



## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday, 3 July 2008, 8.00 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Licensing and Safety Committee**

Councillor Brunel-Walker (Chairman), Councillor Mrs Ryder (Vice-Chairman), Councillors Baily, Mrs Barnard, Beadsley, Brossard, Browne, Burrows, Finch, Kendall, Leake, Osborne, Thompson, Virgo and Ms Wilson

ALISON SANDERS  
Director of Corporate Services

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Published: 25 June 2008

**Licensing and Safety Committee**  
**Thursday, 3 July 2008, 8.00 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

**AGENDA**

Page No

1. **Apologies for Absence**  
To receive apologies for absence.
2. **Declarations of Interest**  
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.
3. **Minutes**  
To approve as a correct record the minutes of the meeting held on 31 January 2008 and 21 May 2008. 1 - 8
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.
5. **Health and Safety Law Enforcement Plan 2008-09**  
The Committee is asked to adopt the Health and Safety Law Enforcement Plan for 2008-09. 9 - 30
6. **Annual Report 2007-08**  
The Committee is asked to note the work carried out by the Licensing Section in 2007-08 and to agree the work programme for 2008-09. 31 - 52
7. **Hackney Carriage Tariff Charges**  
The Committee is asked to agree changes to Hackney Carriage tariff charges. 53 - 56
8. **Special Treatment Registrations**  
The Committee is asked to approve the competency guidelines for special treatment registrations. 57 - 60

# Agenda Item 3

## LICENSING AND SAFETY COMMITTEE 31 JANUARY 2008 (7.30 - 9.40 pm)

Present: Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman),  
Beadsley, Blatchford, Brossard, Burrows, Finch, Leake, Osborne,  
Thompson and Virgo.

Also Present: Steve Loudoun, Chief Officer: Environment & Public Protection  
Priya Patel, Democratic Services Officer  
Rob Sexton, Head of Trading Standards & Services  
David Steeds, Head of Environmental Health & Safety

Apologies for absence were received from:  
Councillors Baily and Kendall.

### 23. **Declarations of Interest**

There were no declarations of interest made at the meeting.

### 24. **Minutes**

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee on 4 October 2007 be approved as a correct record and signed by the Chairman with the addition of Councillor Leake's apologies.

### 25. **Health and Safety Law Enforcement Plan 2008-09**

The Committee were presented with a report that provided Members with an opportunity to comment on the draft Health and Safety Law Enforcement Plan 2008-09 prior to the final version being circulated in April. The Head of Environmental Health and Safety reported that Members would receive a full plan of actions for this Plan next year.

He informed Members that the Health and Safety Law Enforcement Plan 2007-08 had not been met in full and the reasons for this were set out in paragraph 4.4 of the report. A number of staff shortages had been experienced in the year and agency staff had been employed, however the main statutory requirements had been met.

He informed the Committee that in terms of visits to premises, those that were in the highest risk categories would receive visits from officers, ensuring that the most effective use of resources was made. Lower risk premises tend to receive letters or mail shots unless something had changed to indicate the need for a visit..

Officers agreed to look into the work that had been carried out a few years ago by a Member level working group on preventing falls to see whether there was any learning or relevance to the Plan.

The Committee asked that format of the report be altered slightly to make the targets more identifiable in the final Plan.

It was **RESOLVED** that;

- i) the Committee noted the timescales for the production of the final Health and safety Law Enforcement Plan 2008-2008 and
- ii) provided their comments on the draft Enforcement Plan as detailed above.

## 26. **Outsourcing of Taxi Testing**

The Committee were presented with a report that asked them to note the progress made to outsource the testing of taxis and to agree the recommendation contained in the report.

The Head of Trading Standards and Services reported that six businesses had expressed interest in this work. Each business varied in size and quality of equipment. Two of the six businesses were able to test long wheeled based vehicles. All six premises had been visited and officers had monitored their work. The businesses that were to be offered the work would need to become a member of Trading Standards and deliver a particular quality of service as well as a standard of customer service, which would be monitored by officers. The basis of the arrangement is such that it can be changed at any time should the need arise.

It was noted that a pricing framework for taxi testing had not been stipulated, this would be left to market forces, but the new arrangements represent a saving in time and money to the trade.

It was **RESOLVED** that;

- i) the Committee noted the progress to outsource the testing of taxis and
- ii) delegated authority to the Chairman to agree with officers those sites that would be appointed to deliver testing on behalf of the Council.

## 27. **Hackney Carriage Tariff Charges**

The Committee were presented with a report that asked them to review Hackney Carriage tariff charges. The Head of Trading Standards and Services reported that the current tariff for Bracknell Forest came into effect in October 2006. The tariff was last reviewed in July 2007, when the Committee decided not to implement any changes.

Due to the recent sharp increases in the cost of fuel, it was believed that the tariff should be reconsidered to ensure there was an appropriate balance of the interests of the taxi trade and users of the service. Any proposed changes would have to be advertised for a period of fourteen days, and if any objections were made, these would have to be considered by the Committee at its next meeting on 17 April 2008.

In response to Members' queries, the Head of Trading Standards and Services stated that it was likely that neighbouring local authorities would more than likely also be reviewing their tariff charges as a result of the increased price of fuel.

It was **RESOLVED** that;

- i) as from Thursday 21 February 2008 a change to the tariff as follows: for each subsequent 250 yards – 20 pence, be advertised,
- ii) it be noted that if no objections are made, the new tariff would come into effect on Monday 10 March 2008; or

- iii) consideration be given to any objection received, at the Committee's meeting on 17 April, in which case the new tariff would come into effect on 21 April.

## 28. **Review of Fees and Charges 2008/2009**

The Committee were presented with a report that asked them to note the proposals and agree the fees for the year commencing 1 April 2008. Each service area was required to review the fees and charges it levied on behalf of the Council as part of the budget review process.

The Chief Officer: Environment & Public Protection, reported that proposed fees and charges were based on enforcement and a range of other costs, and were representative of what was spent on each service area. He confirmed that the proposed fees and charges if agreed by the Committee, could still be lower than neighbouring local authorities, accordingly he agreed to undertake a more detailed review in time to inform next years fees.

The Chairman thanked the Head of Trading Standards and Services on behalf of the Committee for all the work he had done on this and stated that he looked forward to seeing the results of the review.

It was **RESOLVED** that;

- i) Except for the operator and vehicle license fees, the Committee recommends to the Executive that the new fees and charges detailed in Appendix A of the report be implemented from 1 April 2008,
- ii) the proposed charges in operator and vehicle license fees be:
  - a) advertised,
  - b) if no objections are received, that they be implemented from 1 April 2008 or,
  - c) if objections are received, they be reported to the Chair and Vice-Chair of the Committee who shall be delegated authority by the Committee to consider the objections and determine the fees.

## 29. **Guidance Notes and Conditions for Hackney Carriage and Private Hire Owners, Operators and Drivers**

The Committee were presented with a report that asked them to consider and approve the Guidance Notes, parts of which were also conditions attached to licenses.

The Committee asked that the following comments be forwarded to the Licensing Team Leader on the proposed changes to the Guidance Notes:

- i) Page 9, Section 13. Vehicle Inspection: The first paragraph was unclear where it referred to vehicles that undertake less than 8,000 miles per year and were involved in home/school transport. The Committee asked that officers clarify the inspection regime for vehicles that cover less than 8,000 miles and are involved in home/school transport.
- ii) Pages 61 & 65, refer to alcohol consumption whilst driving, officers to ascertain whether drugs should also be added to these references. The Committee noted that drugs offences covered a wide area and asked officers to ensure that they were appropriately covered in the Guidance Notes, including driving whilst under the influence of drugs.

- iii) Page 72, the Committee agreed that a 'failure to display badge' should carry a points value of 5. In addition, the Committee agreed that the use of mobile phones should be added to the table of contraventions and given a points value of 5. The Committee asked that officers ensure that this contravention was carefully drafted as taxi drivers could use their taxi hands-free radios without contravening Licensing legislation.

