

**LICENSING AND SAFETY COMMITTEE
10 OCTOBER 2013
7.30 - 8.20 PM**



Present:

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

Apologies for Absence were received from:

Councillors Mrs Barnard

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee held on 1 May 2013 and 15 May 2013 be approved as a correct record and signed by the Chairman.

6. Urgent Items of Business

There were no urgent items of business.

7. Notice of Public Speaking

There was no notice of public speaking.

8. Face to Face Direct Debit Collections: Site Agreement

The Committee considered a report that sought approval of a revised version of the agreement held with the Public Fundraising Regulatory Association (PFRA) which controlled face to face direct debit collections in the street in Bracknell Forest.

It was noted that there had been some concerns around collections particularly in the Sandhurst and Crowthorne areas. If members of the PFRA contravened the agreement they would face a penalty points scheme governed by the PRFA, which could lead to enforcement action if necessary. It was noted that the vast majority of collections were carried out by members of PFRA.

The Agreement set out designated areas where collections could take place. It was confirmed that whilst the town centre demolition was taking place, collectors were unlikely to undertake collections in some of the designated areas such as Charles Square as there would be very little footfall in this area.

It was noted that paragraph 5.4 (ii) of the report needed to be amended to read 'Change the minimum distance between fundraisers from 3 metres to 5 metres'.

It was **RESOLVED** that the PFRA site agreement at Annex A of the agenda papers, be approved.

9. Fees and Charges

The report before members asked them to consider the proposed fees and charges for licensing matters for 2014/15 and save for the fees for Hackney Carriage and Private Hire to agree that these proposed fees go forward for consideration as part of the Council fee setting process.

The fees for Hackney Carriages and Private hire were subject to a different statutory process. The proposals followed the corporate advice save for Home to School where it was reported that a significant part of the renewal process was carried outside of the department by the School Transport team under other arrangements and the fee structure avoids double charging.

It was noted that page 31 of the agenda papers should refer to DBS checks and not CRB checks.

It was **RESOLVED** that;

- i) save for the private hire operator, hackney carriage, home to school and private hire vehicle licence fees, that the Committee recommend to the Executive the new fees and charges detailed in Annex A of the agenda papers, be put forward for public consultation.
- ii) the Committee agreed that the proposed charges for operators and vehicle licence fees be:
 - a) advertised
 - b) if no objections are received, implemented as of 1 April 2014; or
 - c) if objections are received they be considered by the Committee at their meeting on 9 January 2014.

10. Review of Taxi Guidance Notes

The Committee considered a report that sought approval to undertake consultation on an amended version of the Council's Guidance Notes and Conditions document.

It was reported there were two main amendments to the current scheme, these were:

- i) page 50, paragraph 11.10 this now specified the minimum percentage of light that must be transmitted through tinted windows of licensed vehicles. It was reported that this was amended to ensure the safety of vulnerable people travelling in licensed vehicles, to ensure the driver could see adequately and to ensure that the maximum number of passengers in a vehicle were not being exceeded.
- ii) page 66, paragraph 30.5 this ensured that licence holders had a base within the borough.

It was reported that the trade would be consulted on these matters and then officers would report back to Committee with comments and proposals to ratify the Guidance Notes.

It was noted that light transmission from tinted windows would be measured by the Council's testing garages.

Members asked that page 51, paragraph 11.11 be amended to read: 'As of 11 October 2013, where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy.'

It was **RESOLVED** that the Committee;

- i) approved the amended Guidance Notes and Conditions document at Annex A of the agenda papers with the inclusion of the amendment detailed above and recommended the document be put forward for consultation
- ii) asked that officers bring back a report to the next meeting on the results of the consultation

11. **Health and Safety Law Enforcement Plan**

The Committee were asked to approve the publication of the Health and Safety Law Enforcement Plan for 2013-14 and note the outturn report for 2012-13 as set out in Part 2.

It was reported that the Committee had already had sight of the bulk of the report; the main amendment was on p.116 which set out performance for the previous year.

In response to members' queries about the capacity to take on the apparent additional workload in the coming year, it was reported that regulatory services were resourced such that the service capacity brought it into the lowest quartile nationally. As reported in the ECC Service Plan Regulatory Services was not resourced as a high priority and officers would find the year ahead challenging.

It was reported that the low number of prosecutions in the borough reflected that the majority of businesses generally were compliant. Businesses on the whole, responded well to Improvement Notices, they took on board advice from officers and put it into practice, negating the need for prosecutions.

It was **RESOLVED** that the Committee;

- i) approved for publication the Health and Safety Law Enforcement Plan for 2013-14 and note the outturn report for 2012-13 as set out in the Annex in the agenda papers.

12. **House to House Collections**

This report was brought to the Committee following an item raised at a previous Committee when members were advised of a decision by the Cabinet Office to allow an appeal by a textile collection company upon the refusal of Cardiff City Council to issue a House to House Collection Licence.

The report further informs members on the grounds and reasons for the decision and makes recommendations on how this decision should influence the policy presently adopted by Bracknell Forest to assess the granting of such applications.

The Committee agreed that if collections were being undertaken for a charity, the majority of this money should continue as now to go to the charity concerned at least 80% should be passed on to the charity by the collector.

Members noted that Cardiff City Council had not pursued a judicial review and that the result of a judicial review would have been note worthy.

It was **RESOLVED** that;

- i) the current requirement for 80% of the proceeds of the collection to go to the charity be retained
- ii) officers review the information on the Council's website to ensure that residents receive clear information on local options for the recycling of textiles and other goods to assist residents to make informed choices.

13. **Hackney Carriage Surcharge**

The Committee noted the information report.

14. **Deregulation of Entertainment and Alcohol Licensing**

Members expressed concerns that community venues would not require a licence between 08.00 and 23.00; they asked that officers bring back another report with further detail around how these events were to be hosted by the organisation who owned the premises.

Once this was clarified it would also be important to get the message out to community venues around the changes in licensing arrangements.

15. **Scrap Metal Dealers Act 2013**

The Committee noted the information report and commented that they hoped that this legislation would make it easier to deal with repeat offenders.

16. **Mobile Homes Act 2013**

The Committee noted the information report.

CHAIRMAN