that were used exclusively for corporate or executive work where there was a prior business arrangement in place. In order to qualify for the licence a driver had to pass all elements of the Private Hire Driver conditions with the exception of the geographical element of the Private Hire Driver Knowledge Test. Over the course of the trial 10 licences had been issued.

RESOLVED that the success of the trial be noted and that the continuation of the Chauffeur Private Hire Driver Licence Scheme be approved under the agreed conditions.

21. **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 2.5%.

RESOLVED that:

- i. Save for the Operators, Hackney Carriage and Private Hire Vehicle Licence fees, that the Committee recommends to the Executive the new fees and charges detailed in Annex A of the Director of Environment, Culture and Communities' report, for public consultation.
- ii. That the Committee agrees that the proposed charges for Operators and Vehicle Licence fees are:
 - a. advertised
 - b. if no objections are received, implemented as from 1 April 2013; or
 - c. if objections are received they be considered by the Committee at the meeting on 10 January 2013.

22. **Gambling Act 2005 Delegations**

The Committee considered a report seeking approval of the delegation of functions under the Gambling Act 2005.

In March 2006 the Committee approved the delegation of a number of functions in relation to the Gambling Act 2005. Since that time, it had become clear that a number of additional functions could have been further delegated beyond the

Committee and a number of new functions had been added to the Committee's responsibility.

In apportioning the proposed delegations officers had considered risk factors and the need for member input and balanced these against the need for a speedy process that did not unnecessarily delay the issue, suspension or revocation of licences or permits for a business.

The Committee noted the typographical error in the table appended to the Director of Environment, Culture and Communities' report and that the wording of the first sentence of the Functions under Section 188 should read 'Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn).'

RESOLVED that the list of delegations attached as annex A to the Director of Environment, Culture and Communities' report be approved with effect from 12 October 2012.

23. Hackney Carriage Surcharge

The Committee considered a report seeking approval to consult on proposed amendments to the tariff of authorised fares which can be charged by hackney carriages in Bracknell Forest.

The current tariff imposes a 50% surcharge on top of the standard fare whenever a hackney carriage carried more than four passengers. In recent years, a number of drivers have raised concerns about the additional charge and expressed the opinion that they did not feel comfortable using the system, which required them to press a button on the meter at the need of the journey to add 50% onto the total, as it could cause disputes with customers. Complaints had also been received from members of the public. It was proposed to replace this with an additional flat fee of 50p per additional person be added to the flat fare when more than 4 passengers were carried.

The proposed changes would apply to all vehicles with meters. It was acknowledged that although meters would need to be recalibrated should the changes be introduced it was hoped that no additional tests should be required.

RESOLVED that:

- i. The revised fare chart attached as Annex B to the report of the Director of Environment, Culture and Communities, be approved for consultation with the trade and general public
- ii. Officers bring a report on the results of the consultation to the next meeting of the Licensing and Safety Committee

24. Animal Boarding Establishments - Home Boarding for Dogs

The Committee considered a report seeking to amend the model home boarding of dog licence conditions.

It was noted that approval of the proposed amendments would bring the Council into line with new LACORS guidance and with other local authorities.

RESOLVED that:

- i. Condition 3.2 of the model home boarding licence conditions be amended to: "Only dogs from the same household may be boarded at any one time unless the licence holder has secured the specific written consent of each household to confirm that they are content for their dogs to be boarded with others. Dogs must be separated in secure areas when left unattended and must also be fed separately. Dogs must not be boarded with any cat, unless they normally live together in the same household"
- ii. Condition 1.6 of the model home boarding licence conditions be amended to: "Puppies under 6 months of age may be boarded with other dogs provided they have been suitably vaccinated and no difficulties identified during a documented trial socialisation period";
- iii. Both of the above amendments to come into effect when the licences are next renewed as from 1 January 2013.

25. Review of Guidance Notes and Conditions For Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers

The Committee received a report setting out the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions for Hackney carriage and Private Hire Vehicle Owners, Operators and Drivers document.

The Guidance Notes and Conditions document sets out the legal requirements, licence conditions and gives guidance to the trade. They are updated on a regular basis to reflect changes in law and Council policy.

The Committee noted that no comments had been received in response to the consultation.

It was agreed that the exclusion of vehicles that had been designed or adapted for off-road use from the classification of 'prestige vehicles' exclusion would be removed from the Guidance Conditions and Notes when they were reissued in January 2013.

RESOLVED that:

- i. that the exclusion of vehicles that had been designed or adapted for off-road use from the classification of 'prestige vehicles' exclusion be removed from the Guidance Conditions and Notes when they are reissued in January 2013
- ii. The amended Guidance Notes and Conditions document be approved for implementation with effect from 1 January 2013.

26. Street Trading Consent Standard Conditions

The Committee considered a report setting out the results of recent consultation on the amended version of the Council's standard conditions to be attached to street trading consents issued within Bracknell Forest.

The Committee noted the material changes made to the standard conditions, as detailed in paragraph 5.4 of the Director of Environment, Culture and Communities' report, and that no responses had been received to the consultation.

RESOLVED that the revised conditions, set out in Annex B of the Director of Environment, Culture and Communities' report, be approved for implementation on all street trading consents with effect from 1 January 2013.

27. **Law Commission Consultation on Taxi and Private Hire Services**

The Committee noted a report setting out provisional proposals to reform the legislation governing hackney carriage and private hire vehicles, drivers and operators.

28. **Live Music Act 2012**

The Committee noted a report providing an update on the implementation of the Live Music Act 2012 and the implications that this would have on live music performances.

29. **Public Fundraising Regulatory Association: Street Fundraising**

The Committee noted a report setting out changes to the best practice regime used by the Public Fundraising Regulatory Association (PFRA) that came into effect on 20 August 2012 and the implications that these would have for face to face charity collections carried out in the town centre by members of the PFRA.

30. **Licensing Panels**

The Committee noted the minutes of Licensing Panel hearings held during the last quarter.

CHAIRMAN