

LICENSING AND SAFETY COMMITTEE
1 MAY 2013
7.30 - 8.45 PM



Present:

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

41. Declarations of Interest

There were no declarations of interest.

42. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee held on 10 January 2013 be approved as a correct record and signed by the Chairman.

Matters Arising

Minute 39: House to House Collections – It was reported that following an appeal by two textile collection companies against Cardiff City Council's refusal to grant them licenses for door to door collections on the grounds that the proportion of the proceeds donated to charity from previous collections had been less than 10% the Cabinet Office had ruled that the amount paid by a commercial company to charitable causes should play no part in the consideration of the Council when deciding to refuse or grant a collection.

Officers were awaiting notification of whether or not Cardiff City Council can and would appeal the Cabinet Office's decision by means of a judicial review. It was agreed that until clarification had been obtained on the matter Bracknell Forest Council's requirement for textile collection companies to donate a minimum of 80% of the proceeds of any collection to charity would be suspended. An update on the situation would be brought to the Committee's July meeting.

43. Urgent Items of Business

There were no urgent items of business.

44. Notice of Public Speaking

The Committee noted that Mrs Jane Robson, JJM Cars, had registered to speak to Item 6: Hackney Carriage Surcharge for 5 or More Passengers.

45. Hackney Carriage Surcharge for 5 or More Passengers

The Committee considered a report seeking approval of changes in the Hackney Carriage surcharge of 50% surcharge on journeys with 5 or more passengers

The Hackney Carriage Surcharge for journeys with five or more passengers had been introduced following the Council's adoption of the Accessible Taxi Policy in 2000 in recognition of the fact that at the time the policy was introduced the choice of wheelchair accessible vehicles was limited to London style cabs or large van conversions. Both of which were significantly more expensive to purchase, run and maintain than many of the saloon vehicles licensed at the time. Over the past ten years, the range of accessible vehicles has increased and the compulsion to purchase a larger vehicle no longer exists. Currently only 31 of the 86 vehicles licensed as hackney carriages in Bracknell Forest are large van variants.

It was therefore considered that the market circumstances and rationale for the introduction of the surcharge had changed significantly since it was introduced by the Licensing and Safety Committee in July 2002 and that it was no longer a proportionate or appropriate level of charge. Consultation on replacing the 50% surcharge with a flat rate of 50 pence per additional passenger on journeys with more than 4 passengers was carried out between January and March 2013 via the Council's website, notification in trade newsletters and Twitter. A total of 22 responses were received with the majority expressing opposition to the proposed change with the main reasons for the objection being:

- Removal of the tariff in its present form would make running the larger vehicles economically unviable
- If the larger vehicles became unviable then their numbers would decrease and larger parties would in future have to travel in two vehicles, the current pricing structure thus represents good value for money for customers

Mrs Jane Robson, JJM Taxis, spoke against the proposed changes and stressed that if introduced the changes would have a detrimental impact on a service that was already suffering in the current financial climate.

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

- One complaint had been received from a member of the public in relation to the current surcharge and a handful of drivers had reported incidents with passengers complaining about the fare increase at the end of their journey
- To prevent fraudulent use all meters were locked to specific times and dates. Any allegations of fraudulent use were investigated
- The surcharges used by other local authorities varied however neighbouring local authorities imposed smaller surcharges on larger groups with many imposing a surcharge based on a flat rate per passenger
- Reading's Hackney Carriage fleet were all London Black cab styles and many other local authorities had introduced accessible vehicles
- Signs were displayed in Hackney Carriages drawing customer's attention to the surcharge but it was questioned how prominent these signs were
- Meters were owned by the vehicle owner but the tariffs were set by the Meter Company in accordance with local authority requirements
- Whilst Private Hire Vehicles were able to negotiate their charges for pre-booked journeys Hackney Carriages operating within the borough had to use their meter unless the journey ended outside the Borough. In such circumstances they could negotiate the fare as long as the fare was not higher than that which would have been determined by the meter.
- The possibility of phasing in the tariff changes was suggested

RESOLVED that the decision on the proposed changes to the Hackney Carriage Surcharge be postponed until the meeting of the Licensing and Safety Committee on

4 July 2013 following consideration of a full report detailing the full range of options available.

46. **Annual Report and Service Plan**

The Committee considered a report setting out the activities of the Licensing Section during the period 1 April 2012 to 31 March 2013 and the proposed work plan for the period 2013/14.

