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**NOTICE OF MEETING**  
**LICENSING AND SAFETY COMMITTEE**  
**05 JULY 2007**

**TO: ALL MEMBERS OF THE LICENSING AND SAFETY COMMITTEE**

You are requested to attend a meeting of the above Committee on **05 July 2007 at 7.30 pm** in the Council Chamber, Fourth Floor, Easthampstead House, Bracknell, to transact the business set out in the attached agenda.

Alison Sanders  
Director of Corporate Services

**Members of the Licensing and Safety Committee**

Councillor Brunel-Walker (Chairman)  
Councillor Mrs Ryder (Vice-Chairman)

Councillors Baily, Mrs Barnard, Beadsley, Blatchford, Brossard, Burrows, Finch, Kendall, Leake, Osborne, Thompson, Virgo and Ms Wilson

**Substitute Members of the Committee**

Councillors

**EMERGENCY EVACUATION INSTRUCTIONS**

**If you hear the alarm:**

- 1 Leave the building immediately**
- 2 Follow the green signs**
- 3 Use the stairs not the lifts**
- 4 Do not re-enter the building until told to do so**



**THE LICENSING AND SAFETY COMMITTEE**  
**05 July 2007 (7.30 pm)**  
**Council Chamber, Fourth Floor, Easthampstead House, Bracknell.**

**AGENDA**

	<b>Page No</b>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATIONS OF INTEREST</b> Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.	
<b>3. MINUTES AND MATTERS ARISING</b> To approve as a correct record the minutes of the meetings held on 19 April 2007 and 23 May 2007.	1 - 6
<b>4. URGENT ITEMS OF BUSINESS</b> Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
<b>5. APPOINTMENT OF LICENSING PANEL CHAIRMEN</b> (Director of Environment and Leisure)	
<b>6. HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2007-2008</b> (Director of Environment and Leisure)	7 - 26
<b>7. LICENSING ANNUAL REPORT 2006-2007</b> (Director of Environment and Leisure)	27 - 30
<b>8. TARIFF CHARGES</b> (Director of Environment and Leisure)	31 – 34
<b>9. GAMBLING ACT 2005</b> (Director of Environment and Leisure)	Verbal update
<b>10. LICENSING ACT POLICY CONSULTATION</b> (Director of Environment and Leisure)	Verbal update
<b>11. TRAINING OF NEW COUNCILLORS</b> (Director of Environment and Leisure)	-

# Agenda Item 3

## LICENSING AND SAFETY COMMITTEE Thursday, 19 April 2007 (7.30pm-9.15pm)

**Present:** Councillors Kendall (Chairman), Mrs Ryder (Vice-Chairman), Adams, Baily, Mrs Barnard, Beadsley, Browne, Brunel-Walker, Finch, Mihell, Osborne, Piasecki and Thompson

### 34. APOLOGIES FOR ABSENCE (ITEM 1)

Apologies for absence were received from Councillors Leake and Sargeant.

### 35. DECLARATIONS OF INTEREST (ITEM 2)

There were no declarations of interest.

### 36. MINUTES (ITEM 3)

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee held on 1 February 2007 be approved as a correct record and signed by the Chairman subject to Councillor Brunel-Walker being recorded as having presented his apologies.

### 37. URGENT ITEMS OF BUSINESS (ITEM 4)

There were no urgent items of business.

### 38. GAMING IN LICENSED PREMISES (ITEM 5)

The Committee considered a procedural report that proposed the introduction of Section 6 permits to ensure that any equal chance gaming taking place at licensed premises would be properly authorised. Any Section 6 permits issued would have an expiry date of 31 August 2007, as the legislation in respect of gaming at licensed premises would change when the Gambling Act 2005 comes into force on 1 September 2007.

**RESOLVED** that the Director of Environment and Leisure be delegated authority to determine applications for Section 6 permits and approve the 'Guidance on Section 6 Permits' document.

### 39. ROAD SAFETY ACT 2006 (ITEM 6)

The Committee considered a procedural report which informed Members that the Road Safety Act 2006 (the Act) contained two important changes to taxi and private hire legislation, which were aimed at addressing significant risks to public safety. These changes would give Local Authorities more powers in respect of suspending or revoking a taxi or private hire vehicle driver's licence, although it was not envisaged that these powers would be used very often.

Section 53 of the Act also repealed the exemption from the requirement for private hire vehicles to be licensed if they were only used for contracts lasting not less than seven days.

**RESOLVED** that the Committee noted

- i) the amendments to legislation brought about as a result of the Road Safety Act 2006; and

- ii) the commencement date of 16 March 2007 in respect of section 52 (immediate driver suspension) and of January 2008 in respect of section 53 (repeal of the contract exemption).

That the proposal to encourage providers of transport currently operating within the contract exemption to become licensed before the end of December 2007 is approved and commenced from 1 June 2007.

**40. GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE OWNERS, OPERATORS AND DRIVERS (ITEM 7)**

The Committee received a report from the Director of Environment and Leisure. This explained that the guidance notes had been up dated to reflect the recommendations made by the Committee over the last year, changes in law and to clarify matters where there had been confusion.

During discussion, it was noted that cars registered before 1966 were not required to have seat belts, although the fitting of them would be encouraged by the Council. It was also noted that paragraph six of Section 5 of the guidance notes (Driver's Licence – Requirements) should read '....for the previous 5 years....'.

It was planned that the new guidance notes would be published on 1 May 2007.

