

LICENSING AND SAFETY COMMITTEE
12 JUNE 2014
7.30 - 8.20 PM



Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Davison, Finch, Finnie and Porter

Apologies for Absence were received from:

Councillors Mrs Barnard, Brossard, Brunel-Walker, Mrs Pile, Mrs Temperton and Ms Wilson

4. Declarations of Interest

There were no declarations of interest.

5. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee meetings held on 9 January 2014 and 14 May 2014 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

It was noted that no members of the public had registered to speak at the meeting.

8. Taxi Ranks Yorktown Road Sandhurst

The Committee considered a report seeking agreement to a proposal to close two taxi ranks located on the junction of Yorktown Road and York Way, Sandhurst.

It was reported that observations by local businesses over a long period of time had found that limited use was being made of the ranks by the taxi trade and that the lack of short and long term parking for shoppers and workers was adding to traffic pressures to the area. A consultation exercise over the possible removal of the taxi rank had received no objections and it had been requested that the ranks be converted to provide additional parking provision in the area.

If the proposal was agreed the timetable for the removal of the taxi rank would be aligned with work to reconfigure the parking in the area planned by the Council's Highways Team.

RESOLVED that the closure of the taxi ranks located upon the junction of Yorktown Road and York Way be agreed.

9. Authorised Garages for Testing of Licensed Vehicles

The Committee considered a report seeking approval to review the provision of authorised garages carrying out testing of licensed vehicles in the Bracknell Forest Borough.

In 2008, the Council took the decision to outsource its testing of licensed vehicles and since then the Council has authorised garages to carry out the testing of vehicles to ensure that they are in a suitable condition to be used as licensed vehicles prior to a license being issued. The inspections applied to all vehicles being used as Hackney Carriages and Private Hire vehicles, including those vehicles used for the purposes of Home to School Transport and covered all matters currently assessed during a MOT as well as additional matters to ensure that the vehicle met the criteria and condition to ensure safe and comfortable use of a licensed vehicle. The current testing arrangements had been last reviewed in 2010.

It was noted that the Council had no power to check the roadworthy-ness of vehicles used for scrap metal collection. However joint checks are made with the Police to ensure that the appropriate licences are being carried and the Police did have the power to check roadworthy-ness.

RESOLVED that:

- i. Officers be authorised to seek expressions of interest from suitable local garages
- ii. The Committee delegate authority to the Chief Officer: Environment and Public Protection, in consultation with the Chairman of the Licensing and Safety Committee, to agree with officers those sites that shall be authorised to test vehicles on behalf of the Council.

10. Park Home Site Licence Fees

The Committee considered a report seeking approval to undertake a consultation exercise on the draft fees policy for Park Home Site Licences.

The Mobile Homes Act 2013 was introduced to provide improved protection both through the civil and criminal courts to occupiers of residential park homes and caravans. Councils were also given greater responsibilities and powers to enforce the criminal provisions of the licensing regime and to charge fees for certain functions that are provided as part of the licensing of a site.

Under Section 10A (2) of the Caravan Sites and Control of Development Act 1960 local authorities are required to prepare and publish a fee policy where they propose to charge for functions associated with the regulation of relevant protected sites.

The proposed charges had been developed by combining an administration fee with an hourly officer rate. The only fee that could be passed on to park home owners was the Annual Fee. Whilst the majority of the fees would not be charged on a regular basis it was expected that introducing charging would give the council an income of approximately £13,000 a year. Consultation on the proposed fees would take place with park home owners, site owners and the public.

It was noted that the Council already carried out the majority of the work required under the proposals but it was expected that the introduction of fees would lead to a greater expectation over the levels of service the Council would offer. However it was envisaged that this could be managed within existing resources.

RESOLVED that:

- i. The draft fees policy, attached as annex A of the Chief Officer: Environment and Public Protection's report, be approved for consultation
- ii. the results of the consultation be brought back to the Committee's meeting on 9 October 2014 for consideration prior to publication and implementation

11. Annual Report And Work Plan

The Committee received a report containing the Licensing Section's Annual Report and Work Plan. The report covered the section's activities during the period 1 April 2013 to 31 March 2014 and set out the proposed work plan for the 2014/15 financial year.