It was reported that during 2012/13 officers had carried out 192 programmed inspections, compared to 176 during the previous year. Non-programmed inspections were conducted where intelligence was received that non-compliance was an issue, these visits were usually carried out at evenings and weekends and during the period 2012/13 139 non-programmed inspections were carried out, compared to 105 during the previous year.

During 2012/13, officers had issued 13 warnings in relation to licensing matters, compared to 14 in 2011/12. A total of 292 enforcement points had been issued to 28 taxi drivers and three of those awarded points went before the Licensing Panel due to their collection of 12 or more penalty points within a 12 month period. It was noted that these figures compared favourably with those of the previous year which saw 391 enforcement points being awarded to 52 drivers.

The Committee questioned the licensing of scrap metal dealers and it was clarified that scrap metal dealers required a licence only from the local authority in which they were geographically based. Officers worked with Thames Valley Police to monitor scrap metal dealers operating in the area.

It was noted that premises with explosives licences were generally shops selling fireworks and stringent regulations were put in place governing what could be done on site.

It was agreed that clarification would be given on the requirements for licensing of temporary pop up cinemas operating out of community venues and school halls.

RESOLVED that the Work Plan, attached as Annex B to the Chief Officer: Environment and Public Protection's report, be approved.

47. **Health and Safety Law Enforcement Plan 2013/14**

The Committee considered a report containing a draft of the Health and Safety Law Enforcement Plan 2013-14.

The report set out the proposal for delivery in line with direction from the Health and Safety Executive. The objective was to ensure that national priorities and standards were delivered effectively and consistently at local level. Progress against the Plan was monitored as an operational indicator and the Council's performance in relation to health and safety enforcement was reported to the Health and Safety Executive on a biannual basis.

The Council commits 1.5 FTE officers to the Health and Safety function and during the current year 217 contacts had been undertaken and 283 health and safety visits had been made for advisory or other enforcement purposes. The intention of the Council's Health and Safety Service was to work with businesses offering advice and guidance with regulation and enforcement used only when necessary.

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

- Laser treatments were a specialised service and there were only two premises in the Borough licensed to carry out laser treatments
- Safety at tanning salons had been a priority area in the previous year's work plan and a joint project had been run with Trading Standards. During the year all premises offering tanning had been inspected and recommendations subsequently made. This had been followed up with a test purchasing exercise which had resulted in one potential sale. Similar operations would be carried out this year.
- During the regeneration of Bracknell town centre the Health and Safety Executive would have overall responsibility for health and safety on the site however Council officers would provide additional support as and when required
- Premises selling fireworks were licensed under the health and safety regime
- The Committee commended the clear format of the draft work plan

The Committee noted the timescales for the production of the final Health and Safety Law Enforcement Plan 2013-2014.

48. **Face to Face Direct Debit Collections: Site Agreements**

The Committee considered a report seeking approval of a revised version of the agreement held with the Public Fundraising Regulatory Association (PFRA) which controls face to face direct debit collections in the streets of Bracknell Forest.

The Police, Factories etc (Miscellaneous Provisions) Act 1916 only provided for the collection of money or sale of good for charitable purposes. Consequently, the collection of direct debit mandates 'face to face' in the street did not require any formal authorisation from the Council, as the mandate is simply a promise to make payment. To help control Face to Face collections and ensure that collections did not clash with permitted street collections the Council had entered into a voluntary site management agreement with the PFRA, a self regulating umbrella body; an arrangement that had worked well in recent years.

To improve the clarity of the agreement the PFRA had proposed the following amendments to the current agreement:

- i. Removal of the restriction in number of collections to take place each year
- ii. Changing the minimum distance between fundraisers from 5 metres to 3 metres
- iii. Clarify that only one charity will present on any site on any one day
- iv. Add provision for the Council to nominate exclusion dates where no direct debit collections may take place

The Committee noted the proposed revisions and questioned the absence of maps showing the areas in Crowthorne and Sandhurst covered by the agreement.

RESOLVED that, subject to removal of references to Sandhurst and Crowthorne and the correction of the nominated gatekeeper details in section 4.1 of the agreement, the PFRA site agreement attached as Annex B to the Chief Officer: Environment and Public Protection's report, be approved as the document covering face-to face direct debit collections within the Town Centre carried out by members of the PFRA.

49. **Licensing Panel Minutes**

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

CHAIRMAN