



NOTICE OF MEETING

Licensing and Safety Committee

Wednesday 1 May 2013, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

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

The items for discussion are set out overleaf.

ALISON SANDERS
Director of Corporate Services

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If you require further information, please contact: Katharine Simpson
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Published: 23 April 2013



Licensing and Safety Committee
Wednesday 1 May 2013, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

Members are asked to declare any personal or disclosable pecuniary interest in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. **Minutes**

To approve as a correct record the minutes of the meeting held on 10 January 2013.

1 - 4

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

5. **Notice of Public Speaking**

To note those agenda items which have received an application for public speaking

6. **Hackney Carriage Surcharge for 5 or More Passengers**

To consider a report setting out the outcome of recent consultation on the introduction of a fare surcharge for hackney carriage journeys involving 5 or more passengers.

5 - 34

7. **Annual Report and Service Plan**

To receive a report covering the activities carried out by the Licensing Section during the period 1 April 2012 to 31 March 2013 and to comment on the proposed work plan for the period 2013/14

35 - 44

8. **Health and Safety Law Enforcement Plan 2013/14**
To receive and comment on the draft Health and Safety Law Enforcement Plan 2013/14. 45 - 54
9. **Face to Face Direct Debit Collections: Site Agreements**
To consider a report seeking approval of a revised version of the agreement held with the Public Fundraising Regulatory Association. 55 - 66

Information Items

10. **Licensing Panel Minutes**
To receive and note the minutes of Licensing panel Hearings held during the last quarter. 67 - 68
- 14 February 2013 (Private Hire Licence)

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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

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**TO: LICENSING AND SAFETY COMMITTEE
1 MAY 2013**

**HACKNEY CARRIAGE SURCHARGE
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report brings back to the Committee the results of a consultation process agreed at the meeting on 11 October 2012 and seeks approval for a change in the Hackney Carriage surcharge as stated in Annex A.

2 RECOMMENDATION(S)

2.1 That the Committee agrees

- i) the revised tariff chart attached at Annex A, and
- ii) the proposed tariff charges be advertised, and
- iii) objections received within 14 days of the publication of the advertisement be reported to the Committee at its meeting on 4 July; or
- iv) if no objections are received the new tariff will come into effect on 1 July 2013.

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The surcharge in its present format was introduced by the Committee at its meeting on 4 July 2002. It is the officer view that the market circumstances and rationale for its introduction have changed significantly since that date and it is no longer a proportionate or appropriate level of charge.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The status quo could be maintained or another alternative option considered and implemented. The recommendation in the view of officers provides a process which delivers a suitable level of recompense for Hackney Carriage owners and can be operated such that it is clear to customers from the outset as a charge in the manner it is applied, calculated and displayed by the meter.

5 SUPPORTING INFORMATION

- 5.1 This surcharge was introduced by the Council following the introduction of the Accessible Taxi Policy requiring the provision of wheelchair accessible vehicles was agreed in 2000. As part of the consultation process with the trade it was recognised that the vehicles available to Hackney owners which would meet the required Policy were the London style taxis or the large van conversions which were significantly more expensive to purchase, run and maintain than many of the saloon vehicles licensed at that time.

- 5.2 Over the last 10 years the type and variety of wheelchair accessible vehicles has rapidly grown such that much cheaper vehicles with costs in line with saloon vehicles are now available. The need to purchase a more expensive 5+ seater vehicle to meet the Accessible criteria no longer exists. If such vehicles are purchased it is a matter of choice for the owner, not a compulsion. The trend to the smaller vehicle

such as the Fiat Doblo or Peugeot Partner means that now there are only 31 large van variants such as the Euro 7 or VW Shuttle Licensed as Hackney Carriages from a total fleet of 86. By 2015 this figure may, dependent upon owner choice, reduce further to 14 as vehicles reach their age limit and require replacement.

- 5.3 The present arrangements for calculating the surcharge is confusing for customers and open to fraudulent use. Many attempts have been made to find a way to present the charge in a way that is clear for customers but given the limitations of the meters fitted to the vehicles this has not been possible. We have received many complaints from both customers and the trade itself around incidents of conflict when the meter price rises by 50% at the end of the journey. The proposed recommendation would show, for say a journey carrying 7 passengers, 3 extra charges applied at the start of the journey and included in the running total on the meter. This would be clear to the customers as the price can be seen to be increasing as the journey progresses with no sudden, unexpected or questionable increase at the conclusion of the journey
- 5.4 Responses to the consultation process which was carried out between January and the 15 March and 22 responses were received. These are attached to this report as Annex B. It can be seen from the trade responses to the consultation that there is strong resistance from some to a change on a number on fronts in particular:
- (i) The additional costs of buying, maintaining and running such vehicles. There is a view expressed that the purchase was a business one where additional outlay provides greater opportunity for income due to the tariff structure. Removal of the tariff in its present form and its replacement with the one attached as Annex A it is said will make such vehicles economically unviable.
 - (ii) If such vehicles become economically unviable then their numbers will decrease and this will be detrimental to users and air quality within the borough. The rationale for this is that groups larger than four will have to take two vehicles instead of one, resulting in a 50% increase in cost and also this will increase vehicle emissions for journeys within the borough.
- 5.5 It should be noted that Hackney Carriages are not the only suppliers of vehicles available to more than four passengers. Presently Bracknell Forest has 182 private hire vehicles licensed of which 51 are able to carry five or more passengers.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 permits a Council to fix the rates of fares. Any changes must be advertised and objections considered.

Borough Treasurer

- 6.2 The Borough Finance Officer is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 Users of the service and the Hackney Carriage trade.

Method of Consultation

7.2 Use of website, Twitter and newsletters to the Hackney Carriage trade.

Representations Received

7.3 Sixteen representations received and attached as Annex B.

Background Papers

Licensing and safety Committee 4 July 2002 – Proposed Tariff increase.

Hackney Carriage Sub Committee – 17 May 2001 – Proposed Tariff increase.

Contact for further information

Robert Sexton, Head of Regulatory Services - 01344 352580

robert.sexton@bracknell-forest.gov.uk

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BRACKNELL FOREST BOROUGH COUNCIL

AUTHORISED FARES FOR LICENSED HACKNEY CARRIAGES Section 65 Local Government (Miscellaneous Provisions) Act 1976

With effect from ***DATE*** the table of fares chargeable within the Borough are as follows:

Tariff 1	Minimum charge on Tariff 1	£3.00
	For the first 700 yards (640 metres) or 2 minutes 36 seconds	£3.00
	For each subsequent 200 yards (182 metres) or uncompleted part	20p
	Waiting time – for up to every 45 seconds	20p
Tariff 2	Minimum charge on Tariff 2	£4.50
	For hiring between 11.00pm and 7.00am	includes an additional
	For hiring on Bank and Public Holidays	50% on Tariff 1
	For hiring on Christmas Eve and New Years Eve from 6.00pm until midnight	
Tariff 3	Minimum charge on Tariff 3	£6.00
	For hiring on Christmas Day through to 7.00am on Boxing Day	includes an additional
		100% on Tariff 1
Extra Charges		
	Additional passengers (over 4)	50p per additional person
	Fouling of vehicle – interior	£50.00
	Fouling of vehicle – exterior	£10.00

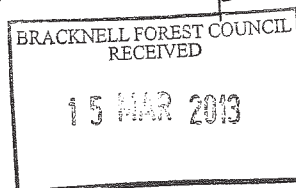
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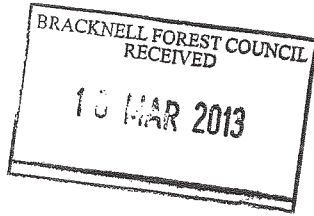
5/5

Re: Tariff Change Proposal

I am writing to oppose the proposed tariff change from 50% to 50p as this will just not be beneficial for a driver to cover/justify paying out 60% - 70% more including price of vehicle than running a 4 seater. I realise we all had a choice, but the choice was buy a 6-8 seater & you will be able to charge extra 50% now you are threatening to take this away after the vehicles have been purchased

Plate 26





27 14/3/13

TO

Bracknell
Forest Council

REF. TARIFF Charge

Dear Sir or Madam

I Disagree with the
Council Proposal to change the
50% Surcharge for carrying more
than four passengers as it
does not cover my outlay &
outgoing.