**RESOLVED** that the Committee

- (i) noted the changes made to the Guidance Notes; and
- (ii) provided comment on the proposed changes to the Licensing Team Leader by 27 April 2007; and
- (iii) agreed that the Guidance Notes would be issued following consultation with, and agreement of, the Chair of the Licensing and Safety Committee.

**41. CONSULTATION ON LICENSING ACT POLICY (ITEM 8)**

The Committee considered a report from the Director of Environment and Leisure, which set out proposals for the consultation which was due to be released for public consultation by 14 June 2007. Prior to public consultation, there would be internal consultation with Responsible Authorities, members and relevant Council officers.

The Committee was advised that paragraph 4.2 of the report outlined the timescales for the consultation, and that paragraph 4.4 was worthy of particular note. It was hoped that the members of the Committee would apply their experiences and feed them back to the Licensing Team. If members had any concerns about the revised Licensing Policy, and would like training to be tailored accordingly, they should contact the Licensing Team.

**RESOLVED** that the Committee

- (i) noted the proposed timetable; and
- (ii) agreed the areas within which to focus the questioning be as proposed in paragraph 4.4 of the report.

**42. GAMBLING ACT 2005 – FEES AND CHARGES (ITEM 9)**

The Committee considered a report from the Director of Environment and Leisure. Since the publication of the report a subsequent report, that would be going to Council

on 25 April 2007, had incorporated the recommendations made in this report, which now just needed to be noted. Initial fees and charges would now be set by Council, and then subsequently by this Committee.

A paper by the Local Authorities Coordinators of Regulatory Services (LACORS) was circulated which set out the background and process for determining fees payable to licensing authorities.

**RESOLVED** that the Committee noted the report.

**CHAIRMAN**

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**LICENSING AND SAFETY COMMITTEE**  
**23 MAY 2007**  
**(8.41 - 8.43 pm)**

Present: Councillors Baily, Mrs Barnard, Blatchford, Brossard, Brunel-Walker, Burrows, Finch, Kendall, Leake, Osborne, Mrs Ryder, Thompson, Virgo and Ms Wilson

1. **Election of Chairman**

**RESOLVED** that Councillor Brunel-Walker be elected Chairman of the Licensing and Safety Committee for the 2007/08 Municipal Year.

**COUNCILLOR BRUNEL-WALKER IN THE CHAIR**

2. **Appointment of Vice-Chairman**

**RESOLVED** that Councillor Mrs Ryder be appointed Vice Chairman of the Licensing and Safety Committee for the 2007/08 Municipal Year.

3. **Appointment of Licensing Panel**

**RESOLVED** that:

- (a) Any 3 members from the membership of the Licensing and Safety Committee be appointed to Licensing Panels.
- (b) Councillors Brunel-Walker, Kendall, Leake, and Mrs Ryder be appointed Chairs of the Licensing and Safety, noting that there are two vacancies.

**CHAIRMAN**

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## LICENSING AND SAFETY COMMITTEE 5 July 2007

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### HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2007-2008 (Director of Environment and Leisure)

#### 1 INTRODUCTION

- 1.1 To comply with Section 18 of the Health and Safety at Work etc Act 1974, the Council must ensure that national priorities and standards are delivered effectively and consistently at a local level.
- 1.2 A Health and Safety Law Enforcement Plan for 2007-2008 has been produced to meet the statutory requirements. The Committee is asked to consider the Plan attached as Annex 1 to this report.
- 1.3 Members will recall commenting on the draft Enforcement Plan at the Committee Meeting of 1 February 2007. The purpose of this report is to finalise the plan prior to adoption.

#### 2 RECOMMENDATIONS

- 2.1 **That the Committee adopts the Health and Safety Law Enforcement Plan as set out in Annex 1 for 2007-2008.**
- 2.2 **The Committee notes the focus on topic inspections and the option of inspection strategies for low-risk businesses to ensure our resources are allocated to areas of greatest risk/impact.**
- 2.3 **The Committee notes the portfolio of Joint Working with the Health and Safety Executive designed to ease the burden on business in the Borough and to meet the Health and Safety Commissioning (HSC) targets to improve health and safety by 2010.**

#### 3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

##### Borough Treasurer

- 3.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

##### Access Implications

- 3.3 There are no access issues arising from the report.

## 4 SUPPORTING INFORMATION

- 4.1 The Plan for Health and Safety Law Enforcement (Annex 1) has been re-drafted setting out the Council's plan for health and safety in line with direction from the HSC and the Health and Safety Executive (HSE). Appendix A shows a work plan for 2007-2008.
- 4.2 Matters relating to Health and Safety management fall to the Health and Safety Commission. There are effectively two main regulatory arms, the Health and Safety Executive and the Local Authorities. Within Bracknell Forest, enforcement is a function of the Environmental Health and Safety Section. The Borough currently has 1,191 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974. To be effective, a risk rating is allocated to all businesses in accordance with Health and Safety Guidance to ensure all relevant businesses are inspected according to risk. Some of the Borough's premises are deemed sufficiently low risk and therefore are not subject to routine inspection but alternative strategies in the form of self-assessment questionnaires, newsletters, mailshots and seminars. The programme for health and safety inspection 2007-2008 is shown in Appendix 1 attached to this report.
- 4.3 As part of the Government drive to ease the burden of regulation on business and to revitalise health and safety in the Borough, the Council signed a Statement of Intent with the Health and Safety Executive committing to working in closer partnership so as to further national, regional and local priorities. A portfolio of joint working has been agreed with the HSE based around 'Fit3' which is "Fit for Work, Fit for Life, Fit for Tomorrow". This programme of targeted health and safety activity is detailed in Appendix A and involves partnership working with the Health and Safety Executive and local businesses to create "added value".
- 4.4 Progress against the Plan is measured monthly and reported to Members in the Quarterly Operations Reports. The Plan is also underpinned by written procedures to ensure effective service delivery.
- 4.5 Consultation is ongoing and it is proposed to consult stakeholders as regards the contents of the plan by publishing the plan on the Borough's website and issuing copies at key locations in the Borough including the Council's libraries and town and parish council offices. No representations were made in relation to the previous plan during 2006-2007.

