

Notice of Meeting

Licensing and Safety Committee

Councillor Porter (Chairman),
Councillor Brossard (Vice-Chairman),
Councillors Allen, Atkinson, Dr Barnard, Brown, Brunel-Walker,
Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake,
Mrs McKenzie-Boyle and Tullett

Thursday 6 February 2020, 7.30 - 9.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD



Agenda

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence. Reporting: Lizzie Rich	
2.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting. Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days. Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting. Reporting: All	
3.	Minutes	3 - 8
	To approve as a correct record the minutes of the meeting held on 24 October 2019 Reporting: Chairman	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent. Reporting: Chairman / Lizzie Rich	

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5.	Notice of Public Speaking	
	To note those agenda items which have received an application for public speaking Reporting: Lizzie Rich	
6.	Private Hire and Hackney Carriage Fees Consultation Report Reporting: Suzanne McLaughlin	9 - 16

Sound recording, photographing, filming and use of social media is permitted. Please contact Lizzie Rich, 01344 352253, lizzie.rich@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 29 January 2020

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LICENSING AND SAFETY COMMITTEE
24 OCTOBER 2019
7.30 - 8.50 PM

Present:

Councillors Porter (Chairman), Brossard (Vice-Chairman), Allen, Atkinson, Dr Barnard, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham and Leake

Apologies for absence were received from:

Councillors Kirke, Mrs McKenzie-Boyle and Tullett

14. Declarations of Interest and Party Whip

There were no declarations of interest.

15. Minutes

The minutes of the meeting held on 6 June 2019 were approved as a correct record and signed by the chairman.

Arising from the minutes, it was noted that the discussion around CCTV use in home to school transport vehicles had not covered the use of CCTV in and around the Royal Military Academy Sandhurst. Members asked that officers contact the Academy to confirm arrangements around the use of CCTV within private hire and hackney carriage vehicles on their property.

16. Urgent Items of Business

There were no Urgent Items of Business.

17. Notice of Public Speaking

There had been no applications for public speaking.

18. Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades

Suzanne McLaughlin presented Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire trades. This report had been revised since it was presented to the previous Committee meeting to clarify areas of members' concerns.

The proposed Guidance adopted guidance from the Institute of Licensing whilst also maintaining the strength of existing Bracknell Forest policy.

In response to questions, the following points were noted:

- It was clarified that existing Council policy stated that 'An applicant who has an isolated conviction related to the possession of drugs (other than for supply) within the last 3-5 years may be granted a licence, but consideration

should be given to the nature and quantity of the drugs' and that this range of years was not a new addition.

- The inclusion of reference to 'handheld device' rather than mobile phone was welcomed by members and had been taken from the Institute of Licensing guidance.
- Members welcomed the intention to maintain existing Bracknell Forest policy which was felt to be robust, in addition to amendments in light of the Institute's guidance.
- It was clarified that the draft document on the same matter was in consultation from the Department for Transport, and the differences between the two documents were not yet clear.
- It was recognised that drivers would be notified of the changes by email, and that the trade needed to take responsibility for keeping abreast of policy changes.

In light of discussion, it was **RESOLVED** that:

- 1 The Committee noted Institute of Licensing guidance document and that it was adopted by the Council as a reference document
- 2 The time periods in relation to convictions and cautions included within the Institute of Licensing guidance are incorporated into the Council's existing Criminal Convictions Policy, to replace those time periods previously agreed by this Committee

19. **How Licensing could reduce air pollution**

Suzanne McLaughlin presented a report on How Licensing can reduce air pollution.

The Committee was asked whether to task officers to adopt the powers available to the Council under the Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations of 2002. These regulations granted powers to selected officers within the Council to issue fixed penalty notices to address drivers who were idling their engines in Air Quality Management Areas. In the case of Bracknell Forest, the current Air Quality Management Areas were the A322 Horse and Groom roundabout, and Crowthorne High Street.

