



## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday 23 April 2009, 7.30 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

#### **EMERGENCY EVACUATION INSTRUCTIONS**

- 1 If you hear the alarm, leave the building immediately.
- 2 Follow the green signs.
- 3 Use the stairs not the lifts.
- 4 Do not re-enter the building until told to do so.

If you require further information, please contact: Priya Patel  
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Published: 15 April 2009

**Licensing and Safety Committee**  
**Thursday 23 April 2009, 7.30 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 5 February 2009. 1 - 6
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. **Hackney Carriage Unmet Demand Survey**  
To consider commissioning an unmet demand survey at the request of the Bracknell Licensed Taxi Forum with a view to introducing a limiting policy on the issue of hackney carriage licenses. 7 - 16
6. **Public Speaking at the Licensing & Safety Committee**  
To consider a proposal to introduce public speaking at meetings of the Licensing and Safety Committee for a one year trial period. 17 - 22
7. **Annual Report and Service Plan**  
To report on the activities carried out by the Licensing Section during the period 1 April 2008 to 31 March 2009 and seek approval to the Service Plan for the period 2009-12 and the work plan for 2009/10. 23 - 54
8. **First Aid Training for Licensed Drivers**  
On 2 October the Committee deferred this item until its next meeting in order to allow officers to research some of the concerns raised by the taxi trade on the original report. Officers have now met with the Bracknell Licensed Taxi Forum and their union representatives to discuss the concerns raised and seek consensus on the way forward. 55 - 60

9. **Review of Statement of Gambling Principles**

The Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The purpose of this report is to advise the Committee on the proposals for the consultation which will take place prior to the Statement being submitted to the Committee on 1 October 2009 for approval.

61 - 66

10. **Bracknell Licensed Taxi Forum**

Since the last meeting of the Licensing and Safety Committee on 5 February 2009, there have been three meetings with representatives of the Bracknell Licensed Taxi Forum (BLTF), on 11 February, 3 March and 8 April. The minutes of these meetings are attached for information.

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11. **Date of Next Meeting**

The next meeting will be held at 7.30pm on 2 July 2009.

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**LICENSING AND SAFETY COMMITTEE**  
**05 FEBRUARY 2009**  
**7.30 - 9.35 PM**

**Present:**

Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Baily, Beadsley, Brossard, Browne, Finch, Leake, Osborne, Thompson and Virgo

**Apologies for absence were received from:**

Councillors Mrs Barnard, Burrows and Kendall

**Also in attendance:**

Simon Bull, Legal Services  
Laura Driscoll, Licensing Team Leader  
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

**21. Declarations of Interest**

There were no declarations of interest made at the meeting.

**22. Minutes**

**RESOLVED** that the minutes of the meeting of the Licensing and Safety Committee on 2 October 2008 were approved as a correct record and signed by the Chairman.

**23. Health & Safety Law Enforcement Plan 2009-10**

It was reported that the Council had responsibility for the enforcement of health and safety in private sector businesses in the Borough and that members' had approved the Health and Safety Law Enforcement Plan 2008-2009 at their meeting on 3 July 2008.

It was noted that the staff shortages that had existed last summer had now been resolved and as a result it was anticipated that the enforcement plan would be met.

Councillor Browne requested that officers provide him with figures on the attendance at seminars that focussed on disease reduction – dermatitis, as detailed on page 11 of the agenda papers.

Members' noted that many actions were due to be completed by March 2010, yet it was clear that many of these action would be ongoing. Officers were requested to make this clearer in the report.

Members' thanked officers for a comprehensive and interesting report and stated that they looked forward to receiving the final report later in the year.

It was **RESOLVED** that;

- i) the timescales for the production of the final Health and Safety Law Enforcement Plan 2009-2010 were noted and that
- ii) the contents of the draft Enforcement Plan were commented on as detailed above.

#### 24. **Bracknell Licensed Taxi Forum Update**

It was reported that since the last meeting of the Committee, officers had met with representatives of the Bracknell Licensed Taxi Forum on two occasions. The minutes of these meetings were attached to the agenda papers.