It was noted that during the period covered by the report:

- 95% of vehicle licences were issued within two to three working days of a complete and valid application being received
- 166 programmed and 50 non-programmed inspections of licensed premises were carried out
- 3 warnings were issued in relation to licensing matters
- 186 enforcement points were issued to 26 licensed drivers
- 7 multi-agency checks involving Council Officers, Thames Valley Police and VOSA were conducted
- New scrap metal legislation has been implemented
- Six licensed gambling premises had been inspected during the reporting period. Of these, four had failed and repeat inspections would be taking place in conjunction with the Gambling Commission later this year

The fall in the number of penalty points issued when compared to previous years was attributed the levels of enforcement work that was taking place across the Borough.

RESOLVED that:

- i. The completed work detailed in the Annual Report be noted
- ii. The Work Plan for 2014/15, attached as Annex B to the Chief Officer: Environment and Public Protection's report, be approved

12. Enforcement Policy

The Committee considered a report setting out the draft Enforcement Policy for the Council.

The Enforcement Policy sets out the procedures that would be adopted by the Council's Environment and Public Protection Division when seeking regulatory compliance. The Policy was underpinned by the statutory guidance contained within the Regulatory Enforcement and Sanctions Act 2008 and the Regulators' Compliance Code and applied to Trading Standards, Environmental Health and Licensing. As a matter of good practice officers seek to apply the policy to other services within the division as far as was possible.

The Policy sets out the framework for decision making when evidence of non-compliance with legislative provisions was found and laid down the principles that would be applied and the matters that would be taken into consideration when

dealing with any enforcement matter. This transparent approach ensured that good businesses were protected and supported and that enforcement actions were taken against rogue businesses.

The Council's current Enforcement Policy was agreed in 2012 and this has now been updated to reflect changes to the legislative framework including the issue of a new Regulators' Code in April 2014 which introduced six new general principles. Following its consideration by the Committee the draft Enforcement Policy would be presented to the Executive for approval.

It was clarified that the proposed draft policy would make no difference to current practice at an operational level.

RESOLVED that the draft Enforcement Policy be noted.

13. Health and Safety Law Enforcement Plan

The Committee considered a report setting out the draft Health and Safety Law Enforcement Plan 2014-15. The Plan sets out the framework within which the Council seeks to enable businesses to comply with their obligations. It set out the tasks undertaken during a typical year and was required in order to comply with Section 18 of the Health and Safety at Work Act 1974.

It was noted that during 2013/14 officers had been informed of 108 notifiable accidents and dangerous occurrences. It was agreed that clarification would be sought over the reason for including the one notified fatality in the comparison statistics when the death had been subsequently found to be non-work related. The differences in the Berkshire comparator data were attributed to the different types of work places in each authority area. It was also suggested that under reporting could have an impact on figures.

RESOLVED that the work conducted in 2013/14 be noted and that the proposed Health and Safety Plan for 2014/15 be approved.

14. Licensing and Safety Air Quality Action Plan

The Committee considered a report setting out the Air Quality Action Plan.

The Council is required to monitor air quality in its area and where air quality fell below a prescribed level then this had to be reported to Department for Environment, Food and Rural Affairs (DEFRA). In Bracknell Forest this has led to the declaration of two Air Quality Management Areas (AQMA) and the Air Quality Action Plan (AQAP) has been developed with the aim of acknowledging and seeking to address the air quality within these two areas.

In both AQMAs the main pollutant had been identified as nitrogen dioxide caused by traffic flow within the areas concerned and that improving traffic flows was critical to improving air quality in the AQMAs. The Council's Local Transport Plan 2010-2026 had improving traffic flow as its primary function and many of the Plan's actions and projected outcomes had been included in the AQAP. A consultation process had taken place and the responses received had been incorporated into the AQAP where appropriate.

It was noted that improving rear access to the High Street shops in Crowthorne would be key to improving traffic flow through the village however this was acknowledged as being a long term planning aspiration.

RESOLVED that the Air Quality Action Plan be adopted and submitted to the Department for Environment, Food and Rural Affairs

15. **Licensing Act 2003: Locally Set Fees**

The Board received a report providing an update on a recent Home Office consultation in respect of fees charged for authorisations granted under the Licensing Act 2003. It was noted that further guidance on the implementation of these fees was still awaited.

16. **Licensing Panel Minutes**

The Committee noted the minutes of Licensing Panel hearings held during the last quarter. It was noted that McDonalds had submitted an appeal to the Magistrates' Court following refusal to grant a new premises licence for their premises in Wildridings Road.

CHAIRMAN

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