Yours
Sincerely
Plate 71

11 MAR 2013

I certify that this is a true copy
of the original document

JE

Dear Sir/ Madam

11th March 2013

Re: Response to Amendment to Tariff of Authorised fares.

In December's taxi news I was informed that the licensing and Safety Committee have approved a revised fare for taxis carrying more than 4 passengers. Currently, the 50% surcharge is used in such situation, however, it is planned to now be 50p for each extra passenger when a vehicle is carrying more than 4 passengers. Below I would like to point out my objections to this.

1. Loss of income countered by High costs, for large seated taxis.

A standard 8 seated vehicle costs more than a typical 4 seated vehicle. Now say if I were to take an average fare, of £20 to Reading one way from Bracknell as an example, than under the current system, the driver will be given an extra £10 for carrying 8 passengers so £30 in total. Under the new system, it would be £0.50 X 4= £2 extra (total fare being £22) for the same 8 passengers. This indicates a significant loss of earnings for drivers. Therefore it is of the opinion of the drivers, that it would no longer be worth the risk of investing in larger vehicles, as the extra return is minimal compared to the standard 4 passenger seated cars, which may in fact not be felt in economic terms, as their extra cost on say fuel, insurance, maintenance etc currently, also it will result in a much longer payback period.

2. Decline in larger taxis and added fares charges/lack of enjoyment for customers.

The fact that drivers of 8 seaters may no longer see it viable for them because of the point mentioned above, it wouldn't be surprising to see many drivers like myself move to driving smaller cars. The knock on effect of this will be that if say for example 8 people are looking to go on a night out say to Reading like the example above, they may be forced to take two separate 4 seated cars with the point that it may in the future be difficult to get a hold of an 8 seater. This will cost £20 per car and so the cost incurred on the group is £40 in total with the two cars. Under the current system, it costs £30, for all 8 to be transported to Reading. This illustrates the point that the proposed new system will also have a negative knock on effect on the customers in the long term.

Also since the group will now be split up between two cars, this may be against what they were intending to do, enjoying a night out together, at least for the duration of the journey.

3. Pollution.

Expanding on the previous point, pollution is also a problem arising if and when most probably drivers like myself move to standard 4 seater cars. Again with 8 people going to Reading it will require in the future 2 cars rather than one. I'm aware that a larger car emits more pollution than a smaller car, but

surely the combined total emission of two 4 seater cars exceeds the pollution emitted out of one 8 seater taxi. With an aim of the revised plan to charge 50p per passenger exceeding 4 being to perhaps increase the use of public transport, and reduce the spiraling rise of personal vehicles and hence pollution, this in effect in the longer term shows that the plan will not work to how it was intended.

Conclusion

So, for the above reasons, I would like to request to you to rethink the proposed changes. Indeed there are numerous drawbacks which I feel the council have failed to acknowledge which show that the new plan would not be in the best interest of the majority.

I look forward to hearing back from you.

Kind Regards,

(Plate No: 40)

B. No = 335

Dear Sir/ Madam

12th March 2013

Re: Response to Amendment to Tariff of Authorised fares.

I am writing to inform you that during December's taxi news I was made aware that the licensing and Safety Committee have agreed a revised fare for taxis carrying above 4 passengers. As it stands, at the moment, the 50% surcharge is used normally in this situation, although, it has been designed to now be 50p for every extra passenger if a vehicle contains over 4 passengers. Underneath I would like to show my reasons for this.

1. Loss of income.

A usual 8 seated vehicle costs more than a normal 4 seated vehicle. However, say for example if I were to take an average fare, of £30 to Heathrow, which would be a one way from Bracknell, at the moment under the current system, the driver will be given an extra £15 for carrying 8 passengers so £45 overall. As it stands, under the new arrangement, it would be £0.50 X 4= £2 extra (total fare being £32) for the equal 8 passengers. This shows a significant decrease of the earnings for drivers. For that reason it is of the view of many drivers, that it would not be worth the risk of investing in larger vehicles anymore, as this means the additional return is minimum in comparison to the standard 4 passenger seated vehicles, in fact it may not be felt in economic terms as well, as their extra cost on things like fuel, insurance, and maintenance etc at this time, due to this, it will also result in a much longer payback period.

2. Decline in larger taxis and added fares charges/lack of enjoyment for customers.

Also, as drivers of 8 seaters may no longer see it feasible for them because of the point mentioned above, it wouldn't be unexpected to see drivers like me choose to drive smaller cars. This would mean that if say 8 people are looking to go out to Reading for the night, they may be obligated to take two individual 4 seated cars with the point that it may in the future be tough to get a hold of an 8 seater. This will cost £20 per car and so the cost incurred on the group would be £40 in total with the two cars. Under the existing system, it costs £30, for all 8 to be transported to Reading. This illustrates the point that the planned new scheme will also have a negative knock on effect on numerous customers in the long term.

Also since the group will now be separated up between two cars, this may be opposite to what they were trying to do, enjoying a night out together, at least for the length of the journey.



3. Pollution.

Furthermore, expanding on point above, pollution is also a resultant cause of many drivers like myself moving to driving standard 4 seater taxi's. This is because if there's less 8 seatar cars to access, say with 8 people going to Reading in the future it will require two 4 seater cars instead of one. I understand that a bigger car releases a lot more pollution than a smaller car, but surely the total emission put together of the two 4 seater cars exceeds the pollution emitted out of a one 8 seater taxi. With a target of the revised decision to charge 50p per passenger exceeding 4 being to maybe increase the use of public transport, and reduce the rise of personal vehicles and therefore pollution, this shows that in fact in the longer term shows that the plan will not work to how it was proposed to.

Conclusion

So overall, for the above reasons, I would like to request for you to rethink the changes. As I believe there are frequent problems which I sense the council have not been able to recognize which shows that the latest plan would not be best for many.

I am looking forward to hearing a response.

Yours Faithfully,

(license no: 87)

(vehicle no: 85)

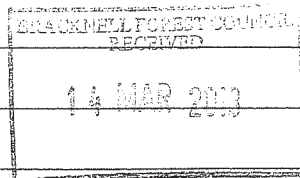
Bracknell forest
Council

Dear Sir/madam

To whom it may Concern, I am writing this letter against the new rules that the Bracknell forest Council are going to put in force to stop the 50% tariff. I believe that 50% tariff should continue, this is because when I brought my vehicle I knew if I carried more than 4 passengers I would receive an additional 50% from the passengers. This was the reason I brought an 8 seater vehicle, I have to pay extra insurance, extra road tax, extra fuel, extra wear and tear, tyre replacement etc.

If I have to pay so many additional fees, I totally disagree with council. The council should continue with the 50% tariff.
Thank you very much.

Yours Sincerely,
Plate no: 70



Dear Sir/Madam,

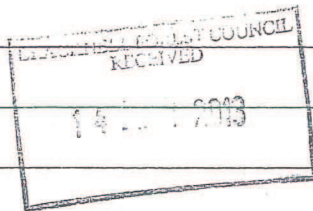
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RUB

I am writing this letter to contend the council proposal to stop the 50% tariff for taxis carrying 5-8 passengers. The reasons for this are: the extra cost of insurance, additional road tax, extra fuel, extra cost of tyres, extra wear and tear when carrying the extra passengers also the cost of vehicle to purchase, that I specifically bought this vehicle taking into consideration that if I carried more than 4 passengers I would be able to charge an extra 50%.

Thank you

Your Sincerely

Plate no = 15



From:
Sent: 27 February 2013 14:06
To: Licence All
Subject: Amendment to Tariff of Authorised Fares

To whom it may concern

The removal of the 50% surcharge for more than four passengers and replacing it with a 50p per head charge is somewhat EXTREME to say the least.

