

LICENSING AND SAFETY COMMITTEE
1 FEBRUARY 2024
7.30 - 8.57 PM



Present:

Councillors O'Regan (Vice-Chair), Allen, Cochrane, Collings, Frewer, Gaw, Purnell, Smith and C Thompson

Present Virtually:

Councillors Allen, Collings and Smith

Apologies for absence were received from:

Councillors Gillbe, Barnard, Bidwell and Frost

19. Declarations of Interest

There were no declarations of interest.

20. Minutes

The minutes of the meeting held on 19 October 2023 were approved as a correct record, subject to the following amendment:

Councillor Purnell requested that her abstention from the vote on the Hackney Carriage and Private Hire Licensing Policy be noted, as she had disagreed with the removal of the first aid test requirement.

21. Urgent Items of Business

There were no Urgent Items of Business.

22. Notice of Public Speaking

Manoj Laxmicanta, representing Bracknell Hackney Taxis Drivers Association had submitted a request to address the Committee. It was agreed that this would be taken following the Trade Meeting update.

23. Hackney Carriage and Private Hire Trade Meeting Update

Moir Fraser, Principal Officer Policy & Governance presented the Hackney Carriage and Private Hire Trade Meeting Update, summarising a meeting which had taken place with the trade on 16 January 2024.

At the meeting, officers had informed the trade that an external provider for DBS checks had been appointed, and it was hoped that a new system would be in place by the start of the new financial year. The new system would be more efficient for officers, and more cost-effective for the trade.

Trade representatives had raised concerns about unauthorised vehicles parking on the Waitrose taxi rank. The Parking team had subsequently informed officers that

they had made 1619 visits to the rank in 2023 and had issued 23 fixed penalty notices. CCTV was not legally permitted to be used on the ranks.

The meeting had discussed ways which the Council could help the trade to 'go greener'.

Should a business case on the tariffs be received from the trade, officers would work through the proposals. It was noted that a statutory consultation process would have to be followed for any changes to tariffs, including a decision from the Council's Executive.

In response to a question on the costs of DBS checks, it was noted that the current charge was £70 and the new fee would be £59. In addition to this, the annual renewal fee would be lower than the current fee.

Public Speaking: Manoj Lacximicanta

Manoj Lacximicanta addressed the Committee on matters affecting the trade. Manoj thanked the Committee for taking the trade's opinions into account through the consultation process.

Manoj asked when any provision or requirement for electric cars and hybrid vehicles would be implemented into policy and asked for advance notice of any changes. The trade had heard about the electric and hybrid mixed fleet arrangement in West Berkshire but were concerned that drivers in Bracknell Forest would not be able to afford to change to electric vehicles. There were also concerns about charging points, the time it takes to charge, and warranty and responsible disposal of electric car batteries.

The trade remained concerned about the effect of Uber operating in the area, noting that drivers were leaving the licensed trade to drive for Uber. Manoj stressed that the Council needed to take action to protect the industry. The trade was limited by policies such as requiring wheelchair accessible vehicles and not allowing window tints, and Uber drivers were not. Manoj made some proposals for how the trade could be supported to go greener. He would submit the proposals in writing and they would be discussed at a future Taxi Trade Meeting.

Manoj raised concerns about inappropriate use of the taxi rank by Waitrose, adding that Christmas time had been particularly challenging for the trade to use this rank. The trade welcomed the reduction in DBS fee and asked the Committee to freeze some further fees at their meeting.

Arising from questions, it was noted that:

- As there were no affordable wheelchair accessible hybrid cars available, only private hire drivers could use hybrid cars at the moment.
- The issues arising from the Waitrose rank were exacerbated at school pick up and drop off times, and at Christmas with private cars picking up and dropping off passengers. There were concerns for safety as it was not clear which cars were plying for hire. Manoj invited any Committee members to meet him at the rank to see the issue, and queried why CCTV was not allowed on the rank.

Committee members thanked Manoj for his contribution and asked him to write up the proposals for support for the trade to go greener for more detailed discussion.

24. **Public Protection Partnership Fees and Charges 2024/25**

Moira Fraser, Principal Officer Policy & Governance presented the Public Protection Partnership Fees and Charges 2024/25.

At the October meeting of this Committee, officers had proposed a 6.7% increase in fees based on the inflation rate at the end of August 2023. Due to a significant fall in inflation, a revised set of fees and charges based on a 4.68% increase (to reflect the inflation rate of 4% as at the end of December 2023). While the trade had expressed their wish to see the fees frozen, fees were set on a cost-recovery basis and it was not possible to maintain the fees from the previous year.