### Background Papers

1. HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond – (Securing Health Together – SH2)
2. Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
3. HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an Inspection Rating System (12/2000)
4. Health and Safety Law Enforcement Plan 2006-2007

### Contact for further information

David Steeds – 01344 352530  
david.steeds@bracknell-forest.gov.uk

### Doc Ref

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# **Environment and Leisure Department**

## **HEALTH & SAFETY LAW ENFORCEMENT PLAN**

**2007 - 2008**

**ANNEX 1**

June 2007

Environment & Leisure Department  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell  
RG12 9JD

Tel: 01344 352000  
Fax: 01344 351190  
Email: [customer.services@bracknell-forest.gov.uk](mailto:customer.services@bracknell-forest.gov.uk)

## **INTRODUCTION**

Bracknell Forest Borough Council's Health and Safety Law Enforcement Plan contains details of:

- the work we have completed in the previous year
- what we plan to do this year and
- how we intend to do it

Our key priorities are:

- protect people from unsafe working conditions and practices
- to work with and support local businesses to help them improve
- work towards reducing the incidence of accidents and work related ill health
- encourage awareness of health and safety issues
- maintain a quality service

The Council is responsible for health and safety under the Health & Safety at Work etc Act 1974 and associated Regulations; this plan is produced as part of our responsibilities under Section 18 of the Act. We advise on and enforce health and safety in **1191** premises including offices, shops, warehouses, builder's merchants and services such as hairdressers as shown in the table below:

<b>Type of Premises</b>	<b>Number of Premises</b>
Retail shops	299
Wholesale shops, warehouses and fuel storage depots	37
Offices	387
Catering, restaurants and bars	188
Hotels, camp sites and other short stay accommodation	18
Residential care homes	47
Leisure and cultural services	87
Consumer services	125
Other premises	3
<b>Total</b>	<b>1191</b>

Officers from the Commercial Team (Environmental Health & Safety) are authorised to carry out this work and we aim to focus our resources on the areas where research suggests we will have the greatest impact in terms of reducing workplace injury and ill-health. Our work is varied, for example last year we:

- inspected 73 businesses and carried out 113 other related visits
- responded to 129 complaints and enquiries
- investigated 156 accidents notifications
- issued written notifications on how businesses can comply to 57 businesses

The national targets for Health and Safety identified by the Health and Safety Commission (HSC) and set out in the **Revitalizing Health and Safety Strategic Statement** (June 2000) are to:

- reduce the number of working days lost per 100,000 workers from work related injury by 30% by 2010
- reduce the incidence of fatal and major injury incidents by 10% by 2010
- reduce the incidence of cases of work related ill health by 20% by 2010

The HSC strategic plan contains eight priority topic programmes of which five are relevant to Local Authorities:

- **slips and trips**
- **falls from height**
- **workplace transport**
- **musculoskeletal disorders**
- **workplace stress**

The Commercial Team consists of 5 Officers who spend approximately 40% of their time on health and safety issues.



In 2007/06 we plan to:

- inspect 110 high risk businesses
- focus our work on priority topics identified by the HSE
- organise one major seminar to support businesses
- publish and distribute one specialist health and safety newsletter
- develop further our partnership working with the Health & Safety Executive with joint warranting

We will base this work on:

- inspecting premises on the basis of risk and priority topic
- respond to all enquiries and accident notifications within 2 days and in serious cases respond on the same day
- providing specialist advice, information and training to businesses
- consulting our customers and seeking feedback on the quality of our service

This plan is reviewed every year and we welcome your comments and suggestions on how it could be improved further. Please forward your views to:

[Consumer.services@bracknell-forest.gov.uk](mailto:Consumer.services@bracknell-forest.gov.uk)

## **WORKING TOGETHER**

### **Our Vision**

The Health & Safety Enforcement Plan is designed to work within the Bracknell Forest Community Plan to help deliver the Council's priorities. The Council's vision is:

**“To make Bracknell Forest a place where people can thrive: living, learning and working in a clean, safe and healthy environment”**

The Corporate objectives within the Community Plan that encompass our health and safety work are contained within the Medium Term Objectives (MTO), specifically:

- MTO 5 to work with partners to improve health provision within the Borough
- MTO 5.6 to work with partners to reduce inequalities in health throughout the Borough
- MTO 5.8 to encourage people to adopt lifestyles which promote better long term health

The Plan aims to ensure a graduated approach based on risk. It reaffirms our commitment to carry out our duties in an open, fair and consistent manner that promotes economic development.