Officers reported on the following items:

- Plying for hire, this allegation had been investigated and extensive monitoring by officers had found no evidence to support the allegation.
- Complaints about drivers, it was reported that officers would need to address complaints personally with drivers but that drivers had every right to have a representative with them.
- Extensions for existing saloon vehicles, it was confirmed that extensions were issued when a vehicle had an abnormally low mileage and was in exceptional condition.
- Safety Guidance, a leaflet on this would be circulated to drivers.
- Wheelchair users, officers confirmed that they would be seeking legal advice on the use of meters, as no charge should be made for reasonable assistance provided to disabled persons.

It was reported that applications from drivers under the extensions policy were received on a regular basis but that only one appeal had been received in the last 12 months.

The Chairman stated that he was pleased that a number of representatives from the taxi trade were in attendance and thanked officers for the report.

#### 25. **Update on Hackney Carriage Unmet Demand Survey**

The report before the Committee updated them on the Council's response to the Hackney Carriage trade request for a limit to be set on the number of Hackney Carriage licences to be issued.

Officers reported that best practice guidance and comments issued by the Department of Transport could be summarised as follows:

- Best practice for a Local Authority was not to restrict numbers.
- Consumers should enjoy the benefits of competition in the taxi market.
- A restriction policy was detrimental to those seeking entry to a market.
- Those authorities who had policies were strongly encouraged to remove restrictions as soon as possible.

- Restrictions should only remain if there was a strong justification that removal would lead to significant consumer detriment as a result of local conditions.

It was noted that the approximate costs of an unmet demand survey would be between £15-20,000 and would need to be met through increased licence fees. It was noted that the original petition from the local taxi trade had indicated that they would like a survey to be undertaken, but there was no mention in the petition that there the trade agreed to pay the cost of the survey through licence fees.

Officers stated that they would write to each driver to ask whether they thought that a survey was necessary and whether they would be willing to pay for the survey through an increased fee.

It was noted that the trade had requested that the issuing of licences be suspended until the survey was completed. It was reported that this would not be possible as it would leave the Council open to legal challenge and in any event, was likely to generate a surge of applications in anticipation of the suspension of licences.

Members' stated that they were pleased that every driver would be contacted individually and that it was important that this matter was resolved expediently.

It was **RESOLVED** that officers would bring to the Committee meeting on 23 April 2009 a report on the options for an unmet demand survey. The report would include an evaluation of the proposals by interested companies, the legal implications of such an action, results of consultation with licence holders and proposals for financing a survey.

## 26. Review of Penalty Points Scheme

The Committee were asked to review the current penalty points scheme and to consider whether the points given in respect of contraventions were necessary and proportionate.

It was **RESOLVED** that;

- i) the Committee approved the proposed new penalty points system at Appendix A of the agenda papers, for use from 1 April 2009, with the following amendments:

Existing wording	Existing points	Proposed wording	Proposed points
No valid insurance	10	Trading without valid insurance	12
No valid MOT	10	Trading without MOT/inspection	12
Illegal tyres	10	Illegal tyres	3 points per illegal tyre
Too many passengers	8	Too many passengers	8
C&U regulations	2-4	C&U regulations	2-4

- ii) the Chairman and Vice-Chairman to be sent a final version of the penalty points scheme with the amendments incorporated.

27. **Review of Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers**

It was reported that the Council issued guidance notes on an annual basis to owners, drivers and operators of hackney carriages and private hire vehicles. These notes were intended to set out the legal requirements, licence conditions and to give guidance to the trade.

Members queries whether some of the guidance notes were a little too prescriptive, in particular those relating to the minimum size specifications for licensed vehicles. Officers stated that the seat specifications were added to regulate the use of smaller seats which are generally intended for use by children.

The Chairman asked that if the taxi trade wished to comment or make any suggestions on the Guidance Notes that they should do so at the next meeting of the Forum. In particular, feedback on the minimum size specification for licensed vehicles would be useful.

It was **RESOLVED** that the Committee;

- i) noted the changes made to the Guidance Notes,
- ii) would provide comment on the proposed changes to the Licensing Team Leader by 27 February 2009 and
- iii) agreed that the Guidance Notes may be amended and re-issued following consultation with and agreement of the Chairman.

28. **Review of Statement of Gambling Principles**

It was reported that the present Statement of Gambling Principles was published on 31 January 2007 and therefore needed to undergo a review and be re-published on or before 30 January 2010.