In response to questions, the following points were noted:

- Members recognised the challenges around the eventual transfer from the existing fleet to electric and hybrid vehicles.
- It was commented that communications around the reasons for a decision to serve Fixed Penalty Notices would need to be clearly communicated to drivers.
- Members were reminded that this decision was integral to reducing carbon emissions in the borough, as had been committed to at Full Council.
- The Council's Executive would be assessing whether to bring in age limits on Home to School transport vehicles.
- Members stressed that they would prefer to undertake targeted campaigns to effect behaviour change and to install road signage around sensitive areas, rather than serve Fixed Penalty Notices. However, it was noted that the ability to serve Fixed Penalty Notices could be used as a stronger measure.
- It was noted that 'sensitive areas' did not include areas such as hospitals and schools but referred instead to the Air Quality Management Areas. It was noted that the areas of focus could be revised and expanded.

- Members were informed that Southampton City Council would be waiving the licence fee for the first year of all new electric taxis.
- The Committee recognised the need to start communicating the direction of travel towards electric and hybrid vehicles to the trade.
- It was not possible for the Council to establish an agreement with local car dealers on leasing electric vehicles, although the trade could facilitate this.
- Members asked officers for background information regarding the Air Quality Management Areas, which had been declared 5 years ago in Bracknell Forest. Further information was available [on the Council website](#).
- Members agreed that a combination of the Options for action would be useful, and that all should be investigated.
- It was commented that the installation of traffic lights could have contributed to a deterioration of air quality in comparison to roundabouts.
- It was noted that stop-start technology was not enabled on all cars, and it was possible to disable this function.

In light of discussion and on the agreement that Options A (targeted campaign) and C (road signage) were the Committee's preferred approaches, it was **RESOLVED** that the Committee recommended officers consider the implications of adopting the delegated powers for dealing with idling vehicles, including taxis.

20. Fees and Charges

Suzanne McLaughlin presented the Fees and Charges report. It was noted that the timing of this report was unusual as it had not yet been presented to the Joint Public Protection Partnership Committee. The Joint Committee would consider the report at its November meeting.

Key revisions to the existing fees and charges were the taxi and private hire fees, and fees for animal welfare establishments.

Animal welfare establishments' fees had been increased due to the impact of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 which required officers to hold more qualifications, and an increase in administrative tasks associated with the licence. The new fees were scaled on a risk management approach, which meant that operators of higher standards would be charged less as a result of fewer officer visits.

In response to questions, the following points were noted:

- Members welcomed the amendments and particularly the focus on rewarding quality in Bracknell Forest operators.
- It was clarified that the Committee would round fees to the nearest whole pound.
- It was noted that the £57 hourly rate for officer time was a summation of overhead costs of all Local Authorities within the Public Protection Partnership, which was primarily within central support services in each Local Authority. The hourly rate was kept under review. The Committee asked Sean Murphy, Public Protection Manager to clarify the costs included in the hourly rate and queried why it had not risen in line with inflation which was greater than 2%. Councillor Porter agreed to raise the matter at the Joint Committee.
- Members noted an amendment on the Private Hire Vehicle with dispensation charge which had been duplicated in the Fees and Charges.
- It was clarified that the Committee had the power to impose a discount for electric taxis if it saw fit.

In light of discussion, it was **RESOLVED** that the Committee would recommend the fees to Council subject to consideration of the outcomes of the statutory consultation on fees relating to Taxi and Private Vehicles and Private Hire Operators Fees.

21. **Hackney Carriage and Private Hire Trade Meeting Update**

Julia O'Brien presented a report and the minutes from the latest Hackney Carriage and Private Hire Trade Meeting.

Julia provided some verbal updates to the minutes following a subsequent Trade Meeting last week.

The trade had raised concerns that the taxi ranks for The Lexicon were being used for pick up / drop off. The Lexicon manager had advised officer that he would monitor the situation to find out whether anything needed to be done.

The Lexicon were not aware of any feedback from customers to say that they could not find the taxi rank, but The Lexicon manager offered to install additional signage on town centre maps to indicate where the taxi ranks were.