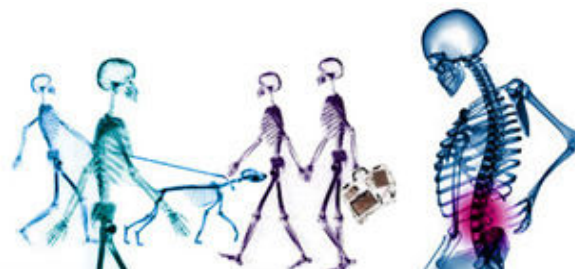
We recognise that most businesses want to comply with the law; therefore we want to support and enable businesses to meet their legal duties without unnecessary expense. However, firm action, including prosecution, will be taken where appropriate.

This Health & Safety Law Enforcement Plan sets out the actions we are taking to promote health and safety for the benefit of residents, employees and businesses that operate in our Borough.

### **Working in Partnership with Others**

#### **Fit3**

In January 2006 the Council signed a 'Statement of Intent' as part of the Local authorities and HSE Working Together Strategic Programme confirming the Council's commitment to working in closer partnership with the HSE to tackle national, regional and local priorities in a more effective and focused manner.



#### **Fit for Work, Fit for Life, Fit for Tomorrow**

Our activities for 2007/2008 (detailed in Appendix A) are planned around the HSE's '**Fit3**' – **Fit for Work, Fit for Life, Fit for Tomorrow**. This strategy compliments and supports 'Revitalising Health and Safety'. Fit3 is a series of targeted interventions based on analysis of injury and ill health generated from known hazards at work. It aims to reduce injury and days lost from ill health and accidents.

## **Public Health**

The need for developing closer working was identified at a joint Primary Care Trust/BFBC conference held on 18 November 2005 in Bracknell Sports Centre. The usequent first meeting of the Public Health Working Group was on 10 October 2006. The Group meets quarterly and has a core membership of key representatives of the Primary Care Trust and Bracknell Forest Borough Council. Others are invited according to need.

# Berkshire East

## Primary Care Trust

In the period since, the focus of activity has been to establish itself as an effective group, to draw out and share information. The aim being to develop better understanding and in order to be able to undertake a comprehensive audit of current activity in five topic areas in relation to schools, communities, primary care and the workplace as follows:

- 1 Tobacco
- 2 Physical Activity
- 3 Healthy Eating
- 4 Accidents
- 5 Stress

The audit is intended to help inform the future work plan of the Group. As part of the initial work the Group has received reports/presentations on the following:

- (a) Draft Obesity Prevention Strategy
- (b) Smoke-Free Bracknell Forest
- (c) Healthy Eating and Physical activity Strategy
- (d) Indicators of Health Need
- (e) School Obesity Data
- (f) Planning & Transport Policy
- (g) Alcohol Harm Reduction Strategy
- (h) Children and Young Peoples Plan

The drive is towards ensuring that links are made across departments/strategies/work plans at the right level, in order to ensure delivery of the Public Health Agenda in its widest sense and across all sectors of the community.





## **Smoke Free Bracknell Forest**



## Smoke Free Berkshire

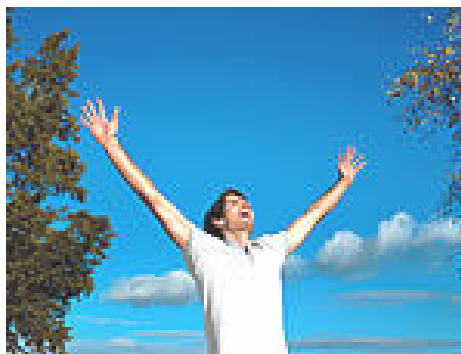
Through the Smokefree Berkshire partnership we have been working with East Berkshire PCT, Slough BC and Windsor and Maidenhead Council to raise awareness of Smokefree legislation and smoking cessation services to companies in East Berkshire.  
[www.smokefreeberkshire.co.uk](http://www.smokefreeberkshire.co.uk)



As an individual council we have been working hard to prepare all local companies to comply with Smokefree legislation. This has also included comprehensive work internally to prepare the council as an employee, a building owner and enforcement agency.

Mail shots, a Smokefree newsletter and a Smokefree road show have been used to inform and raise awareness amongst local businesses and the general public. There is extensive advice and information about the Smokefree requirements on the Council's website at <http://www.bracknell-forest.gov.uk/smokefree>

The Commercial Team will be liaising with both the Licensing and Trading Standards Teams to achieve a consistent approach to enforcement of the Smokefree legislation and ensure that it is in accordance with our existing enforcement policy.



## HOW DID WE PERFORM?

Our Health & Safety Law Enforcement Plan is reviewed on an annual basis and provides an opportunity to record our achievements and identify the key areas for improvement.

### Inspections and other interventions

In 2005/06 officers in the Commercial Team carried out a total of 143 health and safety inspections and visits.

- 105 were programmed inspections
- The remaining 42 were revisits, special visits and response to complaints from members of the public

Table 1 shows targeted or programmed inspections for the higher risk premises: A, B1 and B2. The lower risk premises B3 and B4 will be subject to "other intervention strategies" rather than inspections. This is likely to include postal questionnaires, seminars and the issue of specific publicity material.

	<b>A</b>	<b>B1/B2</b>	<b>B3/B4</b>
Targeted 2005/2006	9	32	51
Targeted 2006/2007	7	45	51
Targeted 2007/2008	5	48	58

It is expected that there will be some increase in the number of health and safety premises which are inspected over the year as some lower risk premises are likely to be brought back into the formal inspection process following complaints and accident investigations.

