



**LICENSING AND SAFETY COMMITTEE
4 JANUARY 2018
7.30 - 8.20 PM**

Present:

Councillors Allen (Chairman), Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie, Ms Gaw, Leake, Mrs McKenzie, Ms Miller, Porter and Tullett

Apologies for absence were received from:

Councillors Thompson

12. Declarations of Interest

There were no Declarations of Interest.

13. Minutes

RESOLVED that the minutes of the meeting held on 13 July 2017 were approved as a correct record.

Matters Arising

In relation to minute 9 (Street Trading – Bracknell Town Centre), the Chief Officer: Environment and Public Protection informed Members that the revised street trading fee was suspended and the original fee reinstated as of 24 October. There had been no financial implications arising from the decision impacting upon any existing street trader. The fees and charges were due to be reviewed by the Public Protection Partnership, and would over time be harmonised where appropriate across Bracknell Forest, West Berkshire and Wokingham Councils. The review would ensure that the level of fee to be recovered reflects cost.

The Chairman added that a street trader Licensing Panel which shortly followed the meeting had implemented the original fee which had applied at the time of the application.

14. Urgent Items of Business

The Committee was advised that there was an urgent item which the Chairman had agreed to add to the agenda relating to Street Trading in Bracknell town centre.

The reason for urgency was that issues had arisen over the Christmas period, which required a resolution before the next Licensing and Safety Committee meeting in June 2018.

15. Street Trading - Bracknell Town Centre

The Committee considered an Urgent Item on Street Trading in Bracknell Town Centre.

The town centre street trading over the Christmas period had caused some issues regarding land ownership between Bracknell Forest Council and privately owned land

by Bracknell Regeneration Partnership. In order to allow Bracknell Regeneration Partnership to manage their land effectively, a change was required.

The Chief Officer: Environment and Public Protection explained that since the urgent item had been submitted on the morning of the meeting, a new option to pursue had come to light. It was proposed that the company Streetdots could be granted street trading consent for the entire town centre area, and could select suitable traders in consultation with Bracknell Regeneration Partnership. Otherwise, the Legal process to suspend the requirements for street trading consents on those parts of the Lexicon managed by BRP including, The Avenue, Braccan Walk, Union Square, Town Square, Bull Square, Princess Square and Eagle Lane would need to be implemented.

In response to questions, the following points were noted:

- It was confirmed that it was a Council duty to formally suspend the street trading enforcement in an area, rather than this Committee.
- If Streetdots were granted a street trading consent for the Lexicon area, Bracknell Regeneration Partnership could manage the street traders who were placed in the area.
- Granting street trading consent to Streetdots would also ensure that Bracknell Forest Council's Licensing Team would be able to enforce consistently across land ownerships.
- Streetdots would be responsible for the management of the street traders, and each case would be treated individually for the purposes of intervention.
- It was suggested that street traders around the banks may encourage footfall further up the High Street.

The Licensing and Safety Committee agreed that they were content for the Chief Officer: Environment & Public Protection to begin the process of granting street trading consent to Streetdots. If this would not be possible, the Committee supported the commencement of the legal process with Council's approval to suspend street trading restrictions for the parts of the Lexicon managed by BRP.

16. **Notice of Public Speaking**

There were no requests for public speaking.

17. **Practical Driving Assessments**

The Committee received a report on Practical Driving Assessments.

It was commented that the proposed Practical Driving Assessment provider, AA Drivetech, would be used across the Public Protection Partnership area.

It was clarified that the provider would charge a flat rate, and it was assumed that this rate would cover 7 days a week although officers undertook to check this.

All providers are DVSA approved to ensure consistent standard across providers.

RESOLVED that:

- i) The addition of the provider detailed within Annex B (AA Drivetech) be approved to the Council's list of approved providers of practical driving assessments.

- ii) Future changes to the list of approved providers at Annex A be agreed by the Public Protection Manager in liaison with the Chairman as and when required.

18. **Safeguarding Training for Licensed Drivers and Operators**

The Committee considered a report on Safeguarding Training for Licensed Drivers and Operators.

The previous contact who co-ordinated the safeguarding training within the Council had left, and so an external provider had been found. The proposed provider had provided some sample slides of training material for the Committee to consider.

The Committee was informed that the test element of the training would be maintained by the proposed provider, and that the proposed provider could integrate disability training as well as Child Sexual Exploitation to give a holistic safeguarding approach.

The procurement requirements were being explored, as the chosen provider would operate across the Public Protection Partnership area.

The Committee asked officers for examples of questions asked during the test element of safeguarding training. Officers undertook to provide some sample questions to Members, and in addition it was commented that any Member was welcome to attend and observe a safeguarding training course run by the provider.

The Committee requested that reporting mechanisms be put in place to monitor uptake in order to ensure visibility.

It was agreed that clarity was required around the driver responsibility under the Equality Act for carrying wheelchairs of different types.

RESOLVED that:

- i) Subject to any procurement requirements for the Public Protection Partnership, an alternative provider for safeguarding training which met the original specification of the Committee be selected by the Public Protection Manager in liaison with the Chairman.

19. **Review of Guidance Notes and Conditions**

The Committee received a report on the Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers.

A consultation was proposed, and subject to any comments received, the Guidance Notes would come into effect from 1 April 2018. Any issues arising from the consultation would be discussed with the Chairman, and a decision made about whether the comments were required to be discussed by the Committee.

It was clarified that the safeguarding training was included in the current Guidance Notes booklet.

RESOLVED that:

- i) The amendments and additions to the Guidance Notes and Conditions document set out at Annex A be approved for consultation, and

- ii) In the event that any comments are received, the Public Protection Manager should be required to liaise with the Chairman to determine whether a further report is required to consider those comments, or whether the document can be republished with approval of the Chairman in respect of any further amendments.

20. **Licensing Fees and Charges 2018-2019**

The Committee considered a report on the Fees and Charges 2018-19.

The fees had predominantly increased by 3%, with a few exceptions in respect of two-day a week street trading consents and hourly rates for enforcement on caravan sites which had increased by a greater percentage to align with the Public Protection Partnership charge. Payments had been kept to whole numbers to assist cash payments.

Subject to Committee approval, the trade would be consulted on the new fees and charges for operator and vehicle licences, and a newspaper advert issued to advertise the change.

There was a query around the rates of charge, however it was clarified that Licensing Authorities could not make a profit from their Fees and Charges. Fees had been set based on the administrative time and resources required in addition to compliance checks. Other charges had been set as hourly rates across the Public Protection Partnership, and officers were asked to check the background on this £55 per hour rate.

It was noted that the 2019/20 Fees and Charges would be rewritten in order to align with the Public Protection Partnership, and that these figures would be established with evidence.

RESOLVED that:

- i) Save for the vehicle and private hire operator licence fees, the Committee recommended to the Executive the new fees and charges detailed in Annex A, for public consultation, and
- ii) The proposed charges for operators and vehicle licence fees were agreed to be:
 - a. Advertised
 - b. If no objections are received, implemented for any licences commencing from 1 April 2018; or
 - c. If objections are received they be considered by the Public Protection Manager in liaison with the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2018

21. **Minutes of Licensing Panels**

The minutes of the following Licensing Panels were noted:

- 26 July 2017 – Shell, Sandhurst
- 2 August 2017 – Co-Operative, Jennett's Park
- 30 August 2017 – Fenwick, The Lexicon
- 6 September 2017 – Star Kebabs
- 29 November 2017 - B&B Plus

It was commented that B&B Plus was returning to a reconvened Panel on 16 January 2018, so this matter could not be discussed.

CHAIRMAN