The Lexicon Manager agreed to attend the next Trade meeting to explain forthcoming developments at The Deck.

The Public Protection Partnership had procured space in Town and Country to promote local taxi ranks and safety messages.

Officers had not heard anything further from the trade to request fare rises, although they had advised that a business case could be developed for the Committee.

In response to questions, the following points were noted:

- Members requested that target dates be established for actions in future trade meetings.
- Members queried why the trade had not responded on a number of key issues such as mixed fleet and the availability of taxis for the disabled, and requested that officers offer further support to them in these areas.
- Members of the trade had commented that drivers from other authorities had been using the rank at Waitrose, and they had requested heightened CCTV in this area. The enforcement officer for Bracknell Forest had agreed that he was happy to monitor the situation, and to put targeted enforcement officers out at key times of day.
- There was not currently a way for members of the public to check taxi numbers against the database, and it was requested that this be investigated.
- Officer agreed that they would fully investigate a drivers' reasons for refusing to take a disabled customer, although it was noted that there were a number of legitimate health and safety reasons for some refusals. Members were keen to ensure that drivers were not discriminating against disabled residents.

Arising from discussion, it was **RESOLVED** that:

- 1 The content of the report and minutes be noted
- 2 The Committee made recommendations for further discussion in the future of the Group, around mixed fleet and taxis for disabled customers

22. **Minutes of Licensing Panels**

The minutes of the following Licensing Panels held since the last Committee meeting were noted:

- BP Oil Limited, 17 July 2019
- SS Food and Wines, 3 October 2019

It was noted that SS Food and Wines had lodged an appeal to the Magistrates Court.

CHAIRMAN

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TO: LICENSING AND SAFETY COMMITTEE
6 February 2020

**Private Hire and Hackney Carriage Fees Consultation Report
(Public Protection Manager)**

1 PURPOSE OF REPORT

- 1.1 To allow Members to consider the responses received during the 28 day statutory consultation period concerning the proposed fees in relation to hackney carriage and private hire licensing.

2 RECOMMENDATIONS

- 2.1 That the Committee resolves to recommend the fees to Council subject to:**
Officers recommend that the consultation responses are taken into account and the fees are set, with or without modification, to come into effect on 1 April 2020.

3 REASONS FOR RECOMMENDATIONS

- 3.1 A new set of fees were presented to the Committee at their last meeting, in October 2019, where it was agreed to proceed with the statutory consultation process, with the outcome / any objections received to be brought back before the Committee for further consideration.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 It is open to Members to propose an alternative approach to fee setting.

5 SUPPORTING INFORMATION

- 5.1 The existing and proposed fees can be found at Annex A.
- 5.2 The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Bracknell News on 11 December 2019. The consultation ended on 7 January 2020. In addition a letter was sent/emailed to all hackney carriage and private hire drivers and private hire operators advising them of the consultation.
- 5.3 During the period available for making objections, 1 objection was received and is detailed in Annex B. In addition 2 further responses were received requesting clarification of how to calculate their future fee under the proposals.
- 5.4 There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Bracknell Forest area as a result of the requirement to achieve cost recovery for the licensing function.
- 5.5 Licensing policies and conditions have previously been approved by the Committee. The Council has a legal obligation to operate within its policies and to ensure that those who are licenced under the terms of the policies and conditions are compliant.

- 5.6 The fees charged will be spent on the delivery of this aspect of the licensing function in accordance with the law and prevailing legal interpretation. This includes the employment of staff.
- 5.7 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 requires all licensing authorities to publish a notice regarding any variation to the fees charged by the Council for vehicle and operator licences. As objections have been received, in accordance with the Act the Council is required to consider those objections and set a date on which any variation to the fees, with or without modification, shall come into force.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 6.2 The financial implications are included within the body of the report.

Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

7 CONSULTATION

Statutory consultation on Taxi and Private Hire Vehicles and Private Hire Operators was conducted following the decisions of this Committee.