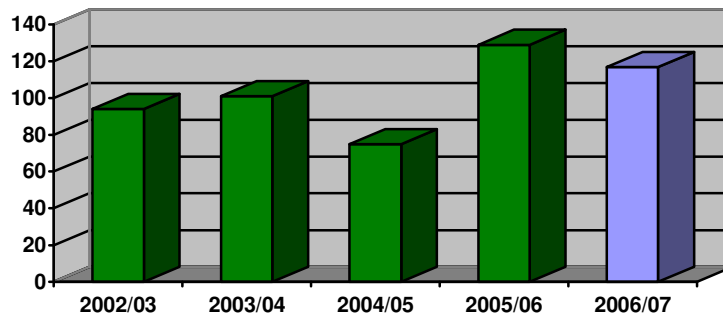
In addition there are 1000 C-rated or unrated premises in the area. Although these are of insufficient risk to be included in the inspection cycle, they have previously been targeted with questionnaires to check their status and awareness in relation to health and safety and will continue to be approached in that manner. All unrated premises will be desk top rated to bring them into the inspection cycle. A specialist health and safety newsletter was distributed in January and included, for example, information on how to manage asbestos materials in buildings.



## **Health and Safety Complaints and Enquiries**

During 2006/2007 the Team dealt with **117** complaints regarding working conditions and practices. We aim to respond to all such enquiries within 2 days but if it is judged that the situation is serious then our response will be the same day. Some examples of the complaints we have dealt with are:

- poor working conditions, including lighting; seating; temperature
- employment of young persons
- fork lift truck operation
- trip/slip hazards



The chart above shows that complaints regarding health & safety have declined slightly but are still more each year than for the period from 2002 to 2005.

## **Accident Investigation**

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, places a legal duty on employers, the self-employed and those in control of premises to notify and report some work related accidents, diseases and dangerous occurrences. Most notifications are reported to the national Incident Contact Centre (ICC) operated by the HSE. Notifications are then passed on to the relevant enforcement authority. Full details of what should be reported and the procedure are available on the ICC web site at; [www.riddor.gov.uk](http://www.riddor.gov.uk)

Our policy is to review all accident notifications and to investigate as appropriate. Our aims in undertaking independent investigations of accident notifications are:

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures
- The assessment of the effectiveness of existing controls.
- The identification of potential hazards and associated risks
- Provision of advice and information
- Appropriate enforcement action (proportionate to risk), to secure compliance with health and safety legislation where necessary.

During 2006/2007 the Team investigated **219** notified accidents and dangerous occurrences which is a significant increase on the **156** accidents notified to the Commercial Team during 2005/2006. The majority of the accidents occurring in Bracknell are related to poor manual handling and slips and trips.

### **Enforcement Action**

We have adopted a broad and comprehensive set of measures to protect consumers and promote health and safety, and we actively work with local business to achieve a balanced approach.

Any enforcement action taken by the Team is graduated, proportionate and in accordance with the Council's Enforcement Policy. A full copy of the policy can be found on our website: [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)

Enforcement action taken in relation to health and safety for 2006/2007 is shown below;

ENFORCEMENT ACTION	2005/06	2006/07
Informal improvement notices	57	68
Formal notices	4	5
Prosecutions	0	0
<b>TOTAL</b>	<b>61</b>	<b>73</b>

### **Variations from the Plan**

Departures from the Health & Safety Enforcement Plan will be exceptional, capable of justification and be fully considered by the Head of Environmental Health & Safety and the Team Manager – Commercial, before varying action is taken. Reasons for any departure will be fully documented.

Monitoring procedures are in place to assist in evaluating the effectiveness of the services as a whole. Performance reports are presented as key performance indicators monthly and quarterly with comments where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

## **STRIVING FOR EXCELLENCE**

### **Areas for Development**

We are always striving to move the service forward. In order to achieve this, we set targets and identify areas for development during the coming year. **Appendix A** details targets from our Action Plan for 2007 -2008 along with proposed timescales.

### **Staff Resourcing**

There are now 5 appropriately qualified and authorised officers within the Team who spend approximately 40% of their time on health and safety issues. The Council utilized the services of trusted contactors to complete our programmed activities and respond to complaints and enquiries during periods of staff shortage in 2006/2007

### **Customer Feedback and Quality Monitoring**

Procedures are in place to scrutinise all the work that is undertaken by the officers in the Commercial Team. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We also evaluate our performance by asking our customers to complete a 'Customer Satisfaction' survey following inspections.

We plan to continue to roll out an in-house competency assessment for Officers in accordance with the criteria set out in the **Section 18 Guidance** issued by the **HSE Local Authority Enforcement Liaison Committee (HELA)**



### **Benchmarking**

The Audit Commission introduced a new set of Performance Indicators (BVI 166) for Environmental Health and Trading Standards in 2001/02. The Environmental Health and Trading Standards Services have continued to improve their performance over the past 3 years, meeting the target in 2005/06.

An inter-authority audit of the health and safety enforcement service was carried out by Berkshire Health and Safety Liaison Group in November 2002 with an observer present from the HSE. The service scored 2 to 3, meaning that statutory requirements are frequently met and that guidance is often met fully.

We are members of the Berkshire Environmental Health Benchmarking Club which seeks to identify and develop good practice procedures to help enhance the quality and consistency of service provision.

