

**LICENSING AND SAFETY COMMITTEE
2 FEBRUARY 2023
7.30 - 9.05 PM**



Present:

Councillors Porter (Chair), Brossard (Vice-Chair), Atkinson, Dr Barnard, Bidwell, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham and Mrs McKenzie-Boyle

Apologies for absence were received from:

Councillors Allen, Kirke and Leake

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

The minutes of the previous meeting of the Committee were approved subject to the wording of minute 16 being amended to contain the actual price of licences, not just the amount of increase. In addition, it was noted that the Hackney Carriage and Private Hire Licensing Policy would be presented to the next meeting.

21. Urgent Items of Business

There were no items of urgent business.

22. Notice of Public Speaking

There were no public speakers.

23. Update on Environmental Health and Trading Standards

Sean Murphy provided an annual update on the work of the Environment Health and Trading Standards Teams.

During the presentation the following was stated:

- The Service had been set a target by the Joint Public Protection Committee (JPPC) to carry out work on prior approval conversions in the housing sector, which involved inspecting properties that had been converted from commercial to residential use. The Service had identified a number of premises for inspection and had started conducting joint inspections with colleagues from the fire service and building control. This work had been ongoing throughout the year and was set to continue through the following year.
- Soon after the work on Covid restrictions concluded in March 2022, the Service had found itself assisting with the Homes for Ukraine scheme. The Service had a particular role in carrying out accommodation checks for the scheme, including DBS checks of hosts and assessments of their property's

suitability. Between the two authorities, approximately 360 of these checks had been carried out since March. Although new arrivals had largely stopped the Service was now focused on conducting checks for re-hosting within the boroughs as the six-month period for some guests came to an end.

- In 2023, the service would be conducting a big program of licensing and inspections for houses of multiple occupation, as many licenses were due for renewal. The service had also been conducting fit and proper assessments for regulated caravan sites and had updated its guidance on damp and mould. The service was encouraging people to report issues, providing advice and conducting visits as needed.
- The original air quality project was coming to a conclusion. This was a project covering all three areas (including Wokingham) within the former PPP arrangement. There were several aspects discussed, one of which pertained to the monitoring of PM 2.5, which was set to become a significant area of focus in the coming months. This was due to requirements being imposed on local authorities to extend air quality monitoring, specifically in relation to particulate matter. However, officers were still awaiting guidance from the relevant government agency in this regard.
- Another area of focus was the issue of vehicle idling, which was the subject of a recent collaboration with the NSL aimed at raising awareness. To effect change, new signage would be deployed in the Air Quality Management Areas across all three local authority areas. An annual report on air quality management was required, and the latest evaluation was quite positive. As part of the annual review an updated air quality status report, was presented to the JPPC once a year. Another significant issue was the requirement to update the Contaminated Land Strategy. This work had now been completed in Bracknell Forest and the document had been signed off by the Executive. This strategy dictated that the authority handled contaminated land concerns primarily through the planning process. Environmental health officers reviewed planning applications and made suggestions and attended planning committees where needed. Officers were awaiting the outcome of a further grant application to DEFRA to expand the existing efforts around particulate matter.
- The commercial team's primary focus had been on the food safety recovery plan, which addressed a backlog of inspections arising from the COVID pandemic. The team followed guidance from the food standards agency and aimed to visit all new premises within 28 days to ensure they knew what they were doing and could then receive a food hygiene rating. The team also conducted reactive work around food safety complaints, service requests, business advice, and health and safety referrals and notifications.
- The number of licenced events had increased significantly post-COVID, and the demand for safety advice had also grown. Many organisations had approached the service for guidance and had continued to work with them. The Safety Advisory Group had been supporting these events, and some examples included the Jubilee Events, other related events, and Bracknell Town's televised football game in the FA Cup. Officers were currently preparing to support local events in relation to the King's Coronation in May 2023.
- On the cost-of-living related issues, the service had been working with Upwork on the overall response around scams and getting advice out to people to prevent them from becoming victims of crime. This included advising people on illegal money lending scams and other forms of fraud. The service had been focusing on premises with a higher number of complaints and concerns around unsafe vehicles being sold or other allegations of unfair trading. The Trading Standards Service had carried out visits across the districts it

covered, including Wokingham. There had also been a fair bit of work around the issue of vaping and young people, including enforcement responsibilities to ensure that vaping products did not fall into the hands of young people from shops, as there was an age restriction of 18. The service had made seizures of non-compliant vaping products. Officers had created a plan to work with retailers, schools, and young people to raise awareness of the issue of counterfeit goods.

