

**LICENSING AND SAFETY COMMITTEE  
1 JULY 2010  
7.30 - 9.40 PM**



**Present:**

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Mrs Angell, Baily, Mrs Barnard, Beadsley, Brossard, Finch, Osborne, Phillips, Thompson and Ms Wilson

**Apologies for absence were received from:**

Councillors Leake and Virgo

**4. Declarations of Interest**

There were no declarations of interest.

**5. Minutes**

**RESOLVED** that

- (i) the minutes of the meeting of the Committee held on 29 April 2010 be approved as a correct record and signed by the Chairman; and
- (ii) subject to the deletion of 'Councillor Brunel-Walker in the chair', the minutes of the meeting of the Committee held on 12 May 2010 be approved as a correct record and signed by the Chairman.

**6. Health and Safety Law Enforcement Plan 2010/11**

The Head of Environmental Health presented the report on the Health and Safety Law Enforcement Plan 2010-2011 which reflected the requirement to ensure that national priorities and standards were delivered effectively and consistently at a local level. The Plan also identified where and how resources were to be deployed in the current year. Appendix B of the Plan set out the work plan.

Key points identified included –

- The varied work including 134 inspections of businesses, 121 other related visits, responding to 236 complaints, investigating 167 accidents and issuing to 62 businesses formal notifications to how businesses could comply.
- 239 inspection visits were planned for higher risk premises. In a typical year some low risk premises were likely to be inspected following complaints or accident investigations.
- There were approximately 1000 C-rated or unrated premises who would also receive newsletters.
- In 2009/10 255 health and safety inspections and visits were made and 167 notified accidents were investigated.
- In 2009/10 enforcement action was taken in 62 instances. Officers tried to be proportionate in their approach to a problem.

The Committee thanked the officers and their teams for an excellent report and

**RESOLVED** that

- (i) the Performance Outturn report set out in Appendix A be noted; and
- (ii) the adoption of the Health and Safety Law Enforcement Plan for 2010-11 set out in Appendix B be agreed, noting the particular focus on topic inspections and the inspection strategies for high risk businesses to ensure resources were appropriately targeted.

**7. Taxis in Bus Links**

The Principal Engineer (Traffic and Safety) presented the report informing the Committee of the issues surrounding the potential use of bus links and gates by taxis.

Prior to commencement of the Council's third Local Transport Plan which would set out transport strategies for 2011-2026 a review of the existing transport strategy on taxis would be undertaken. Consultation with stakeholders and interested parties would be undertaken prior to submission to the Government in late 2010.

The taxi trade representatives had confirmed that they wished to gain access across the A322 at the Downshire Way signalised bus gate to shorten north/south journey times during peak periods. A study of the whole A322 route was currently in progress. The Committee noted that a logical outcome of increased operation of the bus gate for individual taxi journeys would act against important objectives if considered in isolation. It was likely that any future options to target this issue through prioritised access would be reliant upon the initial introduction of broader measures aimed at tackling congestion on this corridor.

Table 1 set out the status and location of existing bus gates/links of which three were considered suitable to be considered for use by taxis – Ringmead (Great Hollands), Wildridings Road and Ringmead (Hanworth). These were achievable in the short term subject to funding. The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum to speak to the meeting. Mr Yexley said he saw little benefit to taxis of using the links referred to above but it would be of beneficial to be able to use the one at Downshire Way. In view of the trade's view officers would need to discuss this matter further with them. Further dialogue would be held outside of the meeting.

Officers responded to questions from members about –

- The need to retain the link from Hanworth to South Hill Road, currently unused by buses.
- Safety concerns about the sump traps at the link on the A3095 between Hanworth and Great Hollands.

The Committee thanked the officers for the report which was noted.

**8. Amendment to Penalty Points Enforcement**

The Head of Trading Standards and Services presented this report following the suggestion of the Bracknell Licensed Taxi Forum that resources were wasted sending out reminder letters to their members.

A review had been carried out from which the following had emerged –

- A reminder that a licence was due to expire, including a renewal application form, would be helpful.
- Reminders of a vehicle inspection were considered unnecessary.. Checks had revealed that, despite sending reminders in February, 13 were not presented by the due date in March and it was therefore not unreasonable to conclude that the reminders were not effective.

Members asked officers to look into the possibility of access to the DVLA database.

**RESOLVED** that the relevant procedures be amended so that, should a licence holder fail to produce insurance, vehicle inspection report or MOT documents by the due date, the licence be suspended until production of the document and the licence holder be issued with four penalty points in line with the Council penalty points enforcement scheme.

**9. Bracknell Forest Licensed Taxi Forum**

The Licensing Team Leader presented the minutes of the meeting of the Bracknell Licensed Taxi Forum meeting held on 21 May 2010. Meetings were held monthly and was a forum for owner/drivers, not taxi companies.

At the request of one of the taxi operator companies, a special meeting had been arranged to take place within the next few weeks, but this was not a regular arrangement.

Concerns were expressed about lack of communication with taxi operator companies and one present at the meeting expressed a wish for more regular meetings.

**RESOLVED** that

- (i) the minutes be noted; and
- (ii) officers be asked to investigate how the Council communicated with all aspects of the trade and report back to the Chairman and Vice Chairman.

**10. Recommendations from the Unmet Demand survey**

The Head of Trading Standards and Services introduced the report appraising the Committee of progress on a number of issues raised in the TPI unmet demand survey and officers' consideration of the impact of a limitation on the number of hackney carriage licences.

The Committee noted that some recommendations had not been fully resolved, full details of which were contained within the report.

Government guidance remained that –

‘Numerical restrictions should only be imposed where those restrictions deliver clear benefits to the consumer.’

‘Restrictions should only remain if there is a strong justification that removal would lead to significant consumer detriment as a result of local conditions.’

The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum to speak to the meeting. Mr Yexley expressed the view that there was a demand for licence plates and if the freeze were lifted the standard would diminish and safety could be compromised.

The Committee received the advice of the Assistant Borough Solicitor on the Council's legal position and vulnerability. He advised that as outstanding issues which led to a temporary moratorium being imposed had now been resolved a decision should now be made one way or the other.

The Committee had regard to the Government guidance together with the fact that the maximum number of plates based on the moratorium had not been reached. More importantly, there was also evidence of some unmet need in the evenings and weekends, particularly that identified by the Private Hire Operator, Janie Robson, who told the Committee that she had to turn customers away at the weekend and evenings because she did not have enough drivers to cover demand at those times. The Committee heard from the taxi trade that during the moratorium hackney licence plates had changed hands, despite the number of plates issued by the Licensing Authority not having reached the maximum set by the moratorium.

The Committee considered that the continued imposition of the restriction could not be justified. There was no evidence presented within the TPI report, or which had subsequently become evident, that removal of the temporary restriction imposed as a moratorium in October 2009 would lead to “significant consumer detriment as a result of local conditions”.

**RESOLVED** that the withdrawal of the limit on the number of hackney carriage licences issued be agreed as local conditions within Bracknell Forest did not demonstrate a strong justification that removal of numerical restrictions would lead to significant consumer detriment.

**CHAIRMAN**