## **Staff Development**

We aim to make full use of the skills that exist in the Commercial Team and to develop those skills through updates, shadowed working and internal and external training. A record of continuous development is maintained for all officers. The following courses were attended during 2006-2007

Health & Safety Update training  
Berkshire EH Managers Symposium  
Workplace Transport  
Fire Safety  
Legal Briefing  
FIT3 Briefings

- Royal Mail
- Better Backs
- Height Awareness

Internal training

- Project Management

## **Further Information**

If you would like further information about the service that the Commercial Team provides, or would like to speak to an officer for advice on a health and safety matter, please contact us:

The Commercial Team  
Environmental Health & Safety  
Environment & Leisure Department  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell  
RG12 1JD

Tel: 01344 352000  
Fax: 01344 351190  
Email: [consumer.services@bracknell-forest.gov.uk](mailto:consumer.services@bracknell-forest.gov.uk)

Or look on our website at  
[www.bracknell-forest.gov.uk/environment.htm](http://www.bracknell-forest.gov.uk/environment.htm)

## **Availability of Officers**

Officers can be contacted through our Customer Service Centre which is open at the following times:

8.45 am—5.15 pm Monday to Thursday  
8.45 am—4.45 pm Friday

### **Useful contacts and websites:**

[www.hse.gov.uk](http://www.hse.gov.uk) The Health and Safety Executive web site, which has an enormous amount of invaluable information on health and safety. The local HSE office is at;

Priestley House  
Priestley Road  
**BASINGSTOKE**  
RG24 9NW  
Tel: 01256 404000  
Fax: 01256 404100

The HSE also has an 'Infoline' on 0845 345 0055

[www.hse.gov.uk/lau](http://www.hse.gov.uk/lau) The Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) ensures that the health and safety legislation is enforced consistently.

[www.riddor.gov.uk](http://www.riddor.gov.uk) for a full list of reportable major injuries, diseases and dangerous occurrences and when and how they must be reported.

[www.berkshirehealthandsafety.co.uk](http://www.berkshirehealthandsafety.co.uk) useful fact sheets on health & safety maintained by the Berkshire Health & Safety Liaison Group

[www.workplacehealthconnect.co.uk](http://www.workplacehealthconnect.co.uk) free, practical advice on workplace health and safety designed to help SME's, that is Small and Medium Enterprises. Advice line; 0845 609 6006

### **Height Awareness Seminar held in partnership with Panasonic, Bracknell**



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**APPENDIX A  
HEALTH & SAFETY ENFORCEMENT PLAN  
2007/08**

<b>Protecting Consumers</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>To seek to improve the health &amp; safety standards of workplaces in Bracknell Forest through effective enforcement methods.</i>	Inspect 110 businesses in Bracknell Forest where we are the enforcing authority for health & safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other businesses	March 2008
<i>To develop, implement and maintain a Health &amp; Safety Plan</i>	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the well being of Bracknell Forest residents and visitors. Plan to be achieved within existing resources	Draft Action plan by Feb 08 Completed plan by July 08
<i>Respond to and investigate workplace accidents and reports of poor working practices and conditions</i>	To ensure that effective investigations are carried out and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reported.	Ongoing
<i>In partnership with the Health &amp; Safety Executive work towards reducing the number of accidents and ill health that occurs within Bracknell Forest by focusing on priority areas identified local, regional and national level.</i>	Adapting existing project plans that have been developed by the HSE for campaigns to; <ul style="list-style-type: none"> <li>• Free up officer time from developing campaigns and allow more contact time with businesses</li> <li>• Low cost publicity and support material by use of nationally produced resources and publicity</li> <li>• Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. (FIT3)</li> </ul>	Ongoing

<b><i>FIT3 Project Working –Focusing Resources</i></b>		
<b><i>Task</i></b>	<b><i>Outcome</i></b>	<b><i>By when</i></b>
<b><i>Ladders – to continue Height Awareness activity from 06/07</i></b>	Utilise national publicity to advise local businesses. 20 follow up visits to assess planning of work and selection of equipment.	June 2007 -onwards
<b><i>Slips and Trips</i></b>	10 organizations that provide contract cleaning services and 10 hotels. Re-enforce 'watch your step' message	Sep – Nov 2007
<b><i>Moving Goods Safely- focusing on supply chain distribution</i></b>	20 focused visits with follow up evaluation European H&S Week	October – March 08
<b><i>Noise at Work( and Smoke Free) in Pubs and Night Clubs (County-wide)</i></b>	Increase awareness of Regulations (potential for joint working with Licensing Team). 10 clubs and bars live and recorded music. Evaluation of impact.	July- August 2007
<b><i>Better Backs</i></b>	All residential homes targeted with publicity and 15 visits follow up evaluation	Jan – Feb 2008
<b><i>Builders Merchant (County-wide)</i></b>	Continue 2006 Better Backs work with one major employer 5 highest risk builders merchants	May –June 2007
<b><i>Tyre and exhaust involving peripatetic roadside work activities (County –wide)</i></b>	All Tyre and Exhaust premises in Bracknell Forest (6)	September – November 2007
<b><i>Asbestos- Duty to Manage</i></b>	Raise at all relevant visits (100) Second Year of campaign. Likely to result in some enforcement to secure improvement.	Ongoing Publicity in Sept 2007

<b>Support for Local Businesses</b>	<b>Outcome</b>	<b>By when</b>
<b>Task</b>		
<b>To facilitate the delivery of health &amp; safety promotional events and material to reflect local needs and national priorities</b>	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 3 H&S press releases Ensure that the full range of information and guidance on priority areas	Ongoing during year and completion by March 2008
<b>To provide support and advice to local businesses to help them improve their health &amp; safety compliance</b>	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack Investigate suitability of Healthy Workplace Award to recognize achievement, encourage and support businesses	On-going
<b>To maintain up to date health &amp; safety pages on the Council's web site</b>	Provision of relevant accessible information and links to other key sites	Ongoing
<b>To provide training in Risk Assessment (CIEH Accredited course)</b>	2 low cost courses aimed at small businesses in Risk Assessment (CIEH Accredited)	Sept 07 and Feb 08

