

**LICENSING AND SAFETY COMMITTEE
18 OCTOBER 2018
7.30 - 8.45 PM**



Present:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, Brossard, Finnie, Ms Gaw, Leake, Mrs McKenzie, Porter and Tullett

Apologies for absence were received from:

Councillors Ashman, G Birch and Brunel-Walker

9. Declarations of Interest

There were no declarations of interest.

10. Minutes

The minutes of the meeting held on 7 June 2018 were approved as a correct record.

Arising from the minutes, members queried whether the issue around efficiency and staff sickness in the Public Protection Partnership had been resolved. It was agreed that figures presented at the most recent Public Protection Partnership Committee would be circulated to members to advise on the latest turnaround figures.

11. Urgent Items of Business

There were no urgent items of business.

12. Notice of Public Speaking

The Committee received notification of a request for public speaking from Mr Haseeb Hanif, representing Taylor Hanson Ltd, a local private hire taxi company in relation to Item 11, Out of Area Private Hire Operators.

With the agreement of the Committee, the Chairman proposed to take this item as the next item of business.

13. Out of Area Private Hire Operators

Haseeb Hanif of Taylor Hanson Ltd, a local private hire taxi company attended the meeting to speak in support of the recommendations, and to explain about the impact of Uber on local trade. Mr Hanif raised concerns that private hire work had diminished since Uber began trading in Bracknell Forest, and asked Members to protect the private hire trade.

Mr Hanif suggested that Reading Borough Council had banned Uber drivers from operating in their area, however the Licensing Officer clarified that this was not the case.

Charlie Fletcher, Licensing Officer introduced the report which had arisen following a petition submitted by the local taxi trade and a meeting between officers and the trade. It was explained that although the Council had no legal authority to prevent out of area operators from working in the borough, concerns had been raised about the lack of assurance of the quality of Uber drivers as officers in Bracknell Forest had no authority to conduct inspections or provide training or testing. Transport for London who licenced Uber drivers do not require a practice or first aid assessment, as is the case with drivers licensed by Bracknell Forest.

The matter was not unique to Bracknell Forest, and the Licensing Officer gave a number of examples of other authorities who had written to the Secretary of State on the matter.

The Committee noted with interest the recommendation of a Government Task and Finish group on Taxis and Private Hire Vehicle Licensing which called for all journeys in hackney carriages or private hire vehicles to start and/or end within the area to which the driver, vehicle and operator are licensed.

In discussion, the following points were noted:

- It was hoped that as the matter required a change in national legislation, the Council could only raise awareness of government to the issue.
- Members suggested that both Members of Parliament for the borough be written to, to include MP for Windsor, Adam Afriyie.
- It was clarified that Bracknell Forest and Wokingham were at the edge of the London region licensed by Transport for London.
- Any complaints about Uber drivers would be sent to Uber or Transport for London, and so it was not known whether there had been any complaints locally about Uber drivers.
- It was clarified that Uber vehicles did not require any distinctive markings and were not easily recognisable. A wide range of vehicles were permitted for use as Uber vehicles.
- Although it was possible to request a disabled accessible vehicle from Uber, it was not common to find these outside of London.
- There had been relatively few altercations on taxi stands between private hire operators and Uber drivers, and officers encouraged the trade to report any such incidents.

Members commented that they wished to support the trade as much as possible, and would do what was possible to address the issue.

Following discussion, the Committee **RESOLVED** that:

- 1 The contents of the report be noted
- 2 The relevant Minister of State and local Member of Parliament for Bracknell and Windsor and Maidenhead be formally written to, to bring to their attention this Council's concerns regarding the current licensing legislative framework
- 3 Transport for London be formally written to, setting out the concerns of this Council with the current licensing arrangements and ask that they consider if licence conditions could be used to rectify the current situation.
- 4 The Local Government Association and Institute for Licensing be formally written to, to bring to their attention this Councils concerns regarding the current licensing legislative framework.

14. **Fees and Charges 2019-2020**

Charlie Fletcher presented the proposed Fees and Charges 2019-20 to be implemented from 1 April 2019. The Fees and Charges had been aligned with charges in other Public Protection Partnership authorities where possible.

It was clarified that the Animal Welfare Regulations imposed on 1 October 2018 were likely to impact on Fees and Charges, and so any amended licence cost related to this would be proposed in the following year's Fees and Charges.

Members agreed with the suggestion to round all Fees and Charges to the nearest whole pound.

It was clarified that some hourly rates differed depending on the nature of the work and special qualifications required to undertake it.

In conclusion, it was **RESOLVED** that the proposed charges for operators and vehicle licence fees be:

- i. advertised;
- ii. if no objections are received, implemented for any licences commencing from 1 April 2019; or
- iii. if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2019
- iv. rounded to the nearest pound where necessary

15. **Review of Statement of Gambling Principles**

Charlie Fletcher presented the Review of Statement of Gambling Principles which the Committee were asked to recommend to Council for approval and adoption into the Policy Framework from January 2019.

It was **RESOLVED** that the revised Statement at Annex A of the report be approved to go forward to Council on 16 January 2019.

16. **Amendments to Guidance Notes and Conditions**

Charlie Fletcher presented the Amendments to Guidance Notes and Conditions which had been out for consultation. There had not been any further comments received during the consultation period.

It was **RESOLVED** that the amendments to the Guidance Notes and Conditions document be approved as set out at Annex B to the report with immediate effect.

17. **Review of Street Trading Policy**

Charlie Fletcher presented the Review of Street Trading Policy which had been amended to provide greater resident awareness of street trading proposals. The policy also sought to clarify the procedure around revocation of existing consents.

Members proposed that the wording around consultation on variations be clarified to capture the distinction between significant variations which required consultation, and minor variations which would be considered at the officer's discretion such as menu changes.

In conclusion, it was **RESOLVED** that the proposed amendments to the policy be approved.

18. **Face to Face Direct Debit Collections - Site Agreement**

Charlie Fletcher presented the Face to Face Direct Debit Collections Site Agreement which had been developed with the Institute of Fundraising (IoF). It was noted that although the Site Agreement applied only to the member organisations of the Institute of Fundraising, the majority of High Street collectors were members of the Institute.

The amended site agreement established a site management plan to reflect the new town centre and The Lexicon, and amended the point of contact for the Council following staff changes.

In response to questions, the following points were noted:

- Members queried whether a by-law to enforce membership of the Institute of Fundraising before collecting direct debits in Bracknell Forest would be of value. It was noted that this could be investigated if public need was demonstrated, but the process was cumbersome.
- An Institute representative had met with Licensing Officers and representatives of The Lexicon to choose the designated streets.
- Officers were entitled to ask any Institute registered collector operating outside of the designated area to move.
- There had not been any complaints regarding Direct Debit Collections received by the Council recently, if ever.

In conclusion, it was **RESOLVED** that the IoF site agreement at Annex A is approved as the document governing face-to-face direct debit collections within the borough carried out by members of the IoF.

19. **Minutes of Licensing Panel since the last meeting**

Members noted the following minutes of Licensing Panels which had taken place since the last meeting:

11 July 2018 – Ozzy's Kebabs
23 July 2018 – Royal Berkshire Polo Club
24 July 2018 – Bracknell Grill
25 July 2018 – Sandhurst Tandoori

Members requested that future Licensing Panel minutes should list the officers and other attendees in professional capacities as 'In Attendance', and that this be applied to past minutes where possible.

CHAIRMAN