

**LICENSING AND SAFETY COMMITTEE
14 OCTOBER 2010
7.30 - 9.00 PM**



Present:

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

Apologies for absence were received from:

Councillors Mrs Angell, Baily, Burrows, Leake and Virgo

11. Declarations of Interest

There were no declarations of interest.

12. Minutes

RESOLVED that subject to the amendment of Minute 9: Bracknell Forest Licensed Taxi Forum to read:

- i. 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 were a forum for BLTF members not private hire operators
- ii. At the request of one of the private hire companies, a special meeting had been arranged to take place within the next few weeks, but this was not a regular arrangement
- iii. Concerns were expressed about lack of communication with private hire companies

The minutes of the meeting of the Committee held on 1 July 2010 be approved as a correct record and signed by the Chairman.

13. Urgent Items of Business

There were no urgent items of business.

14. Review of Statement of Licensing Policy

The Chief Officer: Environment and Public Protection presented a report setting out the Council's Reviewed Licensing Policy with suggested amendments for comment prior to its approval by Council on 24 November 2010.

The Licensing Act 2003 required licensing authorities to prepare and publish a statement of its licensing policy every three years. Consultation on the revised policy had started on 8 July 2010 and ended on 1 October 2010. Two responses had been received, from Thames Valley Police and Crowthorne Parish Councils, and the comments incorporated into the draft policy.

Arising from Members questions and comments the following points were noted:

- Paragraph 2.6(C) the final sentence would be clarified to make it clear that drugs were the subject in question
- Paragraph 5.18 there was confusion over where people made representations to if there were concerns about the protection of children from harm
- Paragraph 7.3 Temporary Event Notices can currently be submitted at either Bracknell or Crowthorne Police stations. Simplifying this to Bracknell Police Station only would ensure that applications were processed in good time
- Paragraph 8.4 under the law a Personal License holder convicted of a relevant offence only had to inform the licensing authority who had issued the license
- Anyone was living or working in the vicinity of a premises, or a representative of someone living or working in the vicinity, is welcome to comment on a licensing application

RESOLVED that:

- i. the Committee note the proposed amendments
- ii. the revised policy be agreed subject to the clarification of Paragraph 5.18
- iii. Delegated authority be given to the Chief Officer: Environment and Public Protection, in consultation with the Chairman and Vice-Chairman, to approve the clarification of paragraph 5.18 prior to the revised policy's submission to Council for approval

15. Fees and Charges

The Committee considered the proposals for fees and charges and were asked to agree a set of fees for general licences that would go forward for public consultation and agreement by the Executive as part of the budget review process. The fees for Hackney and Private Hire vehicles and operators would go through a separate prescribed process before being adopted.

It was reported that where the council had discretion to set fees and charges a decision had been taken to increase these by an average of 3.5%. In light of feedback from licence holders it was proposed to introduce two new groups of fees: operator three year licences and limited street trading licences.

RESOLVED that:

- i. The proposed Hackney Carriage licence fee increase be held at zero
- ii. Save for the Operator, Hackney Carriage and Private Hire vehicle licence fees the new fees and charges detailed in Appendix A of the report, as amended by the Committee, be recommended to the Executive for public consultation
- iii. That the proposed charges for operator and vehicle licence fees are:
 - a. advertised
 - b. if no objections are received, implemented as from 1 April 2011 or
 - c. if objections are received, that they be considered by the Committee at the meeting on 13 January 2011.

16. Licensing Policy in Regard to Sex Establishments

The Licensing Team Leader presented a report containing a draft Sex Establishment Policy.

At the meeting of full Council, on 21 July 2010, the Council had adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. The adoption of Schedule 3 gave the local authority the ability to grant, refuse and apply licence conditions to premises that

wished to operate as either a sexual entertainments venue, a sex shop or a sex cinema, commonly known collectively as sex establishments.

Arising from Members' questions and comments the following points were noted:

- The adoption of a Sex Establishment Policy would give the authority greater control over venues; it was not anticipated that it would encourage applications
- If an application was received before the policy was adopted then legal advice would be sought and the application treated on its own merits
- Grounds for refusal of an application were contained within the Act
- Paragraph 5.1: The law relating to publication of applications referred to an advertisement. This would take the form of one advertisement placed in the local press and a public notice on display in the relevant area for 21 days. The advert must be published within 7 days of the application's receipt. This paragraph would be amended to reflect this
- Paragraph 5.4: This sentence would be amended to include suitable weather protection of the public notice to ensure their longevity
- Section 10: this would be amended to indicate that plans of premises would be required if a new application or a variation of an existing licence was received
- Section 11: If a new person wished to take on the licence and carry out structural changes they would need to apply for a transfer of licence and a variation of licence and premise plan would be required
- Appendices A, B and C would be circulated to Committee members for information
- The Act included provisions for what could be seen from the exterior of premises
- The draft policy would be updated to reflect members comments and circulated before it was published for public consultation

RESOLVED that:

- i. Subject to the changes made during the Committee meeting, the draft policy and notes for guidance be approved for consultation
- ii. The results of the consultation be considered at the Committee's next meeting on 14 January 2011.

17. **Rebalancing the Licensing Act Consultation**

The Committee received a report setting out the Council's response to the Home Office consultation paper 'Rebalancing the Licensing Act.'

The Council's response developed jointly by the Council's Licensing Team, Members and Thames Valley Police had been approved by the Chairman of the Licensing and Safety Committee and submitted to the Home Office on 7 September 2010.

The Chairman thanked everyone who had contributed to the consultation response.

The Committee noted the report.

18. **Operators' Forum**

The Committee received a report containing the minutes of the meeting of the Operators' Forum held on 27 July 2010.

The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum to speak to the meeting. Mr Yexley expressed the view that all those involved in the

Operators' Forum were private hire operators and that private hire operators had no business discussing the tariffs of hackney carriages.

The Committee were informed that the Operators' Forum had been set up as a result of discussions at their previous meeting and that the item in question on the Operators Forum agenda, Item 2: When are we proposing the next tariff change?, had been included following the receipt of a direct question from an operator.

The Committee were reminded that officers had been tasked with looking at how best to set up a new trade liaison group. Officers were working on proposals for consultation for a network group that would meet quarterly and involve all aspects of the trade including hackney carriage operators, private hire operators and chauffeur operators. The results of this consultation would be brought to the Licensing and Safety Committee's next meeting.

CHAIRMAN