<b>Local Partnerships</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>To support and participate in a joint warranting project with the HSE.</i>	Work effectively together on agreed regional projects to provide a consistent and improved service	Ongoing during the year March 2008
<i>Develop links with local businesses to support local priority topics</i>	To form partnerships with a variety of organisations to help support the service aims 2 major partnerships ( Panasonic and one other )	
<i>In partnership with the Berkshire PCT and Smoke Free Berkshire promote Smoke Free Bracknell Forest</i>	Extend the Smoke Free Bracknell pledge to all businesses ahead on the ban on smoking in public places in July 2007  Support and enforcement as agreed	March – end June  July 2008 onwards

<b>Performance Management</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>To respond within agreed timetables for national performance data for HSE</i>	Full reports annually and in year returns submitted within time frames	As requested
<i>To maintain a quality service in accordance with Section 18 HSC</i>	Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers. Identification of staff training needs during annual Appraisals. Reviewed and up to date internal procedures	On-going
<i>Complete Quarterly Quality Performance Assessments</i>	Report on quality and consistency of the Commercial Team's work and review as necessary	Quarterly
<i>To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health &amp; Safety Liaison Group and Berkshire EH managers Group</i>	Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working	Annually
<i>To periodically consult with stakeholders</i>	To seek stakeholder's views on the delivery of our health & safety service, to use the information to improve the service and to further identify local needs.	Ongoing

## LICENSING AND SAFETY COMMITTEE 5 JULY 2007

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### LICENSING ANNUAL REPORT 2006-7 (Director of Environment and Leisure)

#### 1. PURPOSE OF DECISION

- 1.1 This report covers the activities within the Licensing function in the Environment & Leisure Department during the municipal year 2006-7. It is brought to the Committee to consider and comment upon the work carried out.

#### 2. RECOMMENDATION

- 2.1 That the Committee receives the report.

#### 3. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

##### Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that no significant legal implications arise from this report.

##### Borough Treasurer

- 3.2 There are no financial implications arising from this report.

##### Impact Assessment

- 3.3 Not applicable.

##### Strategic Risk Management Issues

- 3.4 There are no issues to consider.

#### 4. SUPPORTING INFORMATION

- 4.1 Attached as Annex A is a list of those licences, registrations and permits that have been issued or processed by the Licensing Section with the last year. This has increased from 1,637 in 2005-6 to 1,689 in 2006-7. There was a large drop in relation to Personal Licences which once issued remain in force for 10 years. This decreased from 481 to 119 applications in 2006. In most other areas numbers increased to make up for the drop in personal licences.

- 4.2 The number of taxis, that is those that work on ranks and can be hailed in the street, dropped from 95 to 89. The Council set in place a policy in 2001 which set a target of 100% of taxis to be accessible to persons in wheelchairs by 31 December 2009. At present the proportion of accessible taxis is now 63%, an increase from 50% in 2005-6. With a further 25 vehicles which have a swivel seat to aid transfer from a wheelchair, this means that over 91% of the taxis now offer improved facilities to assist not only wheelchair users, but those with restricted lower limb mobility, a common complaint with the elderly. The Council is in line to achieve its target of 100% wheelchair accessible by the set date.

- 4.3 A primary challenge for 2006 was to build upon the successful introduction of the Licensing Act during 2005. During the year 13 new premise applications and 14 applications to vary were received, processed and issued. Five went forward to the Panel for decision. It is pleasing to note that neither an applicant nor a person making a representation has challenged the Panel's decision by lodging an appeal to the Magistrates Court, and this could be said to be a reflection that the decision-making process is balanced, reasonable and proportionate.
- 4.4 The Section work plan required that all the 200+ newly licensed premises would receive a comprehensive visit during the year. The purpose of the visit was to check compliance and offer advice and assistance to licensees, on compliance with new licence conditions. It is pleasing to report that all premises were visited and compliance levels were on the whole good.
- 4.5 In addition a further 115 visits were made to premises during night-time trading periods to check compliance with conditions. These inspections are directed to check how the premises are being managed at busy times, and to follow up on complaints made by local residents in particular in relation to nuisance and crime and disorder. Any problems found were dealt with by discussions with local management, the Designated Premises Supervisor, and the Premise Licence Holder. All concerns were resolved by improvement in management control including the replacement of local management in some instances.
- 4.6 2006 also saw the Service prepare for the implementation of the Gambling Act. The Gambling Policy for Bracknell Forest was published in January this year and set the framework, together with the legislation, for decisions to be made in the forthcoming years on gambling premises located within Bracknell Forest. The work for the Section and the Council as a whole under this new legislation is significantly less than the Licensing Act. The indication is that all existing premises will convert their licences without variation with the result that no consultation or panels will be required.
- 4.7 The number of Street Collection permits issued has risen steeply from 87 in 2005 to 121 in 2006. The main area of change was within Bracknell Town Centre with increased use of the Bandstand. It can be reported that regardless of the increase in number the Council has not received complaints from residents of harassment so the implication must be that conditions set for such collections by the Council appear to work satisfactorily.
- 4.8 In addition there are other collections, particularly in the Town Centre, for charities through direct debit mandates. These are not presently controlled by legislation, but Bracknell Forest has entered into an agreement with the public Fundraising Regulatory Association to control their actions. There were 25 collections in 2006 and no complaints were received. The Government had intended to introduce new legislation to control this activity in the summer of 2006. We are still awaiting that legislation.

