

**LICENSING AND SAFETY COMMITTEE
7 FEBRUARY 2019
7.30 - 8.00 PM**



Present:

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

Apologies for absence were received from:

Councillors Brunel-Walker and Finnie

20. Declarations of Interest

There were no declarations of interest.

21. Minutes

The minutes of the meeting held on 18 October 2018 were approved as a correct record and signed by the Chairman.

Arising from Item 13 of the previous minutes, it was noted that the Chairman had received responses to his letters to the Local Government Association and Dr Philip Lee, MP for Bracknell. Other responses were awaited.

22. Urgent Items of Business

There were no urgent items of business.

23. Notice of Public Speaking

There had been no requests for public speaking.

24. Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades

Charlie Fletcher presented the Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades report with Institute of Licensing guidance documents.

The guidance ensured that applicants for driver and operator licences would be considered 'fit and proper' persons to drive, particularly relating to criminal convictions. There had not been a national standard to adhere to in the past, and so this guidance would serve as uniformity with other areas of the country. The guidance included criteria of a 'fit and proper' person, and proposed timescales after convictions that a person may be considered 'fit and proper' to drive.

It was proposed that the Institute of Licensing's guidance be adopted by Bracknell Forest, and the timescales following convictions be included in the existing Bracknell Forest convictions policy.

In response to questions, the following points were noted:

- It was stressed that Licensing Panels should primarily be considering safety when removing a licence, and should not be lenient on the fact that the individual's livelihood may suffer as a result.
- The outcome of the consultation would be brought before the Licensing and Safety Committee at its next meeting. The consultation would be open to all for comments, but particularly directed towards existing licence holders.
- If the guidance was issued as Bracknell Forest policy, existing licence holders could be considered no longer fit and proper under the new guidance. Licences could be revoked if there was sufficient justification to do so.
- The Committee recognised that the guidance was not intended to fetter the discretion of Licensing Panels, and that each case would be dealt with on its own merits. Any proposals to revoke a licence would be brought before a Licensing Panel, unless there was an immediate public safety issue.
- It was stressed that the right of appeal for Hackney carriage and private hire drivers was to the Magistrate's Court, and an application fee was payable.
- The Committee welcomed the national standard for the suitability of applicants and licensees.

Following discussion, it was **RESOLVED** that:

- 1 the Guidance published by the IoL be noted.
- 2 a consultation be carried out with the trade on the proposals that:
 - i. the new Guidance is adopted by the Council
 - ii. the time periods in relation to convictions and cautions included within the Guidance are incorporated into the Council's existing Criminal Convictions Policy, to replace those time periods previously agreed
- 3 the results of that consultation be brought back to this Committee for further consideration.

25. **Animal Licensing Update**

Charlie Fletcher presented the Animal Licensing Update.

The Committee noted that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 had come into effect on 1 October 2018. This superseded any previously held local provisions and standards.

The new regulations specified higher standards, resulting in more detailed inspections and more time spent at the premises. This had resulted in increased costs, which would be reflected in the Application and Licence Fees.

It was noted that this legislation did not incorporate Lucy's Law which dealt with the sale of cats and dogs from pet shops, and that this would be implemented separately.

In response to questions, the following points were noted:

- It was commented that the number of litters permitted for dog breeders without a licence had been reduced from 5 to 3, which would be across multiple dogs at a breeder.
- There were currently no licensed breeders in Bracknell Forest, although there were some pending applications.

- Bracknell Forest had contracted the inspections element of breeding licences to the City of London who used qualified inspectors and vets where necessary. The costs of this service would increase in the next financial year to reflect the new legislation.

Following discussion, it was **RESOLVED** that the Committee notes the content of the report.

26. **Disability Awareness Training**

Charlie Fletcher presented the Disability Awareness Training report.

The report requested the Committee's agreement to establish mandatory training to cover the legal duties of Hackney and Private Hire drivers under the Equalities Act, to give advice on disabilities and to outline the important role of the licenced trade in enabling disabled people to travel. Recent reports arising from the Government's Task and Finish Group on Taxis and Private Hire Vehicles had indicated that such training should be a requirement on licensed drivers.

In response to questions, the following comments were noted:

- The existing training provider for another area within the Public Protection Partnership (PPP) charged £50 for a 3 hour training session of this type. In other areas of the PPP, this training was mandatory already.
- There were legal ramifications if a driver was found to have breached the Equalities Act, and any reports of this nature would be investigated.
- There was no exam included in the training provided elsewhere in the Public Protection Partnership.
- The Committee proposed that 12 months should be allocated for all existing drivers in Bracknell Forest to be trained.

Following discussion, it was **RESOLVED** that the Committee agreed

- 1 to the introduction of mandatory disability awareness training for all hackney carriage and private hire vehicle drivers as well as private hire operators, and;
- 2 that such training shall be carried out by all new licence applicants, by all existing licence holders within a specified period of time (12 months), and that refresher training is subsequently carried out on a three yearly basis, and;
- 3 that the trade and the general public be consulted on the content and extent of any training provision prior to implementation.

27. **Minutes of Licensing Panels**

The Committee noted the minutes of the following Licensing Panels which had been published since the last meeting:

- A&A Plus
- B&B Plus
- McDonalds, Bracknell High Street

CHAIRMAN

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