Background Papers

None

Contact for further information:

Suzanne McLaughlin - 01635 502851 - Suzanne.McLaughlin@westberks.gov.uk

Annex A

Existing and proposed licence fees

Existing

Hackney Carriage Vehicle New / Renewal:	£282.00
Private Hire Vehicle New / Renewal:	£282.00
Temporary Vehicle Licence:	£226.00
Home to School:	£144.00
Private Hire Operator Licence New/Renewal:	

1 vehicle - 1-year licence	£183
2 to 5 vehicles - 1-year licence	£318
6 to 10 vehicles - 1-year licence	£533
11 to 15 vehicles - 1-year licence	£738
16 to 20 vehicles - 1-year licence	£999
more than 20 vehicles - 1-year licence	£1,204
1 vehicle - 3-year licence	£439
2 to 5 vehicles - 3-year licence	£772
6 to 10 vehicles - 3-year licence	£1,279
11 to 15 vehicles - 3-year licence	£1,773
16 to 20 vehicles - 3-year licence	£2,400
more than 20 vehicles - 3-year licence	£2,889
1 vehicle - 5-year licence	£559
2 to 5 vehicles - 5-year licence	£923
6 to 10 vehicles - 5-year licence	£1,845
11 to 15 vehicles - 5-year licence	£2,768
16 to 20 vehicles - 5-year licence	£3,690
more than 20 vehicles - 5-year licence	£4,529

Proposed

Hackney Carriage Licence:	£288.00
Private Hire Vehicle Licence:	£288.00
Temporary Vehicle Licence:	£231.00

Private Hire Operator Licence **New**

New methodology schedule based on per vehicle calculation of 4 hours (at £57.00 hourly rate) including first vehicle plus 15 minutes per additional vehicle. The fee is payable up to a maximum of 20 vehicles.

Private Hire Operator Licence **Renewal**

New methodology schedule based on per vehicle calculation of 2 hours (at £57.00 hourly rate) including first vehicle plus 15 minutes per additional vehicle, per year. The fee is payable up to a maximum of 20 vehicles.

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Annex B

Consultation responses

1	Still a complete rip off I see
Total received	1

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Annex C

Private Hire Operators Fees

1. New Applications

Includes receipt and processing of application. Fee also covers general Compliance / admin and training costs.

3 hour receipt of application and processing i.e. 3 x £57 (one-off)

1 hours officers time to travel to site, inspect and prepare report notes for first vehicle per year licence applied for i.e. 1 x £57 per vehicle per year

15 mins officer time per individual vehicle for officer time per year applied for i.e. £14.25 per vehicle per year

Worked Example for Operator with 10 Vehicles:

1 Year = 4 x £57 + 9 x £14.25 = £365.25

3 Year = 4 x £57 + 2 x £57 + 3 x (9 x £14.25) = £726.75

5 Year = 4 x £57 + 4 x £57 + 5 x (9 x £14.25) = £1097.25

2. Renewal of Existing Licence

Includes receipt and processing of application. Fee also covers general Compliance / admin and training costs.

1 hour receipt of application and processing i.e. 1 x £57 (one-off)

1 hours officers time to travel to site, inspect and prepare report notes for first vehicle per year licence applied for i.e. 1 x £57 per vehicle per year

15 mins officer time per individual vehicle for officer time per year applied for i.e. £14.25 per vehicle per year

Worked Example for Operator with 10 Vehicles:

1 Year = 2 x £57 + 9 x £14.25 = £251.25

3 Year = 2 x £57 + 2 x £57 + 3 x (9 x £14.25) = £612.75

5 Year = 2 x £57 + 4 x £57 + 5 x (9 x £14.25) = £983.25

3. Dispensation Vehicles

Dispensation vehicles will be charged at 15 minutes extra per vehicle.

e.g. An operator with ten vehicles (of which 4 were Dispensation Vehicles) would be charged at the above rate + £57 per year of operation.

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