The Chairman thanked officers on behalf of the Committee for the hard work that had gone into preparing the report before them. The Chairman also asked that thanks be passed on to the Licensing Team Leader.

It was **RESOLVED** that the Committee;

- i) noted the changes made to the Guidance Notes,
- ii) provided comments on the proposed changes as detailed above and asked that the Licensing Team Leader implement the changes detailed in their comments above.
- iii) Agreed to provide any further comments to the Licensing Team Leader by 8 February 2008 and
- iv) Agreed that the Guidance Notes be issued following consultation with and agreement of the Chair of the Licensing and Safety Committee.

### 30. **Licensing Act 2003 - Minor Variations**

The Committee were presented with a report that asked them to note the Government's proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations. In addition the Department of Culture, Media and Sport (DCMS) had issued a consultation document and was seeking views from licensing authorities on the proposal.

It was **RESOLVED** that the Committee;

- i) noted the proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations, and
- ii) approved a response to the DCMS consultation to support the option proposed in 1.2(a) of the report.

### 31. **Special Treatment Registrations**

The Committee were presented with a report that asked them to approve the competency guidelines for special treatment registrations attached as Annex B of the report.

Members queried how regularly updated training was required under 'electrolysis' on page 98. Members also noted inconsistent wording of 'should not' and 'must not' on page 98. The Chief Officer: Environment & Public Protection suggested that in light of the comments that the report be withdrawn to allow the officers to look at the detail again so that the report can be brought back to the next meeting of the Committee.

It was **RESOLVED** that the item be withdrawn to allow the officers to undertake further work and that the matter come back to the next meeting of the Committee.

### 32. **Licensing Panel Hearings**

The Committee were presented with a report that asked them to agree the procedure for Licensing Panel Hearings as set out in paragraph 4.7 of the report.

It was noted that the proposed procedure was very tight in terms of timing and turnarounds, but it had proved to be achievable in a couple of examples in recent months. The aim of the procedure was to comply with legal requirements and to provide to members the option to dispense with a public hearing if they were satisfied that the suggested mediated conditions met the licensing objectives.

Members expressed concern that if one Member was unavailable, the procedure may break down and that perhaps a substitute Member should always be included in any correspondence. The Chairman agreed that this is a matter that should be kept under review.

It was **RESOLVED** that

- i) the procedure on Licensing Panel Hearings as set out in paragraph 4.7 of the report be agreed.

### **33. Road Safety Act 2006**

The Committee were presented with an information report that informed them of the guidance that had been recently published by the Department for Transport in respect of the implementation of Section 53 of the Road Safety Act 2006.

Vehicles were previously exempt from the requirement to be licensed if they were only used for contracts lasting not less than seven days. This was known as “the contract exemption”. Neither the driver of the vehicle, the vehicle itself, nor the operator was required to be licensed.

Section 53 of the Act repealed this exemption from the requirement to be licensed, except in respect of vehicles used solely for weddings and funerals. This new provision came into force on 28 January 2008.

### **34. Licensing Act 2003 - Statement of Licensing Policy**

The Committee were presented with an information item that advised the Committee on progress on the review and date of publication of the Borough’s Licensing Policy.

The Licensing Act 2003 requires that the Council review its Statement of Licensing Policy at least every three years. The Council’s existing policy was therefore required to be reviewed and published by 7 January 2008. If this process had not been completed, the Council would not have been able to carry out its functions in relation to applications made under the Act.

The Chief Officer: Environment & Public Protection, informed Members that he would circulate bound copies of the Licensing Policy to all Members.

**CHAIRMAN**

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## **LICENSING & SAFETY COMMITTEE**

Wednesday, 21 May 2008

(8.44pm - 8.46pm)

**Present:-** Councillor Baily, Councillor Mrs Barnard, Councillor Beadsley, Councillor Brossard, Councillor Browne, Councillor Brunel-Walker, Councillor Burrows, Councillor Finch, Councillor Kendall, Councillor Leake, Councillor Osborne, Councillor Mrs Ryder, Councillor Thompson, Councillor Virgo and Councillor Ms Wilson

### **1. ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor Brunel-Walker be elected Chairman of the Licensing and Safety Committee for the 2008/09 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 2008/09 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 Beadsley, Brunel-Walker, Kendall, Leake, Mrs Ryder and Thompson be appointed Chairs of the Licensing Panel.

**CHAIRMAN**



## LICENSING AND SAFETY COMMITTEE 3 July 2008

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### HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2008-2009 (Director of Environment, Culture and Communities)

#### 1 INTRODUCTION

- 1.1 The Council is required by Section 18 of the Health and Safety at Work etc Act 1974, to 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 2008-2009 has been produced that reflects this requirement and identifies where and how resources are to be deployed in the current year. Also included as part of the Plan is last years outturn report.
- 1.3 The Committee are asked to consider the Plan as attached as appendix B in the document. Members will recall commenting on the draft Enforcement Plan at the Committee Meeting of 31 January 2008. The purpose of this report is to finalise the plan prior to adoption.

#### 2 RECOMMENDATIONS

##### 2.1 That the Committee::

- (a) notes the performance outturn report as set out in Appendix A, and
- (b) adopts the Health and Safety Law Enforcement Plan as set out in Appendix B for 2008-2009 noting the particular focus on topic inspections and the inspection strategies for high risk businesses to ensure our resources are appropriately targeted.

#### 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.

##### Equalities Impact Assessment

- 3.3 The work plan targets premises according to need based on the history of risk and identified need. Where issues of equality may arise then special provision is made to help as may be necessary.

## Strategic Risk Management Issues

- 3.4 The Council is liable to inspection to ensure compliance with section 18 of the Health and Safety at Work Act etc. 1974. This Plan sets out how the Council intends to comply with those obligations and in so doing so mitigate against the risk of an adverse inspection report followed by possible intervention and surcharge.

## **4 SUPPORTING INFORMATION**

- 4.1 The Plan for Health and Safety Law Enforcement has been produced to set out the Council's plan for health and safety in line with direction from the Health and safety Commission. Appendix B shows the proposed work plan for 2008-2009.
- 4.2 Matters relating to overall management and delivery of health and safety management fall to the Health and Safety Commission. There are effectively two main delivery/regulatory arms to the Commission namely the Health and Safety Executive and the Local Authorities. Within Bracknell Forest, enforcement with premises is a largely a function of the Environmental Health. Trading Standards have a small role in relation to workplace product safety matters and the licensing officers have authority to do some inspection work in low risk premises.
- 4.3 The Borough currently has 2,153 local businesses where it has the statutory responsibility for Health and Safety at Work matters. Those premises are inspected according to a national risk rating system. Many of the Borough's premises are low risk and therefore are not subject to routine inspection. In such cases alternative strategies are used such as the use of self-assessment questionnaires, newsletters, mailshots and seminars. Such information enables the businesses to self help and call on guidance as and when required. The remaining premises are subject to a formal programme of inspection and Appendix 1 shows the breakdown for the current year based on the risk assessment.
- 4.4 At the meeting of 31 January 2008, comment was made about the potential relationship between the work of a member level group undertaken sometime in the past in relation to falls and the work undertaken by the officers. To date details of that work has not been found but if it is felt that it is unlikely to be relevant as this plan relates to workplace safety. It is believed that the focus of the member work might have been around the home; if so, such activity is outside the plan's scope.
- 4.5 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 have 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. The Plan reflects that arrangement which is in line with national priorities. As a consequence 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".
- 4.6 One of the major influences on the delivery of any plan is the availability of resources. Delivery of last years Plan was influenced by high staff turn over in the Environmental Health Section. In order to cope with the over riding priorities of the section some resource was redeployed to other service areas. Some additional inspection services were however brought in to cover health and safety inspections as these are more readily available skills to acquire from recruitment agencies.