I take it I am right in assuming this is right across the board - airports, long runs etc. If so, this means that some passengers will be travelling to various destinations i.e. airports, seaports and major cities for 50p per head!

When this proposal was considered I trust the following points were taken into consideration, besides a tough economic climate all round:

- Price of vehicles
- Wear and tear of carrying extra people
- Weekly rising cost of fuel
- Customer already getting a 50% discount on not needing to use two separate taxis
- Inflation

As it stands, a normal £30 fare to Heathrow Airport for up to four passengers costs me £9 in fuel, a £60 Gatwick Airport fare costs me £22. As you can see for yourself, an extra £1.50 for three extra passengers plus their luggage is totally insufficient.

In these difficult times I think that many drivers will no longer be able to afford to run these larger vehicles.

I'd appreciate a response to my comments.

Many thanks.

badge number 237.

Sent from my iPad

From: JJM Taxis
Sent: 18 February 2013 12:04
To: Licence All
Subject: Taxi Consultation

Hi,

I am opposed to this due to the short term gains that will happen will soon turn to a long term loss for the customers after the taxi firms replace our MPV's with 4 seaters then the passengers will have to pay for 2 cars a surcharge of 100%, instead of the 50% they currently pay. This will also spill over onto the home to school contracts as by the next tender date our fleet will not have any MPV's to keep the cost down.

This will also harm any Green hopes the council may have as one vehicle will be replaced by two.

Yours truly,

JJM Taxis & Zulu Cars Ltd

From:
Sent: 15 February 2013 13:49
To: Licence All
Subject: Taxi Fares

Dear Sirs,

I wrote to the BFB Council last year to complain regarding the 50% surcharge added to taxi fares.

A group of 5 of us called for a taxi to go from the Old Manor in Bracknell to Great Hollands via Crown Wood. The fare was £16 but we were charged £25.

I believe that the 50% surcharge is extortionate and I can see no valid reason for it. I would welcome the change to 50p per person for each additional person over 4 passengers.

I hope that the Consultation agrees to change the current charging system in favour of the more reasonable "50p per person".

Yours faithfully,

From: Licence All
Sent: 16 January 2013 14:46
To: Laura Driscoll
Subject: FW: More than 4 person surcharge consultation

From:
Sent: 15 January 2013 17:01
To: Licence All
Subject: More than 4 person surcharge consultation

Dear Sir/Madam,

I feel that the 50% surcharge should be removed. Further more, I believe there should be no extra payment for carrying more than 4 people. If you do add a surcharge of 50p per person, this should only be charge for each additional passenger over 4, i.e. a taxi with 5 passengers should then only have a surcharge of 50p, not £2.50 which is what your web page suggests would be charged.

Thanks,

4/5

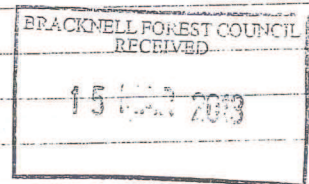
Wednesday 13th March 2013

Re: Tarnf Change

I disagree with the councils proposal to do away with the 50% surcharge for carrying 5-8 passengers as it does not cover my outlay and outgoings

The primary reason I bought my 9 seater vehicle was as I would've been able to charge 50% extra for 5-8 passengers. It is just not viable to drive someone around for 50p

~~Yours~~ Yours Faithfully

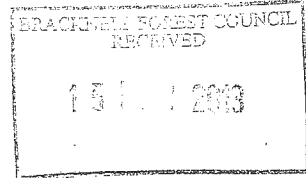


Bridge Number - 349

Plate Number - 23

2 of 5

13/03/13



RE: PROPOSED TARIFF CHANGE:

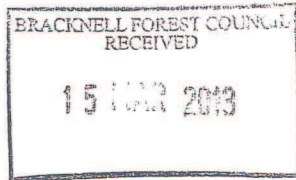
I DISAGREE WITH THE COUNCIL'S PROPOSAL TO DO AWAY WITH THE 50% SURCHARGE FOR CARRYING 5-8 PASSENGERS. AS WITH HIGH FUEL COSTS, ~~AND~~ HIGH ROAD TAX, AND INSURANCE IT MAKES ^{IT} VERY DIFFICULT TO RUN THIS VEHICLES.

YOURS SINCERLY:

BADGE - 394

PLAT - 11

3/5



Monday 11th March 2013

Niamh Kelly (licensing officer)

Time Square

Market Street

Bracknell

RG12 1JD

Dear Niamh Kelly

I would like to take this opportunity to formally protest against Bracknell Forest Borough Councils proposed rate change for larger people carrier Hackney carriages. I along with all my fellow hackney carriage operators feel that this proposal will make life more difficult for us.

Currently we are allowed to add a 50% surcharge on the meter price if we carry more than 4 passengers, we may only do 3 or 4 of these types of journey a day, however these journeys do go along way towards helping us cover our running costs. These Vehicles are more expensive to purchase, the cost to insure these vehicles is also higher, as is the cost to maintain them.

The Hackney Drivers of Bracknell have already suffered loss of Business to Wokingham based operators as well as Ascot based operators. This is due to corporate clients preferring to travel in saloon vehicles as opposed to wheelchair accessible cars. Our loss of trade due to Bracknell forest borough council regulations has forced our hand and we purchased the more expensive people carriers so that we may gain business elsewhere. Now the Councils new proposal is going to force our hand again. We will not be able to maintain the vehicles to the standard they should be maintained or we would have to work longer hours. Either way it will put the passenger safety at risk. The only other option we would be left with is to move our business elsewhere to a different borough. Bracknell is a small town and the opportunity to earn a living by plying our trade as Taxi drivers is hugely restricted compared to much bigger boroughs such as Slough and Reading. We the Hackney drivers of Bracknell urge you to reconsider this proposal, and not take it any further.

Yours Sincerely

RE: Tariff Change

I write to oppose the tariff change of 50% extra to 50p for more than 4 passengers. This does not cover additional money spent on buying and running a 7-8 seater.

The main reason I bought this vehicle as I was able to charge 50% extra for for 4 or more passengers. The change the council is purposing is not viable, and to drive around someone for 50p is not something I would like to do.

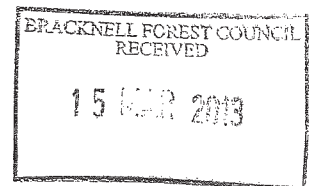
It would still be cheaper for the customer to pay the 50% rather than getting 2- four seater taxis.

I would therefore request the council to not go ahead with the change.

Kind regards

Badge Number:280

PALTE No. 17



14 JAN 2013

8/1/13

To whom it may concern,

I opened the TAXI NEWS LETTER and had to check the date I thought it was 1 April (April fools day) This refers to the amendment of tariff section for over 4 seater. What DECK BOUND MANIAC came up with this Crazy idea not only do we not have a fare increase for a couple of years (Fair Enough) but you not only charge in your fees about 4% increase a year but in these troubled times you expect us to take about a 5% decrease by only charging 50p a head extra instead of 50% for over 4 passengers.

Takes A hard look at the following

1. Our TAXI/PRIVATE Hire MPV's cost to buy at least 50% more than a Saloon/Double
2. We have double the Risk when picking up quite often Drunken passengers up to 8
3. Our fuel cost per mile is approx 25% more than a saloon/double

I SEE THE COMMITTEE for coming up with this Crazy idea is called Licensing and Safety (joke yes)

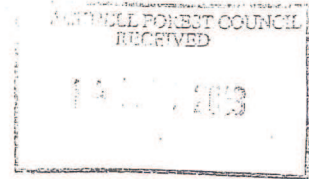
Sorry if this letter sounds Rude But its coming from a Very Annoyed operator

Scanned onto
file

Date:-13/03/2013

The hackney carriage officer

Bracknell forest council



To whom it may concern.

We have recently been informed about the taxi fare adding fifty percent to the fare at the end of the journey. I have been driving MPV since 2002 and nobody has complained to pay fifty percent if they have five or more they said often save money instead of ordering two taxis they can save money and most of the time when they are going to airport its very useful and we don't charge extra even if four passengers and lots of luggage.