Moira explained that in West Berkshire, licensed electric vehicles received a 100% discount in fees, and hybrid vehicles received a 50% reduction. This provision had been subsidised by the Council to encourage a shift from the trade towards electric and hybrid vehicles. Such a shift had not yet been seen in Bracknell Forest.

The proposed fees included an increase in the cost of a new vehicle licence by £13.50, a renewal of vehicle licence by £12, a three-year drivers' licence by £12 and a renewal by £10.50.

Officers continued to work with the trade to support them wherever possible.

In response to questions, the following points were noted:

- The increase of 4.68% rather than 4.7% was to avoid irregular price values.
- While sympathetic to the pressures the trade was under, members recognised that it would be impossible to freeze the fees at their current level, and welcomed the sensible reduction to 4.68%.

Following discussion it was

RESOLVED that the Licensing and Safety Committee:

- 1 **NOTED** the comments received during the statutory consultation on variations to operators and vehicle licence fees as set out in Appendix A to this report.
- 2 **NOTED** the proposed revised hackney carriage and private hire vehicle and private hire operator's fees (included in Appendix B) and consider if any further modifications should be made to those being recommended to full Council for approval in light of the consultation responses.
- 3 **NOTED** the wider set of relevant discretionary Public Protection Partnership fees (as set out in Appendix B) being recommended to full Council for approval.
- 4 **RECOMMENDED** that Full Council adopt the proposed fees at Appendix B as part of the annual fee setting process and that these fees come into effect as of the 01 April 2024, noting there is no additional impact on the revenue budget proposals.

25. **Hackney Carriage and Private Hire Licensing Policy**

Moira Fraser, Principal Officer: Policy & Governance presented the Updates to the Hackney Carriage and Private Hire Licensing Policy.

The policy had been presented to the Committee and subsequently to Council in November 2023, coming into effect on 1 December 2023. However, following the issuing of new guidance from the Department for Transport in November 2023, some minor amendments were now being proposed as set out in the report.

In response to questions, the following points were noted:

- It was clarified that while the Committee had previously agreed to retain the knowledge test for all three groups, the Guidance indicated that it should only be retained for Hackney and Dual drivers only.
- Regarding options for the format of the geographical element of the knowledge test which the Committee had voted to retain, officers were looking into options for alternative formats for this but had not yet finalised any provision.
- It was proposed that the officers take away the proposal in 5.6 (e) and bring back proposals on the new form of the geographic element of the knowledge test to the next Committee meeting.

The Committee agreed not to approve the proposed actions at 5.6 (e) of the report and asked officers to revisit proposals on how the current knowledge test might best be amended for private hire drivers.

Following debate, it was

- 1 **RESOLVED** that authority be delegated to the Service Lead – Public Protection in consultation with the Borough Solicitor and Chairman and Vice Chairman of the Licensing and Safety Committee to amend the policy in line with 5.6 (b) and (d) of the report
- 2 **RESOLVED** that the proposed actions at 5.6 (c) only be approved.

26. **Update on Environmental Health and Trading Standards**

Sean Murphy, Service Lead – Public Protection presented an update on Environmental Health and Trading Standards.

The Environmental had been addressing the following issues in Bracknell Forest:

- Housing standards, including private sector housing standards and prior approval conversion from commercial use into residential. The prior approval work had been conducted by a joint inspection team with Environmental Health, fire service and building control representation.
- A change to legislation had brought more Houses of Multiple Occupation (HMOs) into the licensed regime, and officers were working to identify properties in the borough which should be suitably licensed.
- Regular inspection of caravan sites continued
- Officers were working to address a backlog of food safety inspections since the pandemic including lots of new providers.
- Health and Safety in event management continued, with new legislation proposed for events with a significant number of people. The final detail around Martyn's Law was awaited.
- Air Quality work continued, particularly in regard to the two air quality management areas (A322 Bagshot Road and Crowthorne village). The Government had advised during their most recently inspection that the management order for the A322 could be revoked, and this matter had recently been out to consultation along with the ongoing Air Quality

Management Plan for Crowthorne. The results of both consultations would be fed back into the Council.

The Trading Standards team had been focussed on the following areas of work:

- Unfair trading / metrology.
- Age restricted treatments such as botox treatments.
- Officers had conducted visits of vaping supplied and some suspected non-compliant vapes had been seized. Test purchases for vapes for under 18s had also been conducted and the PPP had been selected for national safety testing work for online vaping products.
- Firework premises inspections continued with a high level of compliance.
- Work continued on food standards, age-restricted products and product safety.

Officers from both teams conducted significant work in the community to address residential nuisance issues, water safety issues with the Water Safety Partnership, scams and personal fraud, animal warden work, fly tipping, abandoned vehicles, electrical safety, and battery safety.

CHAIRMAN