- 4.7 The Council once approved is made public feedback invited. Any feedback received is then used to inform the plan for next year. The plan is published on the Borough's website and copies are sent to 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 2007-2008, or on the drafted plan made public in January.

#### 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 2007-2008

#### Contact for further information

David Steeds, Head of Environmental Health – 01344 352530  
david.steeds@bracknell-forest.gov.uk

#### Doc Ref

Secs1\Winword\L&S Ctte\2008\july\health and safety law enforcement plan 2008-2009\20.6.08



**HEALTH AND SAFETY ENFORCEMENT**

**2007 – 2008 OUTTURN**

**AND**

**ENFORCEMENT PLAN 2008-2009**

**Environment, Culture and Communities Department  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell  
RG12 9JD**

**Tel: 01344 352000**

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## PART 1 - INTRODUCTION TO THE PLAN

This Plan sets out details of:

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

Our key priorities when it comes to workplace safety are:

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

The Council is responsible for the health and safety of thousands of locally employed people and for the safety of the public who may as a result of their activity be harmed. The duty and powers of the Council are set out in 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. The Council has responsibilities in respect of **2,153** premises in the Borough including offices, shops, warehouses, builder's merchants and services such as hairdressers as shown in the table below:

Type of Premises	Number of Premises
Retail shops	338
Wholesale shops, warehouses and fuel storage depots	39
Offices	446
Catering, restaurants and bars	226
Hotels, camp sites and other short stay accommodation	21
Residential care homes	48
Leisure and cultural services	97
Consumer services	936
Other premises	2
<b>Total</b>	<b>2,153</b>

Officers from the Environmental Health have the main responsibilities in relation to ensuring compliance with the provisions of the legislation. Licensing officers undertake some premises inspection where they are competent to do so but only in low risk premises. Trading Standards staff have a much more limited role related mainly to matters of the safety of new work related equipment. All officers are authorised to carry out work according to qualification and competence. The aim is to focus resources on the areas where research suggests we will have the greatest impact in terms of reducing work related injury and ill-health.

Our work is varied, for example during 2007/08 we:

- inspected 75 businesses and carried out 102 other related visits
- responded to 185 complaints and enquiries
- investigated 228 accidents notifications
- issued formal notifications on how businesses can comply to 47 businesses

This is further detailed in Appendix A.

The national targets for Health and Safety identified by the Health and Safety Commission are to:

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

The HSC strategic plan contains 8 priority topic programmes of which 5 are relevant to Local Authorities:

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

Across the Environment and Public protection Division on average approximately 2.4 FTE's time is spent on health and safety matters.





In 2008/09 we plan to:

- inspect all high-risk businesses
- focus our work on priority topics identified by the HSE and carry out 99 topic-based inspections followed up by 50% revisits with the aim to achieve a 20% reduction in overall risk rating for each topic following intervention visits
- 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

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 “alternative intervention strategies” rather than inspections. This will 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
Targeted 2008/2009	9	44	108

Where the premises are to be visited for other statutory inspection purposes, both visits will be combined to reduce the regulatory burden on business.

Audits of cooling towers will be carried out at 18 premises.

A further 117 topic inspections will be made to premises based on the suitability of Fit3 intervention. Details of these are attached in Appendix 1. Where the premises are to be visited for other statutory inspection purposes, both visits will be combined to reduce the regulatory burden on business.

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 remains approximately 1,000 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 new premises will be brought into the inspection cycle based on the risks presented by their activities.

## **PART 2 – DELIVERING THE PLAN**

### **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 themes adopted by Bracknell Forest Borough Council (Community Plan) that encompass our health and safety work are contained within Corporate Theme Five to protect and improve public health in the Borough.

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.

## **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 B** details targets from our Action Plan for 2008-2009 along with proposed timescales.

### **Staff Resourcing**

Within the total Division there are a number of qualified and authorised officers. The main focus for the activity is within the Environmental Health, Commercial Tea. This team comprises of 5 officers and they who spend approximately 40% of their time on health and safety issues. The team will be back to full capacity in July for the first time in several months. Where there are shortfalls then bids are made to allow cover to bring in agency staff. Even in times of shortfall the Sections continue to monitor and cover for any critical needs.

## Customer Feedback and Quality Monitoring

Procedures are in place to scrutinise all the work that is undertaken by the officers. Our quality monitoring includes detailed practice notes, checks on data entry and officer consistency. We have also been evaluating our performance by asking our customers to complete a 'Customer Satisfaction' survey following inspections. This is set to continue with a survey of business satisfaction with services.

We plan to continue to role 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

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 Sections 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 2007-2008:

- Acetylene Cylinder Safety
- H&S Enforcement Management Model
- Fireworks Event Safety
- Dermatitis and Stress
- Builders Merchants – Fit3
- Project Management

## Working in Partnership with Others

### 1 Health and Safety Executive

The Council has 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 2008/2009 (detailed in Appendix A) are planned around the HSE's '**Fit3**' – **Fit for Work, Fit for Life, Fit for Tomorrow**. This strategy complements 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.

The Shattered Lives campaign targets those most at risk of a slip, trip or fall at work with the aim to raise awareness of the risk and help those involved to take simple action that will prevent slips, trips and falls.



**Slips, trips and falls at work shatter lives**

## **2 Berkshire East Primary Care Trust**

The Public Health Working Group, which is a partnership between the Primary Care Trust and Bracknell Forest Council, meets quarterly and has a core membership of key representatives from both organisations.

# Berkshire East

## Primary Care Trust

The Group aims to share information and develop joint working of in 5 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 work plan of the Group is developed considering the following:

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

The drive is towards ensuring that links are made across departments and 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.



## **3 Smoke Free Bracknell Forest Partnership**

A comprehensive ban on smoking in all enclosed public places and workplaces, including vehicles, came into effect on 1 July 2007.

Through the Smokefree Berkshire partnership we have continued to work with East Berkshire PCT, Slough Borough Council and the Royal Borough of Windsor and Maidenhead to raise awareness of smokefree legislation and smoking cessation services to companies in East Berkshire. Further detail of this work is detailed in Appendix A.

### **PART 3 – FURTHER INFORMATION**

If you would like further information about the service that the Environment and Public Protection Division do in relation to Health and Safety or would like to speak to an officer for advice, please contact us:

Environment, Culture & Communities Department  
Bracknell Forest Council  
Time Square  
Market Street  
Bracknell RG12 1JD

Tel: 01344 352000

Fax: 01344 351141

Email: [customer.services@bracknell-forest.gov.uk](mailto:customer.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 from 8.30 am to 5.00 pm Monday to Friday

#### **USEFUL CONTACTS AND WEBSITES**

[www.hse.gov.uk](http://www.hse.gov.uk) - The Health and Safety Executive website, 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/la](http://www.hse.gov.uk/la) - 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 and 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 SMEs, that is Small and Medium Enterprises.