I have got eight seater taxi and if they are eight they don't need two taxis just one and save fifty percent on fare. I have carried many times mother children with buggies and sopping they find it's very useful to have big taxi and still they pay same price as small taxi. Recently I picked up the lady from train station to Boole heights mother with three teenager daughter and baby she didn't mind paying because she would not like to take two taxis and her children travel in different taxi.

I know it's more expensive to run a big taxi and it's not very good idea to buy or keep big taxi and not being able to charge if they are even eight people travelling . We can't afford to keep the car. I hope you will consider about this decision.

Badge no # 6 Plate no # 97

Caroline Klee

From:
Sent: 16 March 2013 17:45
To: Licence All
Subject: tarif change.

Dear sir, madam

I oppose the tarif change of 50percent extra to 50pence as this does not cover additional money spent for buying & and running a 7,8 seaters vechiles.

compare with buses & trains they charge p person why taxi driver give 50 pence ride as a chairty work. we got family to feed them.

we will lose intrest to buying these vechiles which will cost to customer and council to down grade like 4 seaters vechile.

current rules is better for taxi trade.

thanks

badge no 16

plate 45 hackney.

Sent from my iPhone

Caroline Klee

From:
Sent: 14 March 2013 22:13
To: Licence All

Dear Sir/Madam

I am emailing regarding the proposed change to taxi fares when there are more than 4 passengers.

My friends and I often use 7 or 8 seater taxis when we go out in Bracknell and are happy to pay an extra 50% as it means that we can all travel together, and understand that the vehicles cost more for the drivers to run/buy. My concern is that if the tariff is changed, this will result in fewer 7 or 8 seater taxis, as the drivers will not be earning as much from their larger vehicles, resulting in my friends and I having to travel seperately, and ultimately paying more.

I hope that you take this into consideration when reviewing the proposed change.

Kind regards

From:
Sent: 14 March 2013 20:42
To: Licence All
Subject: Consultation on Amendment to Triff

Consultation on Amendment to Tariff of Authorised Fares

Please find the below my comments:

1. My vehicle is MPV transporter which takes 8 people.
2. The cost of Insurance, road tax, fuel, maintenance is high.
3. It is more economical when 5 or more work colleagues, friend or family hire MPV, It stops people form hiring 2 four seater Taxi which is more costly.
4. It's cheaper if I take 5 to 8 passengers i.e. if it cost £10.00 at the end of the journey plus 50% which makes it £15.00. On the other alternative four seater Taxi they will need 2 four seater Taxis which will cost them total £20.00, hence it economical to hire MPV.
5. If a wheel chair person is travelling with 2/3 people they will not fit into any of the four seater's vehicles because the back seat of a four seater Taxi will have to be folded to make way for the wheel chair hence 3 seating places is lost. They will have to hire 2 Taxis which will be double the cost.
6. In most cases the corporate passengers are always happy in using MPV which makes it easier for them to plan and talk about their business before they are dropped off.

I shall be glad to have your views on this matter.

Yours sincerely,

From:
Sent: 14 March 2013 14:01
To: Licence All
Subject: MPV tariff change

I am writing to oppose to the MPV 7-8 seater 50% surcharge by the council and the reasons are

- * The MPV cost to buy is more then double the price from a 4seater.
- * When carrying more then 4 people the cost of fuel and wear and tier is more.
- * People to hire a MPV is cheaper then getting 2 taxis.
- * Travelling in the MPV has more space and people have a comfortable journey and is more better for the people with disability.
- * Also the benefits of the larger vehicle is for the people with wheelchair that are accompanied by 2 or 3 people that can travel in 1 taxi were as the 4 seater can carry 1 person + wheelchair

If the 50% surcharge is scrapped and 50p apples for hiring MPV 7- 8 seater drivers will be replacing there vehicle for 4 seater vehicles and then the public will have to hire 2 taxis
And pay more for there journeys.

I hope you look in to this matter with the views from my points and other drivers

Thank you

Plate 50

Sent from my iPad

From:
Sent: 14 March 2013 15:22
To: Licence All;
Subject: Proposed amendment to tariff of authorised fares

To whom it may concern,

Can I have confirmation of ii) add extra charge of 50p per passenger when carrying 4 passengers. Does this mean for all passengers or just the extra passengers over 4, as it reads it means all passengers is this correct. If it is all passengers it may be acceptable but if, it only the passengers over 4 it is definitely is not for the reasons listed below:-

. The most common Hackney carriage is a Fiat Doblo (new price £12,000) larger H/C (8 seater Transporter £26,000 ,up to £43,000 for a purpose built Mercedes 8 seater H/C)..Road Tax for Doblo is £150 per year and 8 seater H/C £400 plus. Insurance, fuel costs, servicing and repairs also much more costly than a Doblo. A new tyre for a Doblo £45, for 8 seater H/C £110. It would not be economical to run these vehicles if it was the latter.

Caroline Klee

From:
Sent: 15 March 2013 15:37
To: Licence All
Subject: Objection on scraping extra charges for MPV

Hi I am disagreed about council are changing prices for mpv when they carry more then 4 passenger .i bought recently 4 seater about £7000 and if I buy 7 seater it will be cost me about £15000 only for second hand and after that running cost is also more for Mpvs . So just 50p extra is not covering the whole cost and I thing if this thing happen driver will buy 4 seater car . So when passenger take two cabs they have to pay 100% .

Many thanks

Your sincerely

Badge no : 30

**TO: LICENSING AND SAFETY COMMITTEE
1 MAY 2013**

**ANNUAL REPORT AND SERVICE PLAN
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2012 to 31 March 2013. It is brought to the Committee to consider and comment upon the work completed.
- 1.2. In addition the report also includes the proposed work plan for the period 2013/14. The Committee is also asked to consider and comment upon this document.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) **receives and comments upon the work completed in 2012/13 and detailed within this report; and**
- ii) **subject to any comments, approves the work plan for 2013/14 at Annex B.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Committee agreed a work plan for 2012/13 at its meeting on 5 July 2012. This report details some of the main achievements of the service during 2012/13 and requests that members comment upon and approve a plan for 2013/14.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee has requested that officers report on progress through an Annual report and bring forward a plan for the coming year.

5 SUPPORTING INFORMATION

- 5.1 Attached as Annex A is a list of those licences, registrations, permits and consents that are current as of 1 April 2013 or were issued within the last year. This is a single indicator of the number of transactions that the Licensing Service has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 5.2 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

- 5.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance, MOT certification, public liability insurance, criminal record disclosures, professional training records and health and safety risk assessments. These checks are essential to ensure the continued confidence of the Council, and ultimately the user, in the safety of the service or goods being supplied. The service sets itself a target to issue licences within either 2 or 3 working days of receipt of a complete and valid application on 95% of occasions. The service achieved this target in 2012/13.
- 5.4 A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the internet or through the Customer Service Centre. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, meeting with new Designated Premises Supervisors for premises licensed for the sale of alcohol, private hire operators at their base and taxi drivers at the ranks. Newsletters for the alcohol/entertainment and taxi trades to give an update on legislative changes and procedures are issued each year.
- 5.5 Officers use a risk based assessment programme to visit licensed premises and vehicles to check compliance and provide assistance and advice for those businesses. In 2012/13 officers carried out 192 programmed inspections (176 2011/12). Additionally officers carried out 139 non programmed inspections (105 2011/12), predominately in the evenings and weekends where we had intelligence from residents, complaints or details passed to us by agencies such as Thames Valley Police that non compliance was occurring. Officers initially deal with non compliance by working with the business to raise standards and further non announced visits were made to verify improvement. Where non compliance continues officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution.
- 5.6.1 In the last year officers issued 13 warnings in relation to licensing matters (2011/12 14), and 292 enforcement points were issued to 28 taxi drivers (2011/12, 391 points to 52 drivers). Three of those taxi drivers went before the Licensing Panel due to their collection of 12 or more penalty points within a 12 month period.