- Food safety and food standards were two different aspects. While food safety was concerned with the hygiene and safety of the premises and products, food standards involved quality, labelling, claims, allergens, and contamination, among other things. Both were essential components of the Trading Standards team's work to safeguard the food chain, which included animal health and welfare on farms. Officers took samples of the animal feed as well, as it potentially ended up in the food chain. The team frequently put out warnings on their social media profiles about scams and frauds. West Berkshire had a water safety partnership that extended the team's work around water safety to Bracknell Forest after a child had drowned in Newbury. Last summer, they had attended events with Thames Valley Police and the fire service on water safety.
- A number of days of action had also been conducted. The events undertaken jointly with the police and DVLA addressed car taxation, insurance, waste carriers' licenses, and vehicle standards more generally.
- Fly tipping was a persistent issue in the borough, and the team had undertaken an extensive program that ranged from raising awareness to investigations and imposing fixed penalty notices and prosecutions. Officers had rolled out the community safety accreditation scheme to the Lexicon staff to tackle environmental crimes like fly posting and graffiti. Some of the cases that Trading Standards handled in 2022 included a company that sold non-compliant face masks during the pandemic, underage sales of alcohol and tobacco, and the sale of puppies during lockdown.
- Fixed penalties had been issued for a number of cases, including a second fly-tipped caravan in the borough. More cases were still under investigation and would be going through the court system in the coming months.
- As for the PPP service, there were issues around income and budgets, particularly in areas like licensing where the number of license holders was shrinking. There was a need to balance the budget by managing a shrinking income effectively.
- The single cloud-based IT system was now live, which would make it easier for trade members to apply and pay online, as well as receive automatic reminders, reducing manual interventions for the applications team.
- The service's workforce strategy was based on investing in their own staff by developing and training them. Three trainee apprentices had been recruited and plan to put existing technical staff through level six apprenticeships or other professional qualifications was now in place.
- The service had maintained high levels of customer satisfaction. It was an intelligence-led service and so officers worked closely with members, who provided valuable intelligence on concerns in their wards. Mr Murphy thanked members for their ongoing support in this regard.

In response to questions the following points were noted:

- Mould in houses was a complex and increasing issue. Educational work was required, particularly in relation to ventilation.
- The Food Safety backlog should be cleared by 2023/24. Inspections were being prioritised on a risk basis.

- Officers dealing with mould were trained and qualified to deal with housing standards issues and were therefore able to carry out an assessment to determine what was causing the mould.
- A lot of work was carried out with businesses on food allergens and regular sampling was done.
- The signs designed to target idling were being put up 2.1 metres high in accordance with highways regulations where appropriate. NSL had also distributed leaflets on idling.
- Results of air quality monitor reports over recent years were positive.

24. **Fees for Taxi and Private Hire Vehicles and Operators**

Moira Fraser presented the report on Fees for Hackney Carriage and Private Hire Vehicles and Operators.

The following points were made:

- The Joint Public Protection Committee's proposed fees for 2023/24 were discussed at the Licensing and Safety Committee meeting on 20 October. Members agreed to hold a 28-day statutory consultation on private hire operator and hackney carriage and private hire vehicle licence fees.
- On 7 December, a letter was sent to the trade outlining that all other fees would be included in the Executive consultation on budget proposals. The letter explained how the trade could engage with the process and included a link to the consultation. Two responses were received in relation to the Executive consultation, neither of which related to licensing fees.

In respect of the statutory consultation, the following was noted:

- The consultation ran from 9 November 2022 to 7 December 2022.
- A public notice was placed in the Bracknell News and a notice was put up at Times Square.
- A letter was sent to the trade.
- A consultation document was placed on the PPP website.

Three responses to the consultation were received. One response was submitted on behalf of the Bracknell Hackney Carriage Drivers Association, signed by 48 of the 53 drivers. Two further responses were received from local operators. The respondents requested that the vehicle fees be capped at the 2022/23 rates, as they believed that the trade had not yet recovered from the pandemic, footfall was down, and they were in danger of going out of business.

As objections were received, the Local Government (Miscellaneous Provisions) Act 1976 required the Council to consider them and set a date on which any variation to the fees, with or without modification, would come into effect. Members were asked to consider the objections set out in Annex B. It was noted that these fees were set on a cost recovery basis and therefore, if Members were minded to reduce them, this would need to be in the form of a Council subsidy, which this Committee would need to recommend to full Council. This would need to be considered in the overall context of falling licensing income and the Council's overall budget position.

The Licensing and Safety Committee noted the comments received during the statutory consultation on variations to operators and vehicle licence fees, as set out in Annex B of the agenda. The Committee considered any amendments to the

proposed operators and vehicle licence fees, as set out in Annex A of the agenda, arising from the consultation.

The Committee **RECOMMENDED** that Full Council adopt the fees, without modification, as part of the annual fee setting process and that these fees come into effect as of 1 April 2023.

25. **New Section 182 Guidance Under the Licensing Act 2003**

The Committee was informed of the update to the Section 182 Guidance document, which had been issued by the Home Office on 20 December 2022. The new guidance provided an update to the previous version issued in April 2018. Members were reminded that in carrying out its functions, a Licensing Authority must "have regard to" guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, as stated in Section 4 of the Act. It was emphasised that the guidance was binding on licensing authorities, and any departure from it could result in an appeal or judicial review. Therefore, if any departure from the guidance was necessary, the reasons for doing so had to be clearly stated.

Members were advised that while officers would be available to assist them at licensing panels, it was important that members were aware of the guidance. The key changes to the guidance were included in the December PPP Members' Bulletin and were summarised in paragraphs 2.4 to 2.13 of the report.

Members noted the report.

26. **Thank you**

The Chair and Vice Chair thanked Members and Officers for their contributions and support over the duration of their tenure as Chair and Vice Chair.

CHAIRMAN