Advice line: 0845 609 6006

**HEALTH & SAFETY ENFORCEMENT OUTTURN 2007/08**

**HOW DID WE PERFORM?**

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

**Inspections and other interventions**

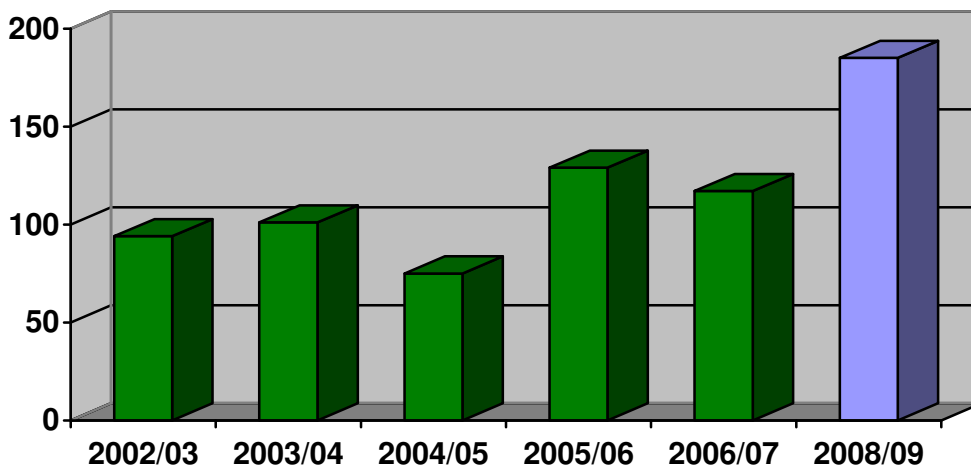
In 2007/08 officers carried out a total of 177 health and safety inspections and visits:

- 75 of these were programmed inspections and 61 of these were topic focused
- 53 were advisory visits
- 23 were revisit to follow up on issues of non-compliance
- The remaining visits were made in response to complaints from members of the public

**Health and Safety Complaints and Enquiries**

During the year there were 185 complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 2 working 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
- Working practices
- Employment of young persons
- Fork lift truck operation
- Trip/slip hazards



## Accident Investigation

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 place 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 website 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 2007/2008 the officers investigated 238 notified accidents and dangerous occurrences. The majority of the accidents occurring in Bracknell were related to poor manual handling and slips and trips. However:

- 46 accidents resulted in a member of the public being taken to hospital.
- 86 accidents resulted in injuries to an employee requiring an absence from work of more than 3 days.

## Smokefree Bracknell Forest

Officers worked hard to prepare all local employers about how to comply with smokefree legislation. This work also included taking on the needs to ensure that the Council was able to comply with the new laws as an employer and a building owner.



Mailshots, a smokefree newsletter and smokefree road shows were taken throughout the borough and 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>

Environmental Health, Licensing and Trading Standards staff worked together to achieve a consistent approach to enforcement of the smokefree legislation including underage sales and ensure that such work was in accordance with our enforcement policy.

The road shows were organised at prominent community venues around the borough. All businesses were contacted in advance of the road shows to advise that



officers would be on hand with PCT members to offer advice and information on compliance as well as information about smoking cessation services.

Prior to the legislation coming into force on 1 July 2007, approximately 518 visits were carried out to premises to advise what the changes in legislation would mean for the businesses involved. The main issues revolved around the need to display signage. Officers gave out appropriate signage to businesses free of charge. Most business welcomed the changes in legislation and were keen to comply. The types of business mostly affected were those in the leisure sector, eg: cafés and bars. Advice was offered on proposals for these venues to erect smoking shelters for use by patrons. This process continues to be part of the support for business through the involvement of environmental health in the planning process.

Compliance has remained high throughout the year with low levels of complaints, largely due to public demands and acceptance.



## **Asbestos**

More people die from asbestos-related disease per year than are killed on the roads. Asbestos is raised as a matter of concern at every inspection. Employers are assessed on how they are complying with their duty of managing asbestos in buildings and advice is given on how to achieve compliance.



## **Slips Trips and Manual Handling**

In the UK, nearly 11,000 workers suffered serious injury as a result of a slip or trip last year. One million people a year were affected by manual handling, including problems such as low back pain, joint injuries and repetitive strain injuries of various sorts.

Visits to 6 of the largest retail outlets in the borough were carried out in the run-up to the Christmas period in response to concerns relating to problems arising from overstocking. Premises were found to be relatively compliant and willing to comply where required.

## **Builders' Merchants**

A Berkshire-wide joint initiative was launched in 2007 where builders' merchants were identified as one of the workplaces accounting for the highest numbers of injuries associated with injuries from slips and trips, manual handling and workplace transport.

Prior to conducting inspections, a press release prepared by the Berkshire Health and Safety Liaison Group, was publicised in the local media and copied to both the head office and local branches of all the relevant companies.

Improvements were secured by verbal advice, followed by informal letter and revisits in some cases, in line with the Council's enforcement policy.

The areas subject to inspection included:

**Slips, trips and falls:** poor/damaged shop floor and yard surfaces, trailing cables, items of stock left on stairs and in aisles on shop floor, in warehouse and externally adjacent to stacks of bricks, blocks and timber etc.

**Workplace transport:** fork-lift trucks driven recklessly or overturning, employees or loads falling from vehicles and employees or customers struck by vehicles/unsatisfactory traffic routes.

**Falls from height:** access to racking, mezzanine levels, high level maintenance tasks, use of ladders and access cages on fork-lift trucks.

**Manual handling:** stock stored in inappropriate locations, awkward loads, stock which is too heavy for a single employee to lift, lack of provision or use of manual handling aids (trolleys etc).

This initiative was an opportunity for the Health and Safety Executive and local authority to work in partnership as the premises are 'dual inspected'. The premises are local authority enforced but most off-site deliveries come under the Health and Safety Executive's jurisdiction.

The high standard of compliance can be attributed to the commitment by business control health and safety risks at their premises. In addition, standards of compliance and controls implemented have greatly improved as a result of the ongoing continued advisory and enforcement work by the officers which has been welcomed and acknowledged by the respective businesses and individual branch managers.

## **Nurseries**

A joint initiative was undertaken using Environmental Health and Trading Standards staff in relation to childminding businesses in the borough. This work was a follow up to work done in the previous year to look at the safety of equipment available for use in these premises.

The prime objective of the inspection programme was to make sure the nursery equipment and toys were safe to use; to raise awareness to nursery managers of equipment safety; and to provide reassurance to parents. Officers were looking for hazards including jagged, chewed or sharp edges on toys, or unsuitable toys - for

example with small or detachable parts - being available to small children. Other items such as high chairs, buggies, stair gates and outside play equipment were also examined for faults that might give concern for children's safety.

Following the inspections, each nursery was given a full report, including recommendations to remove present and prevent future hazards. Officers will revisit a limited number of nurseries in 2008/09 to verify that advice is being implemented within those establishments and that high levels of staff safety awareness continue.

### **Cooling Towers**

Preliminary visits were made to premises where records indicated cooling towers to be in existence. A number of these had been decommissioned since the last visit and the visits were made to prepare for a full audit to take place in 2008/09. Duty holders were advised by letter of the forthcoming audit and asked to provide documentation in advance.

### **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 officers is 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).

The enforcement action taken in relation to health and safety for 2007/2008 and the two previous years is shown below:

<b>ENFORCEMENT ACTION</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>
Informal improvement notices	57	68	47
Formal notices	4	5	4
Prosecutions	0	0	0
<b>TOTAL</b>	<b>61</b>	<b>73</b>	<b>47</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 service 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.

## HEALTH &amp; SAFETY ENFORCEMENT PLAN 2008/09

<b>Protecting Consumers</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.</i>	Inspection 188 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other business, where appropriate.	March 2009
<i>To develop, implement and maintain a Health and Safety Plan</i>	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the wellbeing of Bracknell Forest residents and visitors. Plan to be achieved within existing resources.	March 2009
<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 reports.	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>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>Ladders – to continue Height Awareness activity from 07/08</i>	To incorporate awareness raising at all relevant visits.	April 2008 onwards
<i>Slips and Trips – Watch Your Step in Care Homes<sup>1</sup></i>	34 residential care homes identified for initial visit; to raise awareness of hazards. Aim is to improve overall H&S score for premises by ensuring legal compliance and adopting best practice. Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice	Completed
<i>Noise at Work in Pubs and Nightclubs<sup>1</sup></i>	Increase awareness of Regulations (potential for joint working with Licensing Team) at all premises; clubs and bars live and recorded music. Evaluation of impact in 10. Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice.	July – August 2008
<i>Better Backs</i>	34 residential care homes identified for initial visits; to raise awareness of hazards. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	Completed
<i>Slips and Trips and Falls from Height in Food Retail</i>	Visits to food retail outlets 20 – where slips and trip, falls from height are of concern – secure improvements. Focus on areas of high accident reporting and lowest management controls. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	September – December 2008
<i>Slips and Trips in Hotels and Catering</i>	Visits to hotel and catering establishments 20. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	January – March 2009
<i>Disease Reduction – Dermatitis</i>	Aimed at industries where skin hazards are high risk. Raise awareness by written advice followed up by visits to 20 premises to implement simple controls.	April – November 2008