The points were issued on the following matters:

- 4 drivers for defective tyres
- 16 drivers for failure to notify the council of convictions
- 2 drivers for failing to display badge
- 1 driver for parking on a Hackney Carriage rank
- 1 driver for plying for hire in a Private Hire vehicle
- 3 drivers for failing to display the vehicle licence plate
- 1 driver for smoking in a vehicle.

It can be seen that the incidents of non compliance identified were lower than last year which may indicate that our actions are having a positive impact upon levels of compliance however more data is required before that conclusion can be confirmed.

- 5.7 Other areas of work that were completed in 2012/13 include:
- (i) A multi agency check involving Council officers, Thames Valley Police and VOSA was conducted in June 2012 with some members of this Committee in attendance. A number of matters of concern were found, including defective

tyres, failure to have current MOT and insurance such that four vehicles were prohibited for use on the road. In addition one vehicle was found to be travelling with the fryers being heated by bottled gas. Five vehicles were not displaying appropriate licences and consents and all were issued with warnings. The exercise was repeated in November 2012 with no non compliance found.

- (ii) All animal boarding establishments were issued with the new licence conditions approved by the Committee.
- (iii) The Safety Advisory Group received over 90 forms for local events during 2012/13 which was a significant increase from 72 in 2011/12.

5.8 Attached as Annex B is the draft work plan 2013- 2014. This has been drawn up taking into account national and local priorities together with local knowledge of our licensed businesses.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

6.4 There are no strategic risk management implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 The key partners have been consulted upon the outcomes of work conducted in 2012/2013. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2013/2014. All feedback is taken into account and helps inform the plan's future development. There has been no feedback that needs to be taken into account in the proposed plan

Method of Consultation

7.2 The work plan will be discussed with key partners during the year and adjustments made where necessary.

Representations Received

7.3 None.

Background Papers

None.

Contact for further information

Robert Sexton, Head of Regulatory Services - 01344 352580
robert.sexton@bracknell-forest.gov.uk

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**Current Licences
1 April 2013**

Type	No	Type	No
Hackney Carriage (Dual) Drivers	171	Personal Licences	1001
Hackney Carriage Vehicles	82	Premises Licences	235
Home to School Drivers	16	Temporary Event Notices	260
Home to School Vehicles	19	Club Premises Certificates	25
Private Hire Vehicles	181	Street Traders	17
Private Hire Drivers	147	Street Collections	84
Private Hire Operators	41	House to House Collections	12
Animal Boarding Establishments	3	Lotteries	61
Home Boarding Establishments	14	Caravan Sites	14
Riding Establishments	5	Licensed Premises Gaming Machine Permits	13
Performing Animals	5	Gaming Machine Notifications	34
Pet Shops	12	Club Machine Permits	9
Motor Salvage	0	Club Gaming Permits	1
Scrap Metal Dealers	1	Bingo premises	1
Joint motor salvage / scrap metal	3	Adult gaming centres	2
Hairdressers	57	Betting premises	11
Poisons	5	Petroleum	16
Explosives	25	Tattoo, Acupuncture, Piercing etc (Personal Registration)	56
Tattoo, Acupuncture, Piercing etc (Premises Registration)	25		

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Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Licensing

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	6	11	6	Provide an efficient and seamless service for applications	Carry out surveys which look at customer experience of applications process	Surveys carried out for two months within calendar year	M
1	6	11	6	Provide an efficient and seamless service for applications	Ensure compliance with the EUSD for licensing function	Continued ability to accept online applications	H
1	6	11	6	Provide an efficient and seamless service for applications	Manage and provide support to the Safety Advisory Group	Advice provided for approx 50 local events per year	M
1	6	11	6	Provide an efficient and seamless service for applications	Review the provision of authorised garages for taxi testing	Reviewed and sufficient suitable garages appointed	H
1	6	11	6	Continue to improve our service by managing our performance and comparing ourselves against performance measures	Ensure applications are processed within agreed local performance indicators and as required by legislation	Monthly reports run to ensure that 95% target and legislative requirements met	H
1	4	11	1	Handle service requests through use of advice and information	Ensure service requests are handled within agreed local performance indicators	Monthly reports run to ensure that 95% target met Online and public register maintained Neighbouring property notifications conducted	H

Division: Environment and Public Protection
Section: Regulatory Services
Team: Licensing

1	4	11	1	Handle service requests through use of advice and information	Carry out surveys which look at customer experience of complaints or enquiries	Surveys carried out for two months within calendar year	M
1	4	8	4	Ensure compliance through intelligence led and risk-rated monitoring with enforcement action where appropriate	Carry out multi-agency operations directed at licensed premises and vehicles, including mystery shopper operations	At least 2 multi-agency home to school vehicle checks At least 2 multi-agency taxi checks At least 2 multi-agency street trader checks Out of hours work as required	H
1	4	8	1	Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers	Carry out programmed inspections in accordance with risk rating	100% of high risk, 50% of medium risk and 20% low risk inspections completed by end March 2014 100% of revisits completed within one month 2 caravan site audits carried out by March 2014 300 vehicle/driver checks	M

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Licensing

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	4	8	1	Provide easy to access advice and information for businesses on licensing matters to help improve compliance	Educate and inform local businesses to ensure they are aware of any changes in legislation and their duties as licence holders	Attend and assist with Pubwatch meetings as required Produce annual newsletter for licensed premises and taxi drivers and ensure available on website Provide talks and presentations to businesses on Licensing issues	M
1	4	8	6	Develop the use of our knowledge to improve planning and delivery	Ensure staff and Members are aware of and up to date with changes in legislation	Reports, briefings and training as and when necessary	H
1	4	8	6	Develop the use of our knowledge to improve planning and delivery	Update practice notes to clarify procedure and practice within section	Practice notes relating to professional practice identified, developed and implemented	M

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Licensing

Local Performance Indicators

Type of Application	Length of time to issue licence following receipt of complete & valid application
TENS	1 clear working day on 95% of applications
Taxi applications	2 clear working days on 95% of applications
All other licences, permits, registrations and consents	3 clear working days on 95% of applications
Inspections	100% of high risk, 50% of medium risk and 20% low risk inspections
Revisits	100% within 1 month where non-compliance found
Service Requests (Complaints/Enquiries)	First response within 5 working days for 95% of complaints Completed within 30 days for 95% of complaints

Please note that all of the above are targets.

**TO: LICENSING AND SAFETY COMMITTEE
1 MAY 2013**

**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2013-14
(Chief Officer: Environment and Public Protection)**

1 PURPOSE OF REPORT

- 1.1 The Council has responsibility for ensuring the health and safety of most of the working population of this Borough.
- 1.2 This report sets out the basic framework within which the Council seeks to enable businesses to comply with their obligations. It sets out the typical tasks undertaken during a 'typical' year. The Work Plan (Annex A) sets out the proposal for delivery. The Plan is required in order to comply with Section 18 of the Health and Safety at Work etc Act 1974 and the objective is to ensure that national and local priorities and standards are achieved. A key priority for the officers is to try to ensure that businesses apply appropriate and proportionate measures to the need in hand.

2 RECOMMENDATION(S)

2.1 That the Committee

- (a) Notes the timescales for the production of the final Health and Safety Law Enforcement Plan 2013-2014 and**
- (b) Comments on the contents of the draft Work Plan (Annex A).**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Plan sets out how the Council will seek to work with businesses as they seek to comply with health and safety requirements and legislation.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None. The production of an annual plan is a legal requirement.

5 SUPPORTING INFORMATION

- 5.1 When it comes to workplace safety there are effectively two main regulatory arms: the Health and Safety Executive (HSE) and the Local Authorities. Within Bracknell Forest enforcement is a function of Regulatory Services. As at 1 April 2013, there are 1,567 local businesses where the Council has duty to regulate health and safety in the interests of staff and public welfare.
- 5.2 Progress against the Plan is monitored as an operational indicator and the Council's performance in relation to health and safety enforcement is reported bi-annually to the Health and Safety Executive. The Executive has powers to intervene should the Council not perform its duties at a satisfactory level.
- 5.3 Certain actions within a work place can pose an immediate risk to personal safety or may have the potential for longer term negative impacts upon the health of a person. This not only impacts upon an individual but also on society as a whole which may have to fund the treatment, care and support of the injured person. Delivery of effective health and safety within a work place therefore has a significant positive

impact upon public health which as a function has from 1 April 2013 has become a Council function.

