

**LICENSING AND SAFETY COMMITTEE
10 JANUARY 2013
7.30 - 8.25 PM**



Present:

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

Apologies for absence were received from:

Councillors Mrs Barnard, Brunel-Walker and Ms Wilson

31. Declarations of Interest

There were no declarations of interest.

32. Minutes

RESOLVED that, subject to the amendment of the typographical error in minute 23, the minutes of the Licensing and Safety Committee meeting held on 11 October 2012 be approved as a correct record and signed by the Chairman.

Matters Arising

Minute 23: Hackney Carriage Surcharge - It was noted that the consultation period on the introduction of a surcharge for hackney carriages carrying five or more passengers had not yet finished. A report on the outcome would be brought to the Committee's next meeting.

Minute 25: Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers – Guidance on good customer service practice would be incorporated into the next edition of the Guidance Notes and would be included in a newsletter to licence holders.

33. Urgent Items of Business

There were no urgent items of business.

34. Notice of Public Speaking

It was noted that no members of the public had registered to speak at the meeting.

35. Hackney Carriage Licence Fee

The Committee considered a report seeking approval of Hackney Carriage Licence Fees following the statutory consultation period.

It was noted that the consultation period had run between 6 December 2012 and 4 January 2013 and that no objections had been received during this time frame.

RESOLVED that the fees set out in Annex A of the Chief Officer: Environment and Public Protection be confirmed to take effect for licences commencing from 1 April 2013 onwards.

36. **BIS Consultation on Street Trading and Pedlary Laws**

The Committee considered a report setting out the proposed Council response to the Department of Business, Innovation and Skills consultation on draft regulations to repeal the Pedlars Acts 1871 and 1881 and amend street trader legislation. A move that would ensure that UK law was compliant with the European Services' Directive.

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

- The response needed to include the recommendation that any photographs submitted with street trading applications must be of passport quality
- The response given in the comments section of Question 8.1 needed to be clarified to make it clear that the Council was in agreement with the proposed approach
- Whilst their country of origin may be non-British, the majority of those currently holding street trading consents in Bracknell Forest are British passport holders
- At the present time, the only appeal process if a consent application was refused would be through the Judicial Review process.

RESOLVED that, subject to the Committee's comments, the proposed response be approved.

37. **Alcohol Strategy Consultation**

The Committee considered a report setting out a proposed response on behalf of the Committee with regard to the Home Office Consultation on the Government's Alcohol Strategy. The consultation period ended on 6 February 2013 and it was proposed to send a single Council response compiled with input from a range of Council service areas. It was stressed that the proposed responses set out in the report only related to those questions directly related to the licensing function.

Having considered the proposed responses, the Committee stressed that whilst many of the consultation questions did not directly relate to the licensing function they touched on many of the concerns that they heard expressed either by constituents or when dealing with Licensing Panel hearings and officers were instructed to revisit the proposed responses before the response was submitted.

RESOLVED that the draft response to the consultation be revisited and circulated to the Committee for comment before final sign off by the Chairman prior to its incorporation into the Council's response.

38. **Mobile Homes Bill**

The Committee received a report providing an update on the Mobile Homes Bill, a private member's bill that had been introduced to address the growing concerns about what were perceived to be rogue practices by caravan park owners, and details of amendments to be made to the Caravan Sites and Control of Development Act 1960.

The Committee questioned the new requirement for a Site Manager to pass a 'fit and proper person test' and sought clarification of the criteria that would be applied to

ascertain whether or not someone was a 'fit and proper person.' It was noted that guidance on this amendment to the Caravan Sites and Control of Development Act 1960 was still awaited. However it was expected that such a test would require a person to have a limited number of convictions and that there were no concerns about either offences towards other people and no fraudulent convictions.

The Committee noted the report.

39. House to House Collections

The Committee was given a demonstration of the information relating to house to house collections available on the Council's internet site.

The Committee noted the information relating to charities that were exempted from having to apply for a licence by the Cabinet Office and the details of those charities that had applied for a licence, including information pertaining to the monetary value of the collection and the donation that had been given to the charity.

The Committee's attention was drawn to the to the charitable donation made following a collection on behalf of the Cancer Recovery Foundation which equated to 36% of the total value of the collection, a figure that was at odds with the 80% donation figure that had been agreed by the Committee and was being followed up by officers.

It was acknowledged that the figures, provided by the collection companies, were taken on trust but that any anomalies and non-returns were followed up and used to inform decisions over the granting of future licences. It was agreed that details of the commercial collection companies would be added to the website.

Officers were thanked for the update.

40. Licensing Panel Minutes

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

CHAIRMAN