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<sup>1</sup> Linked project

<b>Cont</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>Special Treatments</i>	Continue to provide specialist advice for the Licensing section and for businesses on new applications and renewals.	Ongoing
<i>Smoke-Free</i>	Continue to monitor for compliance at all premise visits and respond to complaints and enquiries.	Ongoing
<i>Stress Management</i>	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with 5 local service industries to encourage adoption of methods to manage risk. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	May – March 2009
<i>Warehousing Activities</i>	Continue successful pre-Christmas blitz to areas of highest accident reporting. Visits to 8 retail warehouses.	December 2008
<i>Cooling Towers</i>	To audit all duty holders (18) with responsibility for cooling towers and evaporative condensers.	November 2008
<i>Asbestos – Duty to Manage</i>	Raise at all relevant visits third year of campaign. Likely to result in some enforcement to secure improvement.	Ongoing
<i>Caravan Sites</i>	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	March 2009
<i>Fireworks</i>	To inspect 20 licensed premises to check compliance with storage and safe provisions.	December 2008
<i>Rising Establishments</i>	To inspect 4 premises for compliance with health and safety legislation and animal welfare provision	December 2008
<i>Taxi Inspections</i>	To conduct at least one joint enforcement agency inspection involving VOSA, Social Services, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	September 2008

<b>Support for Local Businesses</b>		
<b>Task</b>	<b>Outcome</b>	<b>By when</b>
<i>To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities</i>	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 2 H&S press releases Ensure that the full range of information and guidance on priority areas	Ongoing during year and completion by March 2009
<i>To provide support and advice to local businesses to help them improve their health and safety compliance</i>	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack	Ongoing
<i>To maintain up-to-date health and safety pages on the Council's website</i>	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	Ongoing
<i>To provide training in Risk Assessment (CIEH Accredited course)</i>	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	September 2008

<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
<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)	March 2009
<i>Maintain partnership with the Berkshire PCT and Smoke-Free Berkshire</i>	Ensure compliance with smoke-free legislation since July 07 Give businesses and individuals advice accordingly.	Ongoing

<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 appraisals Reviewed and up-to-date internal procedures	Ongoing
<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 stakeholders' views on the delivery of our health and safety service, to use the information to improve the service and to further identify local needs.	Ongoing



**LICENSING AND SAFETY COMMITTEE**  
**3 July 2008**

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**ANNUAL REPORT 2007-08**  
**(Director of Environment, Culture and Communities)**

**1 PURPOSE OF DECISION**

- 1.1 This report covers the activities carried out by the Licensing Section during the municipal year 2007-08. It is brought to the Committee to consider and comment upon the work completed.
- 1.2 In addition the report also includes the proposed work plan for the section for the period 2008-09.

**2 RECOMMENDATIONS**

**2.1 That the Committee receives the report and**

- i) notes the work carried out in 2007-08 and
- ii) agrees the work programme for 2008-09.

**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 There are no direct consequences of this report for any group and no direct community safety implications.

Strategic Risk Management Issues

- 3.4 There no issues to consider.

Other Officers

- 3.5 None.

## 4 SUPPORTING INFORMATION

- 4.1 Attached as Annex A is a list of those licences, registrations, permits and consents that have been issued or processed by the Licensing Section within the last year. This is an indication of the number of transactions that the Section has with local businesses to enable those businesses to operate and for the users to feel confident and safe in their use.
- 4.2 Attached to the report as Annex B is a copy of the work plan for the Licensing Section in 2007-08. This plan was drawn up to reflect the activities to be carried out by officers within the section and to show how those activities relate to local and national priorities. The final column headed Comments details progress against the service action and target or measures set. Members are asked to note the work completed by officers over the past year.
- 4.3 Attached to the report as Annex C is a copy of the draft 2008-09 work plan for the Licensing Section. This work plan is slightly different in format to the 2007-08 plan and reflects the recently agreed Council priorities, medium term objectives and where applicable key actions. Additionally the final column identifies if there are any national or local priorities that impact upon those tasks. Members are asked to consider the proposed work plan and agree its content.
- 4.4 2007/8 was a busy year with respect to variations of premise licences. This in the main was directly attributable to the new smoking legislation that came into effect 1<sup>st</sup> July 2007. Many premises had conditions on their licences with respect to the use of outside areas after set times in the evening. These conditions had generally been applied to reduce noise and limit impact upon residential buildings in close proximity to the licenced premise. There was a need to come up with imaginative solutions to ensure that local businesses did not lose vital trade and that residents in the vicinity of the premises did not suffer degradation in their quality of life. The early indications are that working with businesses and residents we have reached a compromise that is delivering workable solutions and there have been very few complaints and no calls for the review of licences due to extended use of outside area for the purpose of smoking.
- 4.5 The year also saw the first review of premise licences. Two were taken for repeated sales of alcohol to children and the third for continual breaches of the crime and disorder objective. All the matters were dealt with by suspension of the licence by the Panel, and one matter has been appealed by the licence holder to the magistrate's court and at present is due for hearing in October 2008.
- 4.6 The year also saw the review of the licensing policy agreed by the Council back in January 2005 which has served the council and the community well in setting the framework for decisions under this legislation. Following an extensive consultation process a slightly revised policy was approved by the Council in January 2008 and will now guide decisions on licensed premise applications until January 2011 including those intended to be included within the redevelopment of the town centre.
- 4.7 The taxi trade over the last year has had to work with, and against increasing costs and slow economic growth. However numbers remain relatively constant with only two fewer hackney carriage, and seven private hire vehicles. On the issue of accessibility the numbers of fully wheelchair accessible vehicles has increased to 63% of the fleet with a further 20% giving improved access with a swivel seat. Only five vehicles now have no additional accessible provision and all of these will be replaced within the next 18 months.

- 4.9 The work programme for 2007/8 was in the main completed even though the team were short of a team member for the last quarter and the demand for new or varied premises licences was much higher than could have been anticipated. Additionally we had the introduction of the Gambling Premise licences which is over and above the programmed work.
- 4.10 The new work programme for 2008/9 sets out the programmed work for the year and looks to build upon the work we have already done to seek further gains in efficiency and effectiveness. It recognises the growing role of partnership by working across the council and with other agencies and looks to build upon the already well established arrangements.

Background Papers

Service Work Plan 2007-08

Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580  
robert.sexton@bracknell-forest.gov.uk

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**Current licences 2007/2008**

**ANNEX A**

<b>Type</b>	<b>No</b>	<b>Type</b>	<b>No</b>
Animal Boarding Establishments	2	Personal Licences	591
Club Premises Certificates	27	Pet Shops	6
Dangerous Wild Animals	0	Petroleum	17
Hackney Carriage Drivers	208	Poisons	8
Explosives	26	Premises Licence	215
Hackney Carriage Vehicles	87	Riding Establishments	5
Home To School Drivers	11	Special Treatment (personal)	42
Home To School Vehicles	8	Special Treatment (premises)	12
House To House Collections	3	Street Collections	157
Lotteries	46	Street Trading	16
Private Hire Vehicles	167	Temporary Event Notices	274
Private Hire Drivers	91	Private Hire Operators	36
Caravan Sites	13	Gambling Permits	21
Hairdressers	10	Motor Salvage	1
Performing Animals	4		

