

**LICENSING AND SAFETY COMMITTEE  
24 MARCH 2011  
7.30 - 9.20 PM**



**Present:**

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Beadsley, Brossard, Finch, Phillips, Thompson and Virgo

**Apologies for Absence were received from:**

Councillors Mrs Angell, Osborne and Ms Wilson

**29. Declarations of Interest**

There were no declarations of interest.

**30. Minutes**

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee held on 13 January 2011 be approved as a correct record and signed by the Chairman.

Matters Arising

Minute 24: Review of Guidance Notes and Conditions for Hackney Carriages and Private Hire Vehicle Owners, Operators and Drivers

It was confirmed that, since the Committee's meeting in January, two multiagency enforcement inspections had been carried out on a mixture of hackney carriages and private hire vehicles. The most recent, on 23 March 2011, had resulted in a total of 25 penalty points being issued and five vehicles being taken off the road due to MOT failures.

**31. Urgent Items of Business**

There were no urgent items of business.

**32. Notice of Public Speaking**

The Committee noted that Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, and Mrs Jane Robson, JJM Taxis and Zulu Cars, had registered to speak to Item 8 of the agenda.

**33. Health And Safety Law Enforcement Plan 2011/12**

The Committee considered a report containing the draft Health and Safety Law Enforcement Plan 2011-12.

The Health and Safety Law Enforcement Plan set out a framework for the Council's plan for health and safety in line with directions from the HSC and the Health and

Safety Executive. The final version of the Plan would be submitted for approval to a meeting of the Committee later in the year.

It was noted that the Plan was a statutory plan, reviewed on an annual basis, and that an indication of the resource impact, in terms of officer time, that implementation of the Plan would cause had been included for the first time.

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

- Officers were alert to flyers advertising business premises not on the database and any identified were inspected. Any word of mouth referrals received were also followed up
- It was agreed to look at whether it would be possible to include percentages showing how the number of inspections of each type of business compared to the number of known business of that type would be included in the Plan
- All premises offering sun bed facilities were visited by Environmental Health Officers to ensure that appropriate monitoring arrangements were in place to prevent overuse. Advice was also given on regulations pertaining to age restrictions.
- Comments on the value of circulating advice about the use of carbon monoxide monitors by catering establishments would be followed up. The legislation requiring the regular servicing of boilers was clear and this was covered during inspections
- Due to the nature of the business premises in the locality being predominantly the responsibility of this Council rather than the HSE,, the Council had responsibility for investigating most workplace accidents that occurred in the Borough
- Customs and Excise were involved in joint enforcement agency inspections of taxis to ascertain whether or not Red Diesel was being used.
- Additional comments on the Plan should be forwarded to the Head of Environmental Health

The Committee thanked all the officers concerned in the production of an excellent document.

#### 34. **Animal Boarding Establishments**

The Committee received a report proposing the adoption of Model Licence Conditions for animal boarding establishments.

It was noted that the current animal boarding accommodation standards were open to a wide range of interpretations. Adoption of Model Licence Conditions would ensure that all accommodation was of a consistent standard and that licensees would know exactly what would be required of them.

There were currently three animal boarding establishments in the Borough and all would be consulted about the adoption of model conditions. Boarding establishments were inspected annually as part of the licence renewal process.

Part of the Model Licence Conditions related to ensuring that adequate disease control procedures were in place and if these were followed it should not be necessary for an establishment to refuse to board an animal that had been boarded elsewhere. Quarantine of animals entering the UK without the appropriate paperwork was restricted to a small number of animal boarding facilities and were covered by separate legislation; there were no facilities of this nature located within Bracknell Forest.

It was clarified that riding establishments were covered by separate legislation and that livery stables were covered by the Animal Welfare Act 2006 although the necessary regulations were not yet in force. The Act proposed a significant volume of legislative changes to the area and consultation would be carried out with businesses prior to the implementation of any changes.

**RESOLVED** that a consultation exercise with all existing licence holders in respect of the potential adoption of the new model licence conditions be approved.

### 35. **Hackney Carriage Fares**

The Committee considered a report proposing changes to the tariffs charged by Hackney Carriages in Bracknell Forest.