It was **RESOLVED** that the Committee noted the proposed timetable for the review as set out in paragraph 4.6 of the agenda papers.

29. **Changes to the Licensing Act 2003**

It was reported that currently there were two draft legislative reform orders laid before Parliament which were associated with the Licensing Act 2003. They related to a proposed new procedure for dealing with applications for minor variations to premises licences and club premises certificates, and the proposed removal of the requirement for a designated premises supervisor for community premises which sold alcohol.

If the orders were not rejected, they are likely to come into effect in April 2009 (minor variations). Licence holders would be notified of the changes through the annual newsletter, which would be sent out to all licensed premises in April 2009.

The Chairman queried how schools fitted in with the definition of 'community', officers agreed to look into this. For example, school fetes and plays may wish to serve alcohol.



30. **Any Other Business**

The Chairman commended the Chief Officer for the excellent work of the road team during the recent bad weather conditions. The roads had been gritted in a timely fashion and had been successfully kept cleared, the Chairman asked that the Committee's thanks be passed on to all staff involved.

**CHAIRMAN**

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## LICENSING AND SAFETY COMMITTEE 23 APRIL 2009

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### UNMET DEMAND SURVEY (Chief Officer: Environment and Public Protection)

#### 1 PURPOSE OF DECISION

- 1.1 The Council was approached by the Bracknell Licensed Taxi Forum to commission an unmet demand survey with a view to the Council introducing a limiting policy on the issue of hackney carriage licences.
- 1.2 At the Committee meeting on 5 February 2009 members agreed that officers would bring a report to this meeting on the result of a tender process for conducting an unmet demand survey, the result of consultation with hackney carriage licence holders, and proposals for the financing of the survey.
- 1.3 This report addresses those points and makes recommendations for the commissioning of a survey and proposals for financing the costs through an increase in the hackney carriage licence fee.

#### 2 RECOMMENDATIONS

- 2.1 **That TPI be invited to conduct an unmet demand survey with a view to reporting back their findings to the Licensing and Safety Committee at its meeting on 1 October 2009;**
- 2.2 **That the cost of a hackney carriage vehicle licence be advertised to increase from £220 to £270;**
- 2.3 **That, if no objections are received, the new cost be implemented from 1 July 2009; and,**
- 2.4 **That, 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 fee and implementation date.**

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

##### Borough Solicitor

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

##### Borough Treasurer

- 3.2 The increase in hackney carriage licence fees will be sufficient to meet present known costs incurred by the Council in commissioning an unmet demand survey. Recovery of those costs should be achieved within a 3-year period up to 30 June 2012 based upon 264 licences being issued within that timeframe.

### Equalities Impact Assessment

- 3.3 The introduction of a limiting policy may have an impact for those persons seeking entry into the hackney carriage trade, in that they may have to pay an existing holder to transfer a licence to them.

### Strategic Risk Management Issues

- 3.4 A person who is refused a hackney carriage licence due to a limiting policy has a right of appeal to the courts to challenge that decision and policy.

## **4 SUPPORTING INFORMATION**

- 4.1 The Council may introduce a policy to limit the number of hackney carriage (taxi) licences it issues, but it must satisfy itself that there is no significant unmet demand for taxis within its area. Since this provision was introduced by the Transport Act 1985, a number of appeals to the Courts and guidance issued by Central Government have given definition as to what is required to be addressed within such a survey. A number of companies who specialise in transport issues have for a number of years conducted unmet demand surveys on behalf of Local Authorities and have defended their data and conclusions within the courts where appropriate.
- 4.2 Following the Committee meeting on 5 February 2009, officers wrote to Halcrow, TPI & Mouchel inviting them to tender for an unmet demand survey. See Annex A.
- 4.3 Officers have examined the tender documents and are satisfied that each of the companies has sufficient expertise and knowledge to conduct a survey. Additionally each company provided details of how they would adequately deliver those aspects identified within the letter attached as Annex A. There were differences within the proposals as to how each company would deliver those aspects and the costs involved. Taking all matters into account, officers are satisfied that all of the tender companies could provide an unmet demand survey within the specifications requested by the Council.
- 4.4 The Council consulted with the Bracknell Licensed Taxi Forum to check if they had any comments or concerns with the proposed tenders. They confirmed that they did not. In view of this and the officers being satisfied that each company can deliver a satisfactory survey, officers recommend commissioning the survey with TPI who provided the lowest priced tender.
- 4.5 The Committee required officers to consult with all hackney carriage licence holders on whether they felt that there was a need to limit the number of hackney carriage licences, and whether they were willing to pay for an unmet demand survey through an increase in their licence fees. Attached to the report as Annex B is a copy of the letter that was sent to all the 88 licence holders. 55 responses were received by the Council which equates to a 63% return rate. Of those that made a return 53 stated that they agreed that there was a need to limit the number of hackney carriage licences within Bracknell Forest. I said "No" and I made no response. The licence holders were also asked whether they would prefer to pay a one-off fee or spread the cost over 3 years on an increase in their licence fee. The result is as follows:
- Q2 As a Hackney carriage licence holder, do you want an unmet demand survey to take place if the increase to your Hackney carriage licence fee is:

(a)	one-off increase?	Yes	1
		No	11
(b)	increase spread over 3 years?	Yes	51
		No	3

Where returns do not total 55, no answer was given to the question.

It will be noted that 33 forms were not returned. The letter (Annex B) made it very clear to the recipients that a nil return would be assumed by the Committee as the licence holder having no objection to the conducting of an unmet demand survey and a rise in licence fees to pay for that survey.

- 4.6 If the Committee agrees to commission the survey, officers will meet with officers from TPI to discuss the final details and the timetabling for the survey to be completed. From the tender details it would be anticipated that the results of the survey can be reported to this Committee at its meeting on 1 October.
- 4.7 Fees charged for the licensing of hackney carriages are required by Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised in a local paper with comments or objections received and considered by the Committee before any increase can be implemented. Should objections be received, arrangements will need to be made for members to consider those at its next meeting on 2 July 2009. If objections are received and they have to wait until the July meeting, this will impact upon and delay the implementation of the unmet demand survey taking the report beyond the October committee meeting. To assist the process, it is recommended by officers that the committee delegate authority to the Chair and Vice Chair to consider any objections received within 14 days of the closure of the consultation period.

#### Background Papers

- 1 The Regulation of Licensed Taxi and PHN Services in the UK – Office of Fair Trading, November 2003
- 2 Government response to Office of Fair Trading Response – Department of Transport, June 2004
- 3 Taxi and Private Vehicle Licensing – Best Practice Guidance – Department of Transport, October 2006
- 4 Evaluating the Impact of the Taxis Market Study – OFT, October 2007
- 5 Request from Bracknell Licensed Taxi Forum for Bracknell Forest to introduce a limiting policy on hackney carriage licences – Licensing and Safety Committee, 5 February 2009

#### Contact for further information

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

#### Doc Ref

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Our ref:

[date]

Dear

**Unmet Demand Survey**

Thank you for attending our office on 27 January 2009 to discuss the possibility of your company conducting a survey in the Bracknell Forest area.

At the meeting of the Licensing and Safety Committee on 5 February 2009 members agreed to approach three companies for quotations to carry out a survey. These quotations will be considered alongside an officer report at their next meeting on 23 April 2009. In order that due consideration is given to the quotations, these must be received at this office no later than Wednesday 18 March 2009.

The survey must include:

- Observation of the rank areas within the town centre, railway station, bus station, British Legion, Red Lion, The Ring and Peel Centre. Demand within other areas of the Borough must also be considered.
- Consultation, preferably through focus groups with key stakeholders.
- Public consultation.
- Trade consultation – preferably through focus groups, with both Hackney Carriage and Private Hire.
- A profile of the Authority including the taxi trade. Bracknell Forest Council will provide the data requested by the successful company.
- Bus routes – Bracknell Forest has a number of bus lanes and gates for exclusive use of buses. We would wish the survey to examine the possible benefits to Hackney Carriage provision of the use of some or all of these routes for licensed Hackney Carriages.

The survey must be of sufficient depth and the evidence gathered sufficiently robust to fully address those matters raised with the Department for Transport – Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2006 in relation to Quantity Restrictions of Taxi Licences outside London. In particular if the recommendation is to limit the number of taxis, evidence should be presented which demonstrates that such action would be in the interests of the travelling public.