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## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
3.1, 3.10	Fighting Community Crime	<b>Detection of unlicensed activities involving licensed persons, vehicles and premises</b>	Two 'out-of-hours' enforcement operations per month, to include both in-performance LA03/taxi enforcement  One joint enforcement operation with TVP each month  Monthly meetings with TVP Licensing/Community Safety Inspector to liaise and share information	SW/PF  SW/PF  LD/SW	Amended to one visit per month with the exception of June to September inclusive  Not achieved, TVP unable to provide support  Achieved where able to arrange convenient date
3.1, 3.10	Fighting Community Crime	<b>Carry out enforcement in consistent and fair manner</b>	Licensing Enforcement Protocol to be drafted with relevant agencies	LD	Not achieved – carried forward to 2008/2009
3	Protecting public health and safety	<b>Ensuring that premises and vehicles used for licensable activities are safe and suitable for purpose</b>	Carry out 100% of all LA03 premises in accordance with risk assessment each month	SW/PF	Not achieved due to staff shortages in the last quarter of 2007/8

## Environment and Leisure Department

## Work Plan – 2007 to 2008

**Division:** Sustainability  
**Section:** Trading Standards and Services  
**Team:** Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
3, 10, 12	Protecting public health and safety	Ensuring that premises and vehicles used for licensable activities are safe and suitable for purpose	Carry out 8 rank inspections per month  Carry out multi-agency taxi enforcement check once a year (July 2007)	PF  PF	Achieved  Achieved
3	Protecting public health and safety	Ensure safety of Park Home Sites	Site audits carried out in line with 5 year plan  Keep up to date with changes in legislation	RJS  RJS	Devon Close audit carried out  New Model Standards issued April 2008
3, 5, 11	Supporting compliant businesses	Educate and inform local businesses to ensure that they are aware of changes in legislation and their duties as licence holders	Attend and assist with Pubwatch meetings	SW	Achieved
			Produce annual newsletters for LA03 premises, taxi licence holders and park home residents	SW/PF/ LD	Achieved for taxis and LA03 licensed premises



## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
			<p>Make above newsletters available on website within week of publication</p> <p>Assist EH with smokefree changes with particular reference to taxis and LA03 premises</p> <p>Assist firms with licensing of drivers and vehicles prior to removal of contract exemption in Jan 2008</p>	<p>ET</p> <p>LD</p> <p>PF</p>	<p>Achieved</p> <p>Achieved</p> <p>Achieved</p>
3, 4	Supporting compliant businesses	<b>Take lead role within Safety Advisory Group</b>	<p>Chair SAG Group and improve use and profile of SAG within both the authority and local community</p> <p>Review SAG Guidance document by March 08</p>	LD	<p>Achieved</p> <p>Event forms updated</p>

## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
11	Supporting compliant businesses	<b>Maintain and review guidance notes for all licence applications</b>	Carry out all administration for SAG  Create guidance for Gambling Act 2005 applications  Guidance for all other applications reviewed regularly and updated where necessary	ET  LD  ET	Achieved  Premises achieved. No guidance for machine permits produced  Achieved
1	Supporting compliant businesses	<b>Town Centre redevelopment</b>	Liaise with trade wherever possible to ensure awareness of redevelopment	RJS/LD	Achieved
11	Improving Services	<b>Ensure that all staff are suitably trained and proficient to carry out their duties</b>	Appraisals to be completed for all staff	LD RJS ET	Achieved
11.8	Improving Services	<b>Ensure online access to Licensing information</b>	All licensing forms and guidance to be available online	ET	Achieved, further improvements required to Gambling Act info

## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
			Online applications supported where possible	ET	Achieved
			IT audit of M3 online licensing in last quarter of 2007/8	ET	IT Audit of M3 carried out. Satisfactory assurance received
11, 12	Improving Services	<b>Ensure members of Committee are aware of their responsibilities</b>	Regular reports to Committee	RJS LD	Achieved
			Provide refresher LA2003 and GA2005 training where needed	RJS	Achieved
11	Improving Services	<b>Ensure that public can obtain details of licences and applications where appropriate</b>	Maintain public register	ET	Achieved. Register to be created for GA2005 premises
			Notify neighbouring properties of LA2003 applications as per agreed procedure	ET/SW	Achieved

## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
11	Improving Services	Ensure customers are satisfied with service provided	Send out customer satisfaction surveys in respect of complaints, inspections and applications  Monitor ethnic origin of all applicants for taxi licences in compliance with equal opportunities and cohesion policy	ET  ET	Achieved 100% service satisfaction levels for both officer and administration contacts  Achieved
3.10, 11	Improving Services	Review policies where appropriate	Review of Licensing Act 2003 Policy to be carried out by end 2007	RJS	Achieved
11	Improving Services	Review fees and charges on annual basis	Budget monitored on monthly basis  Check of rateable values of all LA2003 premises to be carried out by end 2007	RJS/LD  SW/PF	Achieved  Achieved

## Environment and Leisure Department

## Work Plan – 2007 to 2008

Division: Sustainability  
 Section: Trading Standards and Services  
 Team: Licensing

Council Theme	Service priority	Service Actions	Target/Measure	Lead Officer	Comments
11	Improving Services	Process applications within agreed performance indicators	Premises licences within 2 months, personal licences within 1 month and taxis within 2 days from completed application  Monthly reports run to ensure PIs met	ET  ET	Achieved  Achieved
11	Improving Services	Share information between staff	Maintain FAQs on shared drive and attend team meetings	All	Achieved
3.10	Protecting the Vulnerable	Implement Gambling Act 2005	Ensure that all gambling premises are licensed in accordance with GA2005  Visit all premises by end November to ensure compliance	LD  LD	Achieved  Partly achieved due to other service pressures and staff shortages in final quarter

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## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
5	10		Ensure all applications and complaints processed within agreed performance indicators and as required by legislation	Monthly reports run to ensure local and legislative performance indicators are met	LD	Local performance indicator (PI) Legislative requirement
4	8		Carry out all programmed inspections in accordance with risk assessments	118 programmed inspections completed by end March 2009 and all revisits completed within one month	SW	Hampton Review - Better Regulation National priority - Alcohol Licensing
4	8		Carry out 400 driver/vehicle checks and at least one multi-agency taxi enforcement check per year	All inspections and multi-agency check carried out by end March 2009	BW	Hampton Review - Better Regulation Local PI
4 5	8 10	10.4	Licensing Enforcement Protocol to be drafted with relevant agencies	Protocol completed and in place by end March 2009	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing
4 5	8 10	10.4	Carry out regular enforcement shifts outside of normal working hours with other enforcement agencies	Minimum of one late shift per month as and when required and at least 120 in-performance	LD	Hampton Review - Better Regulation National priority -

## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
				inspections		Alcohol Licensing
4 5	8 10	10.4	Joint visits with TVP to new DPS at premises as and when necessary	Visits to new DPS carried out with TVP where timetables allow; to target at least 50% of applications	SW	National priority - Alcohol Licensing
4	8		Site audits for park home sites carried out in line with 5 year audit plan	Warfield Park site audit carried out by end March 2009	SW	Hampton Review - Better Regulation
4	8		Educate and inform local businesses to ensure they are aware of any changes in legislation and their duties as licence holders	Attend and assist with Pubwatch meetings as required	SW	National priority - Alcohol Licensing
4 5	8 10	10.4	Educate and inform local businesses to ensure they are aware of any changes in legislation and their duties as licence holders	Produce annual newsletters for licensed premises and taxi drivers	SW/ BW	Hampton Review - Better Regulation
4 5	8 10		Take lead role for Safety Advisory Group	Carry out all administration in relation to event forms and meetings	LD	Corporate initiative to ensure safe events
4 5	8 10	10.4	Ensure Safety Advisory Group documentation up to date	Review and re-issue SAG Guidance Manual by	LD	Hampton Review - Better Regulation