Since the implementation of the current hackney carriage tariff, in July 2008, the trade had been subject to increasing costs in many areas including fuel prices, insurance, wages and inflation. As a consequence of and with a view to taking steps to help mitigate these increases the Bracknell Forest Licensed Taxi Forum had requested that the Council review the tariff and two potential new tariffs had been submitted by the Bracknell Licensed Taxi Forum for consideration, with Option 2 being the preferred option:

Option 1: First 700 yards £3.00, each subsequent 219 yards 20p

Option 2: First 700 yards £3.00, each subsequent 200 yards 20p

As part of the subsequent review, officers had also taken the opportunity to start consultation with the hackney carriage trade over wider issues within the tariff relating to additional charges that could be made for trips made at different times of day, journeys made on specific days for example bank holidays and the number of seats occupied during a journey.

The Chairman invited Mr Yexley, Chairman of the Bracknell Licensed Taxi Forum, to speak to the meeting. Mr Yexley expressed the view that while the proposed increase would only go part way to meeting the additional costs incurred it was a step in the right direction. The possibility of setting up a working group with Council officers and hackney carriage proprietors to look at the tariff structure was also suggested.

The Chairman subsequently invited Mrs Jane Robson, JJM Taxis and Zulu Cars, speak to the meeting. Mrs Robson expressed the view that while a tariff increase was necessary the scale of the proposed increases would have a significant impact on the volume of trade received. In addition, the tariff should be reviewed on a more frequent basis.

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

- While it might be possible to set out a specific criteria that all meters had to meet it would not be possible to insist that all vehicles were fitted with a particular make and model of meter. Any meter changes would be subject to an appropriate period of consultation
- A proposal to introduce new tariffs mirroring the current tariffs but taking into account journeys with five or more passengers would be addressed through the consultation on the structure of the taxi tariff
- The meter showed the maximum chargeable fare. If a passenger chose to negotiate a lower fee this was at the discretion of the driver

- The table showing comparisons with neighbouring local authorities were current fares
- The receipt of one consultation response objecting to the proposed tariff increases would be sufficient to cause the proposed fees to be revisited and brought back to the Committee for further consideration

**RESOLVED** that:

- a) From 1 April 2011 the following tariff changes will be advertised, namely
  - i. for the first 700 yards: £3.00 and
  - ii. for each subsequent 200 yards: 20p
  - iii. waiting time of 45 seconds: 20p
- b) If no objections are received, the new tariff will come into effect in the week beginning 18 April 2011
- c) Any objections were to be considered by the Committee at their next meeting on 25 May 2011, in which case a new tariff would come into effect in the week beginning 31 May 2011
- d) Officers continue to consult on the structure of the taxi tariff and bring a report to the Committee on the results of that consultation

**36. Sex Establishments Policy**

The Committee considered a report seeking adoption of the Sex Establishment Licensing Policy Statement.

It was noted that the Council had already adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This had empowered the Council to grant, refuse and apply licence conditions to premises that wished to operate as sexual entertainment venues, sex shops or sex cinemas. The adoption of the licensing policy would assist with any decision making that might be required and ensure that any potential applicants would be aware of any requirements that might be placed on them.

A period of public consultation had been held. One letter had been received in response. This had been from Thames Valley Police who confirmed that they had no objection to the policy.

**RESOLVED** that the Sex Establishment Licensing Policy Statement be adopted as of midnight on 24 March 2011.

**37. Thanks to Committee Members**

The Chairman thanked all members of the Committee for the time and energy that they had put into making the Licensing and Safety Committee and its associated licensing panels such a success during the current municipal year.

In particular, the Chairman thanked Councillor Mrs Ryder, for the time that she had spent acting in her capacity as Vice-Chairman to the Committee and as a panel chairman, and Councillor Beadsley, for the knowledge, insights and input that he had given to both the Committee and its licensing panels since the Committee had been initially set up. The Chairman wished them both well in their respective retirements from local government following the forthcoming local elections.

The Chairman thanked all the officers involved in supporting the Committee.

**CHAIRMAN**