I look forward to receiving your quotation and if you have any questions on clarification or require additional information, please do not hesitate to contact me on 01344 352580 or Laura Driscoll, Licensing Team Leader, on 01344 352517.

Yours sincerely

**Robert Sexton**  
**Head of Trading Standards and Licensing**

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Our ref: RJS/survey/<key>

4 March 2009

<appfullname1>  
<appaddr1>  
<appaddr2>  
<appaddr3>  
<apppostcode>

Dear <appfullname1>

### **Unmet Demand Survey - Limiting Policy**

The Council has been approached by the Bracknell Licensed Taxi Forum and requested to limit the number of Hackney Carriage licences. Before the Council can consider the introduction of such a policy, it must satisfy itself that there is no significant demand which is unmet for the services of Hackney Carriages within the Borough.

To establish if there is unmet demand, it is necessary to conduct a survey which will look at the local market conditions that apply to the provision of taxi services within the Borough. This survey needs to be conducted by a specialist company and initial enquiries indicate that the estimated costs will be in the region of £15,000-20,000, but this is dependant upon the elements included within the survey. The Council is presently in discussion with the Bracknell Licensed Taxi Forum on the specification for the survey which will eventually determine the costs within any quotation received. It is anticipated that the final costs will not be less than £15000 and at that level the costs to you as a licence holder will be approximately £175, rising to £228 at the top end of the estimates received. The Council will recover that cost through an increase in Hackney Carriage vehicle licence fees, either as a one-off payment or spread over three years. Further details of the actual costs involved and how this will affect the licence fees will be sent out as soon as these details are available

The results of the survey will be considered by members of the Licensing and Safety Committee. If the results indicate that there is no significant demand which is unmet, the Council will consider if it is appropriate to introduce a limiting policy based upon the strength of the evidence within the report and relevant guidance from the Department of Transport.

As a licence holder you will have to pay for the survey through an increase in your licence fee, regardless of whether a limiting policy is introduced or not. Additionally it is a legal requirement that the survey must be repeated at least every 3 years where a limiting policy is in place. Those costs will also be recoverable through increases in the licence fee.

My purpose in writing to you is to ask your views on the proposal to conduct a survey and the possibility of the introduction of a limiting policy. I would therefore ask that you answer the following questions and return this letter to:

Licensing Section  
Time Square  
Market Street  
Bracknell  
RG12 1JD

/continued overleaf

1	Do you agree that there is a need to limit the number of Hackney Carriage Licences issued within Bracknell Forest?	YES / NO
2	<p>As a Hackney Carriage Licence holder, do you want an unmet demand survey to take place if the increase to your hackney carriage licence fee is:</p> <p>(a) A one-off increase</p> <p>(b) An increase spread over three years</p>	<p>YES / NO</p> <p>YES / NO</p>
3	Do you have any other comments or suggestions on how the Council can assist you to provide a quality taxi service for all residents and visitors to the Borough?	
Signature: ..... Date: .....		

It is very important that you make your views known by replying to this letter as we value your opinion. The comments and answers you give will be considered by Members of the Licensing and Safety Committee and it is therefore vital that you respond. If you fail to respond, the Committee can only assume that you have no objection to the proposal to conduct an unmet demand survey and the rise in the Hackney Vehicle licence fee to meet the cost.

**Your response must be received at this office no later than 18 March 2009.**

Yours sincerely

**Robert Sexton**  
**Head of Trading Standards and Licensing**

# Equality Impact Assessment Record

Date of EIA

14 March 2009

Directorate

Environment Culture and Communities

Initial Screening Record		Step
Initial Screening Record		1/2
Activity to be assessed	<b>Limiting Policy for Hackney Carriage licences</b>	
What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	X New <input type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<p><b>The purpose of the activity is to: Explore if a limiting policy on Hackney Carriage licences is required</b></p> <p><b>The activity is designed for: Ensuring a viable taxi service for Bracknell Forest</b></p>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Robert Sexton	
Did Step 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.	
<b>Full EIA Record</b>		
Who are the members of the EIA team?	Overwrite with names of individuals, section or team	
What evidence has been found to indicate that the activity might need to be amended? (Include any consultation undertaken)	Overwrite with the data, information or research that was used in the EIA	
With regard to the equalities themes, which groups might be <b>impacted</b> by the activity? Might any of these groups be impacted <b>adversely</b> ?	<b>Groups Impacted</b>	<b>Groups impacted adversely</b>
	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief
What evidence is there to suggest an impact/adverse impact?		
On what grounds can impact or adverse impact be justified?		
Is there any current action that addresses issues for any of the groups impacted/adversely impacted?		
What changes will you make to the activity reduce or remove any differential/adverse impact?	List the actions that you have planned as a result of the EIA.	
Into which action plan/s will these actions be incorporated?		