## Work plan – 2008 to 2009

## Environment and Leisure Department

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
				March 2009		
5	10		Ensure all application forms and guidance are up to date and available on website	Forms and guidance reviewed and updated	LD	Hampton Review - Better Regulation E-government agenda
5	10		Liaise with trade wherever possible to ensure awareness of redevelopment	Attend Town Centre Update meetings and liaise with Redevelopment team as requested	LD	National priority - Alcohol Licensing
4	8		Ensure that public can obtain details of licences and applications where appropriate	Online and public register maintained and neighbouring properties of licensed premises notified of applications as per agreed procedure	LD	Hampton Review - Better Regulation E-government agenda National priority - Alcohol Licensing
4	8		Ensure members of Committee are aware of and up to date with changes in legislation	Reports to Committee when necessary and Member's Guide to Licensing prepared by end July 2008	LD RJS	Hampton Review - Better Regulation National priority - Alcohol Licensing

## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
4	8		Review policies where appropriate	Plan implemented to ensure Gambling policy reviewed by Dec 2009	LD	Legal requirement
5	10		Monitor budget and review fees and charges	Budget monitored on monthly basis and fees and charges reviewed annually through Committee	LD	Audit purposes
4	8		Ensure information shared between staff	FAQs on shared drive reviewed annually and updated as required	LD	Hampton Review - Better Regulation
5	10		Update practice notes to clarify procedure and practice within section	Practice notes relating to professional practice, M3 and performance indicators identified, developed and implemented	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing
5	10		Ensure customers are satisfied with service provided	Customer surveys sent out in respect of complaints, inspections and applications.	LD	Hampton Review - Better Regulation National performance Indicator

## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
5	10		Provide talks and presentations to consumers and businesses on Licensing issues	90% satisfaction rate target NKPI 182	LD	Hampton Review – Better Regulation
5	10		Continue to develop and update Internet and Intranet information	Intranet up to date and relevant	ND	Hampton Review – Better Regulation
3	7	7.5	Ensure safe access to hackney carriages by wheelchair users	All new and replacement hackney carriages to be wheelchair accessible by March 2010 and all new driver applicants to undertake DSA practical wheelchair test	LD	Council Cohesion policy Key Tasks 1.4 and 1.5 and Disability Equality Scheme Actions 6.1 and 6.2
3	7	7.5	Monitor ethnic origin of all applicants for taxi licences in compliance with equal opportunities and cohesion policy	Ethnic origin information recorded for all taxi driver applicants	LD	Council's Race Equality Scheme
5	10		Ensure accuracy of data held on M3 database	Data check all taxi licence information to be carried out by end July 08	LD	Local PI

## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

Priority area	MTO	Key action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments e.g. where the task comes from
5	10		Work with TS and EH to investigate the possibility of a 'single inspection' service to reduce burden on businesses	Competency matrix to be agreed and officers appropriately trained where funding available	LD	Hampton Review - Better Regulation
5	10	10.4	Section 101 Berkshire-wide agreement to permit cross border authorisation of Licensing Officers	Agreement signed and implemented	RJS	Hampton Review - Better Regulation Business continuity

## Environment and Leisure Department

## Work plan – 2008 to 2009

Division: Environment and Public Protection  
 Section: Trading Standards and Licensing  
 Team: Licensing

## Performance Indicators

Type of Application	Length of time following receipt of fully complete & valid application
Taxi applications	2 clear working days
Premises Licence (new and variation)	1 month if no hearing required 2 months if hearing required
Personal Licences	5 working days if clear CRB Disclosure 6 weeks if hearing required
Variation DPS/Transfer	21 days if no objection received 6 weeks if hearing required
All other licences, permits, registrations and consents	5 working days (if no hearing required, following close of any consultation period) 2 months if hearing required
TENS	96 hours or 1 clear working day, whichever is longest
Inspections	100% of all programmed inspections by end of year 120 out of hours inspections by end of year
Revisits	100% within 1 month where non-compliant
Complaints/Enquiries	First response within 2 working days
Taxis	400 vehicle/driver checks and at least one multi-agency check completed per year

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**LICENSING AND SAFETY COMMITTEE  
3 July 2008**

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**HACKNEY CARRIAGE TARIFF CHARGES  
(Director of Environment, Culture and Communities)**

**1 PURPOSE OF DECISION**

- 1.1 The current tariff for Bracknell Forest Hackney Carriages came into effect in March 2008 following a decision made by this Committee at its meeting on 31 January.
- 1.2 Due to continuing pressure on the world market price of crude oil, petrol and diesel prices have risen sharply. Fuel is a major cost for taxi drivers and an approach has been made to officers for the Committee to consider a further rise in the tariff.
- 1.3 Any proposed changes would have to be advertised for a period of not less than 14 days and if any objections are made and not withdrawn, these would have to be considered by the Committee. The Committee must also set a date within 2 calendar months of the expiry of the consultation period when the tariff will be in force with or without modifications as decided by the Committee.

**2 RECOMMENDATIONS**

**2.1 That the Committee agrees:**

- (a) to advertise from 10 July 2008 a change to the tariff in line with option 2 namely:
  - (i) for the first 738 yards: £3.00 and
  - (ii) for each subsequent 240 yards: 20p

and that

- (b) in the event of any objections being received and not withdrawn, the Committee delegates responsibility for considering those objections to the chair and vice chair of the Committee;
- (c) the date of implementation for any change will be 8 September 2008.
- (d) Officers will bring a further report on inflationary pressures to the Committee at its meeting on 2 October 2008.

**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 There are no direct consequences of this report for any group and no direct community safety implications.

Strategic Risk Management Issues

3.4 There no issues to consider.

**4 SUPPORTING INFORMATION**

4.1 The Council has devised a formula to gauge increases in taxi trade expenditure. The formula looks at changes in average earnings, motoring expenditure and the Retail Price Index (RPI) for a given period. The factors are then weighted to reflect the impact they may have on the business of running a taxi. Therefore motoring expenditure, ie fuel, servicing, insurances, taxes, vehicle purchase and depreciation, are seen as the most influential factor and weighted accordingly.

4.2 The last indices that were considered were to the period ending October 2007. The figures from then to April 2008 show an inflationary increase across all areas of 3.2%.

4.3 The price of fuel has risen dramatically in the last 6 months. From data supplied by the AA the average price for unleaded and diesel in October 2007 was 98.1p and 100.3p per litre respectively. The equivalent figures for May 2008 in the Bracknell area are:

Unleaded	113.1p
Diesel	124.4p

This equates to 15% and 24% increases respectively. The figures for April 2008 were:

Unleaded	108.5p
Diesel	117.5p

These show a monthly change of 4.2% and 5.9% respectively.

4.4 To have a full picture this needs to be compared with the weighted factors which as stated in 4.2 above amounts to an increase of 3.2% across all relevant factors for the period October 2007 to April 2008. Figures for May were not available when preparing this report, but it must be borne in mind that fuel costs have risen sharply in May as shown in 4.3.

4.5 Two possible options are being put forward for the consideration of the Committee (see Table A). The first is an increase of 20p on the "flag". The flag is the term for the amount of money that is on the meter at the start of the journey and is the minimum charge for a journey of less than 738 yards. An increase on this element of the fare remains consistent regardless of the distance travelled and impacts most severely on the shorter trips. A higher flag is particularly helpful in an authority where taxis have a large downtime on ranks with shorter journeys. Bracknell Forest could be seen as such an authority, and an increase to £3.00 would put the flag on a par with that in Wokingham, Slough and Surrey Heath. This change to the tariff would have an average 3.3%



increase on a journey between one and 5 miles, and would match the 3.2% inflationary increase up to April 2008.

4.6 As stated in 4.3, the month of May saw a sharp rise in the costs of fuel and predictions are that the price of oil on the world market will rise further in the next year. It may therefore be appropriate to make allowance for future costs when setting this tariff. A second option is therefore put forward which whilst maintaining an increase in the "flag" also provides an element that reflects the distance travelled. This reduces the distance travelled for 20p from 250 yards to 240 yards, and results in an average increase of 4.27% when used in conjunction with an increase in the flag to £3.

