

**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 3 JULY 2017 FROM 7.00 PM TO 8.20 PM**

Committee Members Present

Councillors: Barrie Patman (Chairman), Lindsay Ferris, Mike Haines, Emma Hobbs, John Jarvis, Abdul Loyes, Malcolm Richards and Beth Rowland

Officers Present

Luciane Bowker, Democratic and Elections Services Specialist
Julia O'Brien, Licensing Team Leader
Amanda Ward, Principal Licensing Officer
Laura Driscoll, Principal Officer, Public Protection Partnership

15. APOLOGIES

Apologies for absence were submitted from Councillors John Halsall, Philip Mirfin, Chris Bowring, Wayne Smith and Bill Soane.

16. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on were confirmed as a correct record and signed by the Chairman.

17. DECLARATION OF INTEREST

There were no declarations of interest.

18. PUBLIC QUESTION TIME

There were no public questions.

19. MEMBER QUESTION TIME

There were no Member questions.

20. SAFEGUARDING TRAINING FOR HACKNEY CARRIAGE, PRIVATE HIRE DRIVERS AND SCHOOL AND COMMUNITY TRANSPORT VEHICLE DRIVERS

The Committee considered the Safeguarding Training for Hackney Carriage, Private Hire and School and Community Transport Vehicle Drivers report which was set out in agenda pages 9-18.

Julia O'Brien, Licensing Team Leader explained that the report contained information which had been collected over a number of years which evidenced that there was an identified serious risk to the safety of children which could be reduced through appropriate training of taxi drivers and operators. There had been a number of high profile and significant cases in recent years pertaining to the sexual exploitation of children. In order to diminish the risk it was proposed that safeguarding training for all existing drivers and new drivers became compulsory.

Julia informed that should the Committee approve the recommendations, there would be a consultation with members of the taxi trade upon the introduction of the training and how it could best be delivered.

Julia stated that Bracknell had identified training providers and the course would cost £20 per attendee. A booking system would be created and different venues and dates would

be offered to drivers. Existing drivers would be asked to undertake the training to obtain a renewal of their licence.

In response to a question Julia stated that there was a database of around 450 licenced drivers.

Julia envisaged that refresher courses would be offered every three years.

During the discussion of the item the following comments were made:

- Julia stated that if significant changes to the safeguarding guidance occurred, drivers would be sent a letter with updates and/ or information would be included in the trade newsletter;
- In response to a question Julia stated that school transport offered training for school drivers in the form of an assessment. Going forward this training would take precedence over the school transport training;
- In response to a question Julia stated that the Licensing Authority did not have jurisdiction over escorts as this fell under school transport legislation. However, she believed that escorts did receive safeguarding training;
- In response to a question Julia stated that Uber had not submitted an application to become an operator in Wokingham;
- In response to a question Julia clarified that Disclosure and Barring Service (DBS) was undertaken every three years. Officers were not aware of any other local authorities who enforced DBS checks more often than every three years;
- Councillor Hobbs felt that three years was a long time and a lot could happen in that time, she believed that DBS checks should be undertaken more often;
- In response to a question Julia stated that DBS checks were returned within two to three weeks;
- Julia clarified that under Wokingham Borough Council's Licensing Policy, Officers could take into account spent convictions when considering licence applications;
- Julia confirmed that drivers had to give up licences with other local authorities in order to hold a licence with Wokingham. In response to a question Julia stated that there was communication between local authorities to establish if drivers had given up their licences upon taking a licence with Wokingham;
- Councillor Rowland asked what would happen if drivers responded negatively to the consultation. Julia stated that holding a consultation was considered best practice. Councillor Patman believed that genuine concerns would be taken into account;
- In response to a question Julia stated that there would not be a pass/ fail test at the end of the course. The training was going to be interactive and trainers would be able to advise if they felt someone had not understood the contents and needed to re-take the course;
- Members questioned if the level of proficiency in the English language was taken into account during the application process. Julia explained that there were tests in place and drivers who failed the English language test would not be issued a licence.