Who is responsible for the action plan?		<b>6</b>
Have any examples of good practise been identified as part of the EIA?		
Has the EIA been published on the Council website?	Yes / No	
Who is the relevant Chief Officer and have they signed off the EIA?	<u>Name</u>  Signature.....	
Which PMR will this EIA be reported in?	<u>Note the service department and relevant quarter/date of PMR</u>	

## LICENSING AND SAFETY COMMITTEE 23 APRIL 2009

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### **PUBLIC SPEAKING AT LICENSING AND SAFETY COMMITTEE (Chief Officer: Environment and Public Protection)**

#### **1 PURPOSE OF DECISION**

- 1.1 There have been occasions where members of the public or persons who have a business that might be affected by decisions made by the Committee have requested to speak to members at the Committee meeting. The purpose of this report is to provide a framework within which public speaking can be conducted at the Committee.

#### **2 RECOMMENDATIONS**

- 2.1 **That, with effect from 2 July 2009 for a trial period of one year, public speaking be permitted at the Licensing and Safety Committee;**
- 2.2 **That, in line with the principles set out in paragraphs 4.3.1-4.3.3 of this report, officers in conjunction with the Chairman of the Committee produce and publish a document setting out the procedure for public speaking at the Licensing and Safety Committee; and,**
- 2.3 **That the arrangement be reviewed by the committee in 12 months time.**

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

##### Borough Solicitor

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

##### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendations within this report.

##### Equalities Impact Assessment

- 3.3 The decision to permit and formalise arrangements for public speaking will provide for increased engagement of the community within decision-making. The proposal for a trial will enable the Committee to consider any feedback into how the scheme has operated at this time. The scheme reflects that introduced in respect of the Planning and Highways Committee matters.

##### Strategic Risk Management Issues

- 3.4 There are no strategic risk management issues arising from the report.

## 4 SUPPORTING INFORMATION

4.1 The Council Constitution permits public speaking at the Licensing and Safety Committee at the discretion of the Chair of that Committee. As part of the democratic process it can be helpful to have input from residents and businesses upon proposals that may impact upon their lives or neighbourhood. Currently there is no formal arrangement whereby this can be affected.

4.2 In considering a proposal to introduce a scheme it is important to ensure that the right of public speaking at a Committee meeting does not interfere with the normal business of that Committee. As has been evidenced at the Planning and Highways Committee to ensure this it is vital that a framework be in place to regulate and control the process of public speaking. Time is very important and speakers need to be encouraged to make their points clearly, concisely and relevant to the matters under discussion.

4.3 It is suggested that the Committee consider three key areas in the formulation of any scheme, namely;

- When is public speaking to be permitted?
- What is the order of speaking?
- What will be permitted in terms of time and context?

4.3.1 **When is public speaking permitted?** It is recommended that public speaking should only be permitted when:

- (i) A written notification of request to speak at the Committee is received by Democratic Services by 12.00 noon on the Tuesday prior to the meeting and
- (ii) The notification contains details of the key points intended to be made by the speaker (This would give the Committee early indication of the content and enable the Chair to give guidance to any speaker on the relevant of points prior to speaking).
- (iii) The Committee will hear one representative for the motion and one representative against the motion.
- (iii) The speaking rights will be given to the first person registering on the understanding that their details will be passed on to any other party who register a similar interest in the expectation that the parties will liaise and a joint statement will be made.
- (iv) The speakers must attend the meeting and report to the Democratic Services Officer not less than 15 minutes prior to the start of the meeting.

4.3.2 **What is the order of speaking?**

- (i) The Licensing Officer will introduce the report and set out the recommendations.
- (ii) The Chairman will invite firstly the registered speaker for