4.7 In view of the continuing rise in fuel costs, officers are recommending option 2. If adopted the proposed increase will be advertised and both residents and the taxi trade will have an opportunity to comment. If any objections are received, then those will need to be considered by the committee before a tariff is set. If there are no objections, the new tariff will come into effect within 14 days of the date for the expiry of objections to be received.

<b>Table A – Current</b>					
<b>Flag</b>	<b>1 mile</b>	<b>2 miles</b>	<b>3 miles</b>	<b>4 miles</b>	<b>5 miles</b>
£2.80	£3.80	£5.20	£6.60	£8.00	£9.40

<b>Option 1 – Flag £3.00</b>						
<b>Flag</b>	<b>1 mile</b>	<b>2 miles</b>	<b>3 miles</b>	<b>4 miles</b>	<b>5 miles</b>	<b>Average %</b>
£3.00	£4.00	£5.40	£6.80	£8.20	£9.60	
% increase	5.26	3.84	3.03	2.50	2.08	3.3%

<b>Option 2 – Flag £3.00 – Distance 240 Yards</b>						
<b>Flag</b>	<b>1 mile</b>	<b>2 miles</b>	<b>3 miles</b>	<b>4 miles</b>	<b>5 miles</b>	<b>Average %</b>
£3.00	£4.00	£5.40	£6.80	£8.40	£9.80	
% increase	5.26	3.84	3.03	5	4.25	4.27%

4.8 These charges will only be applicable to Hackney Carriages and not Private Hire vehicles who can set their own charges. It is normal however for Private Hire charges to be set by the Private Hire Trade at a level commensurate with the Hackney Carriage tariff.

#### Background Papers

National Information Statistics  
AA data on fuel prices

#### Contact for further information

Robert Sexton, Head of Trading Standards and Services - 01344 352580  
robert.sexton@bracknell-forest.gov.uk

#### Doc ref

G: Secs1\Winword\L&S Ctte\2008\July\Hackney Carriage Tariff Charges\20.6.08

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## LICENSING AND SAFETY COMMITTEE 3 JULY 2008

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### SPECIAL TREATMENT REGISTRATIONS (Director of Environment, Culture and Communities)

#### 1 PURPOSE OF DECISION

- 1.1 Special Treatment Registrations are required by those persons and premises carrying out certain procedures including tattooing, electrolysis, acupuncture, cosmetic skin piercing and semi-permanent skin colouring.
- 1.2 The Council has adopted byelaws which are in place to ensure an adequate standard of hygiene and cleanliness at all special treatment premises. When an application is received for a premises registration, an officer will check the premises for compliance with the byelaws prior to a registration being issued.
- 1.3 When an application for a personal registration is submitted, the applicant must include details of their qualifications and competence to carry out special treatments. If a person is deemed as qualified and/or competent, they are issued with a registration.
- 1.4 A review has recently taken place of the current procedure with regards to personal registration qualifications and competence. The competency guidelines have been updated and amended and the revised version is attached at Annex A.
- 1.5 It is recommended in the interests of public health and safety that all applicants for personal registrations will be assessed by officers as to their competency having regard to the guidelines set out in Annex A. If a person is unable to meet these criteria, the registration would be refused.

#### 2 RECOMMENDATION

- 2.1 **That the Committee approves the competency guidelines for special treatment registrations attached at Annex A.**

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

##### Borough Solicitor

- 3.1 There are no implications identified.

##### Borough Treasurer

- 3.2 There is no significant financial impact incurred as a result of this procedure.

##### Impact Assessment

- 3.3 There are no implications identified.

#### **4 SUPPORTING INFORMATION**

- 4.1 Registrations are issued under part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”). Under sections 14 and 15 of the Act, applications for special treatment registrations shall be accompanied by such particulars as the local authority may reasonably require. Once issued, registrations last indefinitely.
- 4.2 There are currently 11 premises registrations and 33 personal registrations in force within the Borough.
- 4.3 Special treatment premises are checked on an annual basis to ensure compliance with the byelaws and other provisions under the Act.

#### Background Papers

Bracknell Forest Borough Council Byelaws for Special Treatments  
Special Treatment Competency Guidelines

#### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517  
laura.driscoll@bracknell-forest.gov.uk

#### Doc. Ref

G:\TSTANDRD\Laura\Committee\200807\Special Treatments Report\20.6.08

## SPECIAL TREATMENT COMPETENCY GUIDELINES

### General Guidance

Special Treatments Practitioners are directed to the advice offered by the Chartered Institute of Environmental Health in their 'Best Practice Guidance on Body Art, Cosmetic Therapies and other Special Treatments'.

All special treatments must be carried out or supervised by a competent person. Suitable qualifications and membership of appropriate professional bodies may be used to show that competence is likely, but the operator must be aware that they have an overriding duty to check that the treatments are applied with competence in the establishment. Among other matters, competence means familiarity with:

- The hazards of the treatment and associated equipment
- The method of application of the treatment
- Checks that associated equipment operates correctly
- A knowledge of what maintenance is required
- Cases where, and reasons why, persons should be excluded from the treatment
- Situations requiring urgent action and what action should be taken.

### Ear Piercing

All persons carrying out ear-piercing must have been trained in the use of the relevant ear-piercing system and must demonstrate competency to the satisfaction of the local authority and/or system manufacturer.

Training should cover:

- Hygiene procedures
- Cleaning routines
- Provision of after-care advice to clients
- Incident reporting
- Failed piercing – what to do
- Basic first aid – particularly bleeding and fainting

Ear piercing **must** not be undertaken by anyone under the age of 18.

### Electrolysis

Practitioners should be appropriately supervised during their first year of practice. The business operator must nominate a responsible person who is over the age of 18. It is recommended that practitioners should complete a course recognised by a professional association, such as the British Association of Electrolysis.

#### Recognised Association

British Institute & Association of Electrolysis Ltd  
Telephone: 0870 1280477  
e-mail: [sec@electrolysis.co.uk](mailto:sec@electrolysis.co.uk)

## **Body Art** (including tattooing, semi-permanent skin colouring and cosmetic body piercing)

All practitioners carrying out body art procedures **must have** attended a suitable course on infection control as approved by the local authority. This training shall include procedures dealing with body fluid spillage (blood, vomit, urine etc), needle stick injury and safe working methods. It is recommended that practitioners attend a refresher course every 5 years.

All practitioners must be carefully and constantly supervised during their first year of practice by someone who has routinely carried out body art procedures over the past five years. *NB It is considered that it may take up to two years of full time practice to achieve the minimum level of competence.* Full details of the details of periods of supervision must be available and produced when requested by an authorised officer of the Council.

Body art procedures **must** not be undertaken by anyone under the age of 18.

The following document may be of use for practitioners carrying out skin piercing and tattooing: Health & Safety Executive Local Authority Enforcement Committee (HELA) - Enforcement of Skin Piercing Activities LAC 76/2 (April 2005)  
<http://www.hse.gov.uk/lau/lacs/76-2.htm>

The following document may be of use for practitioners carrying out micro-pigmentation: HELA - Micro-pigmentation LAC 14/1 (August 2006)  
<http://www.hse.gov.uk/lau/lacs/14-1.htm>

## **Acupuncture**

All persons practising acupuncture must be registered with a professional association such as the British Acupuncture Council.

Practitioners should be able to demonstrate continuing professional development. Full details of the courses attended must be kept on the premises at all times and be available for inspection by an authorised officer of the Council. It is recommended that any courses attended should be accredited by a professional body such as the British Acupuncture Accreditation Board.

Acupuncture **must not** be undertaken by anyone under the age of eighteen.

### Recognised Association

British Acupuncture Council (BA<sub>c</sub>C), 63 Jeddo Road, London W12 9HQ  
Tel: 020-8735 0400  
Fax: 020-8735 0404  
E-mail: [info@acupuncture.org.uk](mailto:info@acupuncture.org.uk)

Please contact the BA<sub>c</sub>C for details as to course suitability and accredited colleges.