RESOLVED That the Licensing and Appeals Committee agrees with the recommendations contained in the report which were:

- 1) to introduce mandatory safeguarding training for all hackney carriage and private hire vehicle drivers and operators and
- 2) to consult with members of the taxi trade upon the introduction of the training and how it can best be delivered.

21. INFORMATION REPORT ON THE HOUSE OF LORDS SELECT COMMITTEE REVIEW OF LICENSING ACT 2003

The Committee considered the information report on the House of Lords Select Committee Review of Licensing Act 2003 which was set out in agenda pages 19-22.

Laura Driscoll, Principal Officer, Public Protection Partnership explained that on 25 May 2016 the House of Lords appointed a Select Committee to “consider and report on the Licensing Act 2003”. The report of this Committee, “The Licensing Act 2003: post-legislative scrutiny” was published on 4 April 2017.

Laura expected that the government would be issuing a response, however she was not sure when this would be.

Laura noted that the Select Committee had unfortunately reviewed a number of poor examples of Licensing Committees and as a result recommended shifting Licensing to Planning.

Councillor Patman stated that many processes had to take place before any changes could happen in law.

During the discussion of the item the following comments were made:

- Laura stated that it was possible that mandatory training be introduced;
- Laura stated that Officers were in support of some of the recommendations, for example to abolish the need to advertise in newspapers;
- Members of the Committee were not in favour of the recommendation to move Licensing to Planning and asked what could be done to express their views. Laura informed that there would certainly be a consultation if these changes were proposed;
- Officers would liaise with other local authorities and respond to any consultations accordingly;
- Members were in favour of the introduction of minimum training for Licensing Committees;
- Officers were in contact with the Local Government Association (LGA) regarding this issues.

The Committee asked to be kept updated on the outcome of the review and any other proposals to change the law.

RESOLVED That the report be noted.

22. ADOPTION OF BYLAWS FOR DERMAL TREATMENTS

The Committee received the Adoption of Bylaws for Dermal Treatments report which was set out in agenda pages 23-32.

Amanda Ward, Principal Officer, Licensing explained that it was necessary to adopt bylaws in order to regulate: cosmetic piercing; semi-permanent skin colouring; acupuncture, tattooing, electrolysis and ear piercing.

Amanda stated that it was important that this industry was effectively regulated due to the risks associated with the treatments being offered. There was the potential risk of transmission of blood borne viruses (BBV) for example HIV, Hepatitis B and C, as well as

other infections, potential physical damage and bleeding if the treatment was completed incorrectly.

Councillor Ferris stated that he had undertaken some research and found that some local authorities had adopted a separate bylaw for acupuncture. He was of the opinion that acupuncture should be regulated by its own bylaw as it was a medical procedure and not a cosmetic treatment. He felt that the proposal was confusing in its description. Other councillors were of the same opinion.

Julia informed that under the current legislation medical professionals did not need to apply for a licence in order to practice acupuncture. She believed that it was better to consolidate acupuncture with the other dermal procedures under one bylaw.

During the discussion of the item the following comments were made:

- Councillor Hobbs believed that it would be more coherent to have acupuncture under a separate bylaw;
- Councillor Richards believed that acupuncture was significantly different from other dermal treatments and should be separated;
- Councillor Ferris asked Officers to provide more background information to enable the Committee to make an informed decision;
- Councillor Loyes asked about the cost implications. Julia stated that this service was cost recoverable and agreed to include the costs to any future reports;
- Julia believed that other local authorities that had separate bylaws for acupuncture had probably used old legislation;
- Julia pointed out that there was a cost implication in submitting two bylaws.

After much debate the Committee was not able to reach a decision on a recommendation for Council. Therefore, the Committee asked that Officers produced a report containing two alternatives to be considered at Council:

- 1) Option 1 – the adoption of one bylaw regulating all dermal treatments, including acupuncture;
- 2) Option 2 – the adoption of two bylaws, once for acupuncture and one for all the other dermal treatments.

The Committee requested that more background information and costs be included in the report to Council.

RESOLVED That a report containing the two options listed above will be submitted to Council.

Subsequently, in consultation with the Chairman, Officers and the Committee, it was agreed that this report should come back to the September meeting for further analysis and agreement on a recommendation, prior to its submission to Council.