- 5.4 Regulation can pose a burden upon business and therefore not only must regulation be appropriate, proportionate and necessary, it must also be applied in a similar manner. In a difficult economic climate we need to encourage and assist business to grow and our actions should be focussed upon supporting growth. We look to direct our limited resources to those areas of greatest concern in terms of public health taking into account factors such as risk, consequence, and severity
- 5.5 Assessment of risk is therefore imperative when drawing up our work plan. Data on accidents within the work place is collected and such data assists in risk assessment and points us towards those matters which should be a priority for us. We will therefore be focussing our efforts this year upon those areas where the evidence is strongest that risks are posed to the Bracknell Forest community. We will work with our colleagues in Public Health to seek to exploit the new opportunities arising from the changes in order to try to improve the capture and analysis of workplace accident and sickness data from existing and new sources.
- 5.6 As in previous years the Committee are asked to consider the Plan so they can assure themselves that key needs are being met. A key theme of the Work Plan is to continue to develop targeted health and safety activity working in partnership with local business and the HSE. This year's Plan has been populated with targets and initiatives under 3 main headings ie (i) Protecting Consumers and Supporting Businesses, (ii) Project Working and (iii) Performance Management. The portfolio of work is based on accident data combined with local intelligence and direction from the HSE. Visits to businesses will where appropriate encompass multiple regulatory functions in order to seek to minimise the burden to businesses. The work includes reactive accident and complaint investigations as well as anticipated requests for advice from businesses.
- 5.7 Consultation with stakeholders is an ongoing process. We will publish our Plan on our website and provide copies at key locations in the Borough including the Council's libraries and Town and Parish Council offices. We invite feedback through out the year so as to inform the Work Plan for future years. We have had no feedback on last year's plan that needs to be taken into account.
- 5.8 To put the volume of work associated with its delivery into context, we commit circa 1.5 FTEs (Officers) to this function. In the current year to date, some 217 contacts have been undertaken and a further 283 health and safety visits have been made for advisory or other enforcement purposes. Further details of the work we conducted in 2012/13 will be provided to Committee at their meeting on 4 July 2013.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report

Borough Treasurer

- 6.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.
Equalities Impact Assessment

- 6.3 The Plan will target premises based on the history of risk and identified need. Where issues of equality may arise provision is made to help as necessary. The activity is regulatory and the current plan for 2013-2014 is covered by the overarching document entitled Enforcement Policy 2012 and Equalities Impact Assessment.

Strategic Risk Management Issues

- 6.4 The Council has to ensure compliance with section 18 of the Health and Safety at Work Act etc 1974. The Plan sets out how the Council intends to comply with those obligations and in so doing mitigates against the risk of adverse inspection report followed by intervention.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development

Method of Consultation

- 7.2 The Plan will be published on the Council's website and issued to key locations in the Borough, including all the Council's Libraries and Town and Parish Council offices.

Representations Received

- 7.3 Not applicable.

Background Papers

HELA Strategic Plan 2000-2004
HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities
Consultation and proposals for a National Local Authority Enforcement Code.
HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an inspection rating system (12/2000)

Contact for further information

Robert Sexton, Head of Regulatory Services - 01344 352580
robert.sexton@bracknell-forest.gov.uk

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Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
Protecting Consumers, Supporting Business							
4	4	6,8 & 9	4	To maintain a comprehensive Health and Safety Law Enforcement Plan	To adopt annual Health and Safety Law Enforcement Plan	Adoption of plan by Committee	High
1	4		1 & 4	To work in partnership to reduce the number of accidents and incidents of ill health that occur within Bracknell Forest	<p>Adapting existing project plans that have been developed by the HSE for campaigns to:</p> <ul style="list-style-type: none"> Free up officer time from developing campaigns and allow more contact time with businesses Low cost publicity and support material by use of nationally produced resources and publicity Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk 	Incorporate into specific projects	High
4	4	6 & 8	4	To investigate accidents reports via RIDDOR or direct.	To ensure a common, proportionate, transparent and targeted approach for the selection and investigation of accidents and incidents, BFBC's selection criteria will be based on the HSE's HELA guidance LAC 22/13	Incidents allocated via worksheet generation in M3 to officers	High
1	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public	Ensure the full range of information and guidance on priority areas	Incorporate into specific projects	Medium

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	4	6 & 8	1 & 4	<p>health outcomes through a programme of Intel led activities</p> <p>To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities</p>	<p>Maintain up-to-date health and safety pages on the Council's website.</p> <p>Inspection of all high risk (A rated) premises.</p> <p>Offer support and advice to medium risk (B1 and B2 rated) premises where intelligence identifies concerns over levels of compliance - to be initiated and directed by use of alternative inspection techniques (questionnaires)</p> <p>Offer support and advice to new businesses and 20% of all relevant C risk rated businesses in Bracknell Forest, in accordance with HSE guidance.</p>	<p>Visits to 71 premises.</p>	High
1	4	6 & 8	1 & 4	<p>To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities</p>	<p>Respond to 100% requests from businesses and the public to help improve health and safety compliance. Where significant risks are identified, to take prompt action to improve conditions and reduce likelihood of injury or ill-health occurring. Examine local trends and use as intelligence.</p>	<p>Respond to 100% requests from businesses and the public.</p>	High
3	4	6 & 8	4	<p>To reduce the number of accidents and incidents of ill health that occur within Bracknell Forest</p>	<p>To ensure that effective investigations are carried out for 100% of all relevant notifications and to take prompt action to improve conditions and reduce likelihood of injury or ill-health re-occurring. Examine local trends in accidents reports</p>	<p>Respond to 100% of all relevant accident notifications.</p>	High

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	and use as intelligence. Attend SAG meetings and provide support and information for Event Organisers.	Attend monthly meetings and attend events where expected attendees >500	Medium
Project Working – Focussing Resources							
4	4	6& 8	4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Liquid Petroleum Gas Inspection. Inspection of high risk commercial sites with underground LPG pipe work to ensure safety of employees and site visitors as notified by the Health and Safety Executive;	Inspection of 5 sites	High
4	4	6& 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Asbestos. Ensure compliance in commercial premises that may contain asbestos materials to ensure risk to employees and visitors is minimised, by incorporating into routine inspections.	Attend removal works as appropriate.	High
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Legionella Identify high risk sources and carry out visits to 16 duty holders.	Visit 16 premises - Potential sampling activities to be incorporated	High
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Golf Courses Non BFC. Focus on courses due to high risk grounds maintenance work activities	Visit 5 venues.	Medium

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
4	4	6 & 8	1 & 4	health outcomes through a programme of Intel led activities			
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Commercial and recreational Water activity sites including swimming pools to address water quality and general safety standards.	Project will involve obtaining up-to-date risk assessments and recent sampling results to ensure appropriate interpretation and actions	High
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Disease Reduction – Dermatitis. Focused interventions at florists, hairdressers, motor vehicle repair operators. Aim: to raise awareness and implement simple controls with follow up implementation support.	Visit 10 premises	Medium
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Nail Bars Following on from successful project focussing on nail bars to address issues of poor local ventilation	Inspection of 10 premises.	Medium
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Laser Treatments. Risk focused initiative on area of increased commercial activity - visits to 2 premises to test compliance levels	Inspection of 2 premises	High
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Noise at Work in Licensed Premises. Focus on noise levels affecting staff.	Joint working with EP + Licensing teams.	Medium

