

**LICENSING AND SAFETY COMMITTEE
12 JANUARY 2012
7.30 - 9.15 PM**



Present:

Councillors Brunel-Walker (Chairman), Leake (Vice-Chairman), Allen, Baily, Mrs Barnard, Brossard, Davison, Gbadebo, Kensall, Porter and Thompson

Apologies for Absence were received from:

Councillors Finch, Sargeant and Ms Wilson

26. Declarations of Interest

There were no declarations of interest.

27. Minutes

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

Matters Arising:

Minute 24: Fees and Charges

The Committee was informed that officers would clarify with the trade that the £160 fee for ice cream vans would cover one licence for one van for one month.

28. Urgent Items of Business

There were no urgent items of business.

29. Notice of Public Speaking

The Committee noted that Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum had registered to speak to Item 10 of the agenda.

30. Adoption of Byelaws for Special Treatments

The Head of Environmental Health presented a report setting out proposals to regulate cosmetic piercing and semi permanent skin colouring, acupuncture, tattooing, electrolysis and ear piercing under one set of consolidated byelaws.

Consolidation of the two sets of byelaws currently used to regulate the delivery of special treatments into a single set would improve operational efficiency and reduce the burdens placed on businesses carrying out the treatments.

If approved the Council would advertise its intent to adopt the consolidated byelaws for a period of one month and once this consultation period had elapsed the Secretary of State would be informed of their adoption.

RESOLVED that the Committee recommend that Council pass a resolution to adopt the Byelaws as set out in Appendix A of the report.

31. **House to House Collections Guidelines**

The Head of Trading Standards and Services presented a report seeking approval to set a guideline concerning the percentage of proceeds from house to house collections that should be applied for charitable purpose.

While house to house collections for a charitable purpose were required to be licensed by the local authority, unless an exemption order has been granted to the charity in question, there were currently no guidelines in place setting out what proportion of the proceeds of any collection should go to the charity. The introduction of guidelines would provide charities with an expectation of how much they might receive from a collection and reassure the public that items donated would go towards supporting the charity.

While the Government had not issued guidance on the levels of contribution expectations that should be set, guideline figures of 80% set by other local authorities had been upheld on appeal to the Minister for the Cabinet Office.

It was agreed that the possibility of publishing details of all organisations receiving a licence would be investigated.

RESOLVED that a minimum guideline figure of not less than 80% of the proceeds from a house to house collection to be applied directly for charitable purposes be approved.

32. **Review of Statement of Gambling Principles**

The Chief Officer: Environment and Public Protection presented a report advising the Committee of the proposed timetable to review the Council's Statement of Gambling Principles.

Under the Gambling Act 2005, the Council was required to review and consult upon its Statement of Gambling Principles every three years from the date of adoption. The present Statement of Gambling Principles had been published on 31 January 2010 and therefore must be reviewed and republished on or before 31 January 2013.

The Committee acknowledged the typographical error in paragraph 5.3 of the report and noted that the new Statement would be published on 2 January 2013 not 2 January 2012 as had written.

RESOLVED that:

- i. the proposed timetable for review as set out in paragraph 5.3 of the report be approved
- ii. the consultee list contained within Annex A of the report be approved

33. **Street Trading: Designated Consent Streets**

The Committee received a report seeking approval to amend the list of designated Consent Streets for the purposes of street trading.

The proposed amendment sought to designate all streets within the Borough as being Consent Streets. If approved this amendment would mean that traders would need to apply for a street trading licence for any street within the Borough. Officers would also be able to take enforcement action against traders failing to comply with Licensing and Environmental Health inspection regimes and regulation.

A notice declaring the intention to designate all streets as Consent Streets had been published and no objections had been received by the end of the consultation timeframe.

RESOLVED that the Committee recommends that Council pass a resolution to designate all streets within the Borough as Consent Streets, to include any land within 150 metres of the highway, with effect from 9 April 2012.

34. **Hackney Carriage Licence Fee**

The Committee received a report detailing out an objection received in relation to a proposed increase in the Hackney Carriage Licence Fee.

At its meeting on 13 October 2011 the Committee agreed to reconsider the proposed fee of £250 for a hackney carriage licence in the event of any objections being received during the fees and charges consultation.

The Committee was informed that the Hackney Carriage Fee used to contribute towards the cost of the administration of the licence and any enforcement work. Whilst the volume of enforcement work had by necessity increased over that period the fee had remained static for the past two years while the trade made additional payments to cover the cost of the Unmet Demand Survey.

RESOLVED that the cost of an annual hackney carriage vehicle licence be set at £250 with effect from 1 April 2012.

35. **Proposed Deregulation of Licensing of Regulated Entertainment**

The Committee received a report containing the response sent by officers in respect of the Government consultation to remove the requirement for a licence for regulated entertainment.

Due to the short timescales involved there had been insufficient time to obtain input the full Committee and the response had been developed by officers in consultation with the Committee's Chairman.

It was noted that the Council's response expressed significant concern that the proposed removal of controls from entertainment events would have a hugely detrimental impact on the quality of life for residents living near licensed premises.

The outcome of the consultation was still awaited and further reports would be brought back to the Committee as developments occurred.

The Committee noted the report.

36. Police Reform and Social Responsibility Act

The Committee received a report providing an update on the Police Reform and Social Responsibility Act 2011 which received Royal Assent on 15 September 2011.

Part 2 of the Act amended and supplemented the Licensing Act 2003 with the intention of rebalancing it in favour of local authorities, the police and local communities. It was envisaged that the new regulations would not place an overly onerous burden on either officers or licensees when it came into force in the Autumn.

The Committee noted the report.

37. First Aid Training for Licensed Drivers

The Committee received a report providing an update on the introduction of the requirement for all licensed drivers to attend first aid courses.

Good progress had been made with the majority of drivers complying with requirement. Of the 351 licensed drivers in the Borough, 22 had not yet attended or booked an initial or refresher first aid course as required and action was being taken to tackle this non-compliance.

Due to illness on the part of the trainer it had not been possible to run sufficient courses to enable all drivers to attend a course before April 2011 as originally planned and the deadline had been extended to March 2012.

The Committee noted the report.

38. Hackney Carriage and Private Hire Enforcement

The Committee received a report providing an update on recent enforcement action relating to the taxi and private hire trade and the current penalty points system.

It was noted that the penalty points system was scheduled for review by the end of March 2012. The Chairman proposed that a Member Sub-Group be formed to consider the details before them and that a further report be presented in due course as to proposals for any change. These proposals would then go out for consultation. The Committee noted that the implication of this was that the existing system would continue until such time and would not therefore be changed from April.

The Committee endorsed this approach.

39. Licensing Panel Minutes

The Committee received and noted the minutes of the Committee's Licensing Panels held during the previous quarter.

CHAIRMAN