

LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014
7.30 - 8.15 PM



Present:

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

Apologies for Absence were received from:

Councillors Allen and Brossard

17. Declarations of Interest

There were no declarations of interest.

18. Minutes

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

19. Urgent Items of Business

There were no urgent items of business.

20. Notice of Public Speaking

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

21. Fees and Charges 2014/15

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 5 December 2013 and 2 January 2014 and that adverts had been placed in the local press and displayed on the Council's website and public notice boards in the Council's customer services area. It was noted that no objections or feedback had been received during the time frame covered by the consultation.

RESOLVED that the proposed fees for licensing of Hackney Carriages and Private Hire Vehicles and Operators, as detailed in Annex A of the Chief Officer: Environment and Public Protection's report, be approved and applied to any new or renewed licence from 1 April 2014.

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

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

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

The Committee noted that no substantive comments had been received in response to the consultation. Arising from members' questions and comments the following points were noted:

- The current guidance in relation to tinted windows was open to interpretation and it was therefore proposed that an objective test be included in the revised guidance notes
- If proposals to make the testing of tinted windows compulsory then the Council would purchase two pieces of testing equipment which would then be provided to the Council's authorised testing garages on a free loan basis. The garages would be expected to bear the cost of the annual calibration of the equipment
- Drivers and operators would continue to be able to use any garage they wished for an MOT test however they could only use the Council authorised garages for the required Council vehicle check which would include a tinted windows check
- The current MOT test made no provision for the testing of tinted windows however if it was introduced then the MOT requirements would take precedence
- Guidance notes on the relevance of criminal records were based on a Home Office circular and the Council could be open to a successful challenge if it chose to amend or deviate from them
- Proposals to license only vehicles which fell into specific NCAP categories could result in a number of vehicles with only three doors being considered appropriate and it was suggested that the requirement for licensed vehicles to have at least four doors be retained
- The definition of 'prestige car' might need to be revisited if it was agreed that NCAP classifications should be used to assess a vehicle's suitability for a licence

RESOLVED that:

- i. The results of the consultation be noted
- ii. The amended Guidance Notes and Conditions document, attached as Annex A of the Chief Officer: Environment and Public Protection's report, be approved for implementation with immediate effect, subject to the additional changes as proposed in recommendation 2.1(iv) of the Chief Officer: Environment and Public Protection's report
- iii. The proposals set out in paragraph 5.3 of the Chief Officer: Environment and Public Protection's report be approved
- iv. the variation to the criteria for new vehicle licensing, as set out in paragraphs 5.7, 5.8 and 5.9 of the Chief Officer: Environment and Public Protection's report be approved

23. Deregulation of Entertainment Licensing

The Committee received a report providing an update on the ongoing deregulation of entertainment licensing under the Licensing Act 2013.

It was noted that this was the second wave of deregulation under the Act and the proposed changes would mean that entertainment activities and live music would no longer be licensable if they took place in a specified range of settings including local authority, community, hospital and school premises. It was confirmed that further education colleges, a category which included Bracknell and Wokingham College, were not covered by this change.

The Committee noted the report.

24. Scrap Metal Legislation and Local Implementation

The Committee received a report providing an update on the implementation of the Scrap Metal Dealers Act 2013 which came into force on 1 October 2013.

It was noted that the act made provisions for two types of licences, a site licence and a mobile collector licence for those carrying on a business otherwise than at a site. To date the Council had received four applications for site licences and six applications for mobile collector licences and these were currently being processed. Joint enforcement operations had been planned with Thames Valley Police to ensure that operators were appropriately licensed.

It was agreed that publicity would be required to ensure that the public were aware of the new licences and that mechanisms should be put in place to enable them to be verified by the public.

The Committee was informed that the legislation covered by the Act was currently an Executive Function and therefore not covered by the Functions Regulations the Licensing and Safety committee operated under. However it was expected that any decisions would be delegated to an appropriate Chief Officer. The Committee requested clarification on the decision making processes around the act and it was agreed that an update would be given at the Committee's next meeting.

The Committee noted the report.

25. Licensing Panel Minutes

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

CHAIRMAN