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
4	4	6 & 8	1 & 4	To assist businesses to improve Health and Safety compliance levels and deliver improved public health outcomes through a programme of Intel led activities	Gas Ventilation To be carried out jointly as part of food hygiene inspections in order to minimise multiple regulatory visits to businesses, with the use of a carbon monoxide monitor. Premises without an operational safety interlock to be targeted	75 gas safety and 50 ventilation visits, ensuring compliance	High
Performance Management							
	4	6 & 8	4	To maintain a quality service in accordance with Section 18 HSWA	Annual review (and update as necessary) of the S18 plan to demonstrate compliance with S18 Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers. Review and up-to-date internal procedures Identification of staff training needs during appraisals, including: Regulators Development Needs Analysis tool (RDNA) Guidance for Regulators Information Point (GRIP) To ensure S18 compliance through consistency exercise training of officers.	Monthly monitoring of targets.	High

Division: Environment and Public Protection
 Section: Regulatory Services
 Team: Health and Safety

National Priority	Council Priority	MTO	Regulatory Services Priority	Service Priority	Service Action	Outcome measure	Priority
1	4	6&8	4	Continue to improve our service by managing our performance and comparing ourselves against others	Apply best practice, enabling the service to continually improve and identify areas suitable for collaborative working.	Systems in place	Medium
1	4	6&8	4	To maintain officer competence for Flexible Warranting with HSE	Staff training and experiential learning. Ensuring competence in basic health and safety skills	Systems in place	High

**TO: LICENSING AND SAFETY COMMITTEE
1 MAY 2013**

**FACE-TO-FACE DIRECT DEBIT COLLECTIONS – SITE AGREEMENT
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report seeks 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 street in Bracknell Forest. The current agreement is attached as Appendix A, and the proposed new agreement is at Appendix B.

2 RECOMMENDATION(S)

- 2.1 **That the PFRA site agreement at Appendix B is approved as the document governing face-to-face direct debit collections within the town centre carried out by members of the PFRA.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 The current agreement was put into place in 2008 and refers to the now defunct post of Town Centre Manager. The PFRA are also currently reviewing existing site agreements to ensure consistency wherever possible.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee may wish to suggest amendments to the proposed site agreement which would be referred back to the PFRA for consideration.

5 SUPPORTING INFORMATION

- 5.1 The collection of direct debit mandates 'face-to-face' in the street does not require any formal authorisation from the Council as the Police, Factories etc (Miscellaneous Provisions) Act 1916 only provides for the collection of money or sale of goods for charitable purposes. A direct debit mandate has no particular worth at the point of collection, as it is simply a promise to make payment by issuing an order to a bank or building society.
- 5.2 The situation is currently monitored and controlled by an agreement with the Public Fundraising Regulatory Association (PFRA), a self-regulating umbrella body with which the Council has worked to ensure that there are no clashes with permitted street collections.
- 5.3 The LGA recommends voluntary site management agreements as an effective solution for those that want to have "more control over face-to-face fundraising", because they bring together PFRA's expertise in controlling fundraising and councils' knowledge of local conditions.
- 5.4 The following amendments are proposed to the agreement:
- (i) Removal of the restriction in number of collections to take place each year
 - (ii) Change the minimum distance between fundraisers from 5 metres to 3 metres

- (iii) Clarify that only one charity will present on any one site on any one day, and
- (iv) Add provision for the Council to nominate exclusion dates where no direct debit collections may take place.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 There are no implications arising from the recommendation in this report.

Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 None.

Method of Consultation

- 7.2 None.

Representations Received

- 7.3 Not applicable.

Background Papers

LGA Publication: Making the pledge – Promoting vibrant and enjoyable town centres by improving face-to-face fundraising standards: http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10171/3778081/PUBLICATION-TEMPLATE

Contact for further information

Laura Driscoll, Licensing Team Leader - 01344 352517
laura.driscoll@bracknell-forest.gov.uk

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ



Site Management Agreement between PFRA and Bracknell Forest Council.

The purpose and spirit of this Site Management Agreement is to facilitate Face-to-Face Fundraising in a given location and provide balance between the right of the charity to fundraise and the right of the public to go about their business without any impression of inconvenience.

Once an agreement is in place it should minimise the administration for all concerned, providing just one channel for information and support, as Licensing Officers & Town Centre Managers only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

The PFRA continually strives to work positively with each Local Authority to develop constructive and deterministic business relationships with all parties.

Statement of Conformity

1) All fundraisers will carry and abide by the PFRA / Institute of Fundraising abridged code of practice.

Access Details

2) This agreement pertains to Face-to-Face Charitable Collections to:

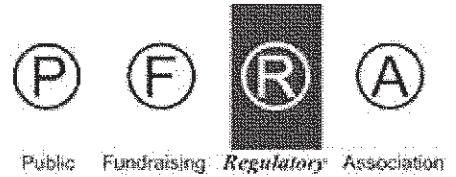
Bracknell – Fundraisers should **only** be positioned on the High Street, Charles Square and Stanley Walk avoiding connecting streets **and** where such streets are narrow;

Sandhurst;
and
Crowthorne.

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Southwark
London SE1 0NZ



3) Canvassers should be positioned in such a way to offer an adequate 'comfort zone' to those users of the town centre who do not wish to engage. Teams should be limited to a maximum of 4 canvassers and 1 Team-Leader per team, evenly spread with each individual member at least 5-metres from the next member, so as to avoid 'clustering' or the creation of 'slaloms'.

4) The number of visits PFRA Members can make to each of the towns is 50 per year. This equates to 1 visit per week and each of the sites will remain unused for 2 non-consecutive weeks of the year.

5) Exclusion Dates are to be announced by local Licensing Officers and/or Town Centre Management (e.g. Market Days, Special Promotions Days, etc.)

Information Required

6) Reporting:

PFRA Allocations Officer will maintain and manage the diary schedule.

Copies of the diary are to be made to

Bracknell Forest Council – Licensing Team:

licence.all@bracknell-forest.gov.uk

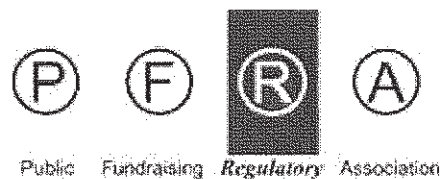
Bracknell Forest Town Centre Management:

graham.mountford@bracknell-forest.gov.uk

7) Diary/Schedule Information will also provide:

Contact details for PFO; and
Charity being fundraised for.

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London SE1 0NZ



Working Together

8) The local authority agrees to work with the PFRA to publish information regarding the scheme including explanations on what is Face-to-Face Fundraising, the PFRA Code of Practice and facts about Direct Debit.

9) The PFRA will inform the local authority of any complaints and conversely all feedback will be forwarded to the PFRA.

10) The PFRA will police member organisations, through a programme of random spot-checks, to ensure fundraisers' adherence to the Code of Practice and this Site Management Agreement.

Signed For and On Behalf Of PFRA:

Dated:

Signed For and On Behalf Of Bracknell
Forest Council:

Dated:

Unit 11 Europoint
5-11 Lavington Street
Southwark
London SE1 0NZ



Appendix 1

CODE OF PRACTICE

1 We always tell potential donors clearly that we are paid to speak with them, and that we are not volunteers - if this is the case - and we explain the basis on which we are paid.

2 We always carry and display ID so that any potential donor can verify who we are, whom we are working for and on whose behalf we are fundraising.

3 We always represent our charity or Not for Profit Organisation (NPO) at the time, in the place, and in the manner that has been previously agreed both with the charity / NPO and with the relevant site owner or Local Authority, and as directed by our team leader or other responsible agency personnel.

4 We always explain to a donor how the Charity or NPO will communicate with them after subscribing, and if they are likely to receive a follow up phone call we inform them of this.

5 We always ensure that forms with personal details provided by donors are handled at all stages in a secure manner.

6 We always end a conversation in a polite and respectful manner as soon as we are asked to.

7 We always ensure, wherever possible, that if a member of the public has a complaint, a full and accurate record of the complaint and the complainant's contact details are taken so that action can be taken promptly and appropriately. We will also offer the complainant contact details for a person in authority who can respond to their concerns.