#### Background Papers

None

#### Contact for further information

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#### Doc Ref

G:secs1\cttes\licensing & safety\july\2007\licensing annual report 2006-7\11.6.07B

## LICENCES CURRENT IN 2006-7

Type	No	Type	No
Animal Boarding Establishments	3	Personal Licences	119
Club Premises Certificate	33	Pet Shops	6
Dangerous Wild Animals	2	Petroleum	18
Hackney Carriage Drivers	208	Poisons	11
Explosives	41	Premises Licence	213
Hackney Carriage Vehicles	89	Riding Establishments	3
Home to School Drivers	11	Special Treatment (Personal)	33
Home to School Vehicles	11	Special Treatment (Premises)	11
House to House Collections	5	Street Collections	121
Lotteries	62	Street Trading	19
Private Hire Vehicles	175	Temporary Event Notices	284
Private Hire Drivers	98	Private Hire Operators	40
Caravan Sites	13	Gambling Permits	10
Hairdressers	10	Motor Salvage	3
Performing Animals	4	Club Premise Certificates	33
<b>TOTAL = 1689</b>			

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LICENSING AND SAFETY COMMITTEE  
5 JULY 2007

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**TARIFF CHARGES**  
**(Director of Environment and Leisure)**

**1 PURPOSE OF DECISION**

- 1.1 The Committee annually reviews the fees charged (the tariff) by Hackney Carriages (Taxis) within Bracknell Forest to ensure it is appropriate when balancing the interests of the taxi trade and users of the service.
- 1.2 The current tariff came into effect in October 2006 and any changes would need to be considered now so that legislative requirements regarding advertisements and consideration of objections can be met prior to introduction in October 2007.

**2 RECOMMENDATIONS**

**That the Committee agrees not to implement a change in the tariff at this time.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The Borough Solicitor is satisfied that the relevant legal provisions are contained within the body of the report.

Borough Treasurer

- 3.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

Access Implications

- 3.3 There are no access issues arising from the report.

Strategic Risk Management Issues

There are no strategic risks identified.

**4 SUPPORTING INFORMATION**

- 4.1 The purpose of this report is for members to consider if changes should be made to the present charging structure for journeys within Hackney Carriages. If the decision of members is to change tariff then those changes must be advertised in a prescribed manner, and any objections received and considered before implementation.

- 4.2 The Council, in conjunction with the taxi trade, in an effort to arrive at charges which truly reflect costs, agreed a formula based upon those relevant business elements subjected to inflation in the previous year. This has been in use for charge setting for the last 8 years. The formula looks at changes in average earnings, motoring expenditure and the retail price general index for the previous year, in this case 1 January to 31 December 2006. The factors are then "weighted" to reflect the likely impact they might have on the business of running a taxi. Therefore motoring expenditure, ie fuel, servicing, insurance, taxes, vehicle costs and depreciation, is seen and weighted as the most influential factor. Employee earnings is seen as second with general inflation as last.
- 4.3 In 2006 the Committee agreed a tariff increase which equated to an average 3.7% increase over journeys from one mile to 5 miles. This was against an inflationary formula figure of 3.2%. Due to the manner in which a taxi meter works, it is not possible to have a consistent percentage increase for a range of distances travelled.
- 4.4 The inflationary figure for 2006 using the standard formula is 0.84%. This is set against an RPI General Index figure of 4.8%, average earnings of 1.3% and motoring expenditure of -0.05%. Attached to the report as Annex A is an extract from a spreadsheet which demonstrates how these figures have been calculated using the National Statistics data and the weighting factor.
- 4.5 There are substantial costs incurred by both the trade and the Council with the implementation of a tariff change. The meters have to be reprogrammed, often losing the owners at least half a day's work, and then separately tested by Council officers. In view of this, officers spoke to members of the trade to gauge their views should an increase of 1% or less be recommended. The view was that they would be disappointed with that level of increase and if that was to be the amount granted, then the costs incurred by them to implement it would not be recoverable. In such circumstances no increase would be preferable.
- 4.6 The tariff has been increased every year for the last 6 years as follows=:

2006	3.7%	2003	4.5%
2005	4.8%	2002	3.5%
2004	2.0%	2001	3.0%

and this has matched or bettered inflationary figures using the agreed formula. In light of the low inflationary rise this year and the comments regarding the costs of implementation, it is recommended that no increase be made for 2007.

#### Background Papers

National Inflation Statistics 2005 and 2006

#### Contact for further information

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#### Doc Ref

Secs\other ctte\L&S\2007\july\tariff charges\11.6.07

## TAXI CHARGE INCREASE CALCULATOR

		% Increase	Weighting	Increase
<b>Average Earnings (E1)</b>				
Jan 2005	118			
Jan 2006	123.8	4.92	30%	1.476
Jan 2007	125.4	1.29	30%	0.387
<b>Motoring Expenditure</b>				
Jan 2005	181			
Jan 2006	185.5	2.4861878	60%	1.491713
Jan 2007	185.4	-0.0539084	60%	-0.032345
<b>RPI General Index</b>				
Mar 2005	190.5			
Mar 2006	195	2.36	10%	0.236
Mar 2007	204.4	4.82	10%	0.482
<b>Total %</b>				3.203713
<b>Total %</b>				0.836655

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