8 We never say or do anything that could pressurise or harass people and we do not use manipulative techniques.

9 We never confuse or mislead the public and we never say, do or display anything for which we have not been given permission by the charity or NPO

10 We never behave whilst on duty in any way that might bring the charity / NPO or our employer into disrepute.

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Site Management Agreement

Between PFRA and Bracknell Forest Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in the Bracknell Forest Borough Council area including Bracknell, Sandhurst and Crowthorne town centres and provide balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Bracknell – positioned on the High Street and Charles Square avoiding connecting streets **and** where such streets are narrow

Capacity: maximum of 4 fundraisers plus one team leader

Positioning: fundraisers to spread out along the length of the site and avoid connecting streets **and** where such streets are narrow

Frequency: One day a week

Sandhurst

Capacity: maximum of 4 fundraisers plus one team leader

Positioning: fundraisers to be spread out along the length of the site

Frequency: One day a week

Crowthorne

Capacity: maximum of 4 fundraisers plus one team leader

Positioning: fundraisers to be spread out along the length of the site

Frequency: One day a week

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g. specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Laura Driscoll Council is the Licensing Team Leader and her contact details are 01344 352517, Laura.Driscoll@bracknell-forest.gov.uk. In her absence all enquiries should be made to licensing@bracknell-forest.gov.uk or 01344 352000.

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

Laura Driscoll
Licensing Team Leader
Bracknell Forest Council
01344 352517

Laura.Driscoll@bracknell-forest.gov.uk and licensing@bracknell-forest.gov.uk.

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including

information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

In the event that any complaint is unable to be resolved to the satisfaction of the complainant, said complainant is advised to report the complaint to the Fundraising Standards Board ([FRSB](http://www.frsb.org.uk)).

6 Working Together

Bracknell Forest Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the code of practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Dr Toby Ganley, Head of Policy

Date:

Signed For and On Behalf Of Bracknell Forest Council:

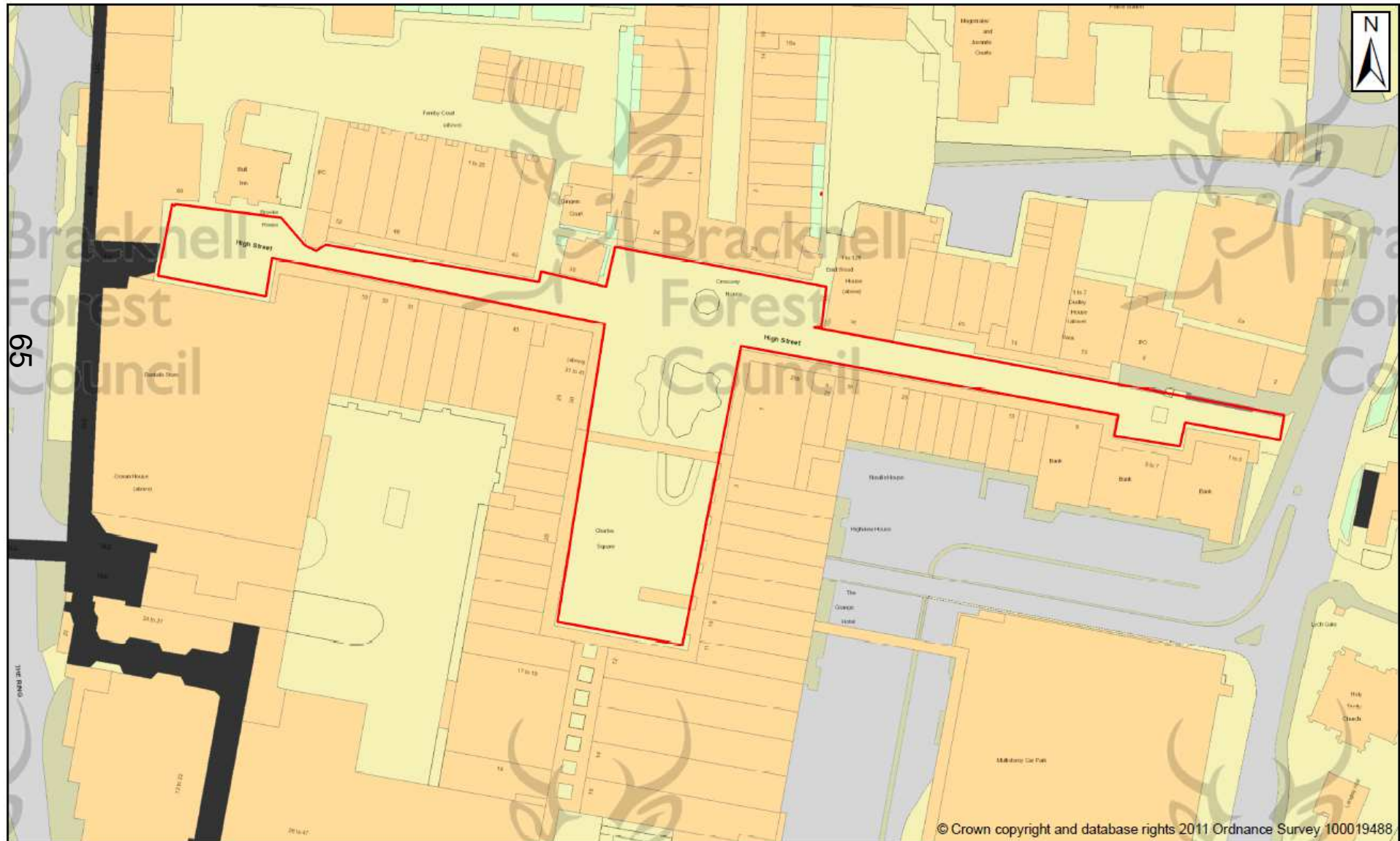
Print name:

Job title:

Dated:

Appendix 1 - Map

Plan showing the area(s) where fundraising is to be permitted:



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.

You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.



**LICENSING PANEL
14 FEBRUARY 2013
2.05 - 3.00 PM**

Present:

Councillors Brossard (Chairman), Allen and Davison

In attendance:

Anthony Igbiniyesu, Legal Adviser to the Panel

Yvonne Jones, Enforcement Officer, WBC

Niamh Kelly, Licensing Officer

Amanda Roden, Democratic Services Officer

Mr B, Appellant

Mr G, Appellant's Father

8. Declarations of Interest

There were no declarations of interest.

9. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

10. Exclusion of Public and Press

RESOLVED that pursuant to Section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

- (1) Information relating to any individual

11. Report on Licensed Private Hire Driver

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr B, Ms Jones, Enforcement Officer, and Miss Kelly, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr B's private hire driver licence would be suspended for two weeks from 11 March 2013 to 24 March 2013. Mr B was required to surrender his private hire driver licence to Bracknell Forest Council's Licensing Section on the morning of or before the 11 March 2013 and was advised to hand his licence to a Licensing Officer and obtain a receipt. If Mr B were to gain any penalty points within twelve months of the date of this panel hearing, he would be brought back before a panel and his circumstances would be reviewed.

The Panel were clear that on 18 June 2012 Mr B was issued with six penalty points. This was because Mr B had failed to notify the Licensing Section within 28 days of receipt of the penalty points as required under his licence conditions. The two fixed penalties Mr B received were for exceeding the statutory speed limit on a public road in September 2010 and July 2011. It was also noted that Mr B received twelve points for plying to hire on the premises of a public house, and a further six points for failure to display his badge at the time.

The Panel noted Mr B's explanation regarding plying for hire in that he was waiting in the area as he regularly received requests to pick up passengers in the surrounding area of the public house. Mr B said he would not have taken a passenger to a destination without them first contacting his operator. The Panel also noted that later in the evening Mr B located his current badge in his car after showing an expired badge to officers on this day on request to see his badge.

However, after taking all the circumstances into account and given the seriousness of how Mr B obtained the points on his private hire driver licence, the Panel decided to suspend Mr B's licence for two weeks from 11 March 2013 to 24 March 2013. The Panel thought that this was a fair and equitable decision. It was important that Mr B complied with all requirements of his licence at all times in the future, including displaying a current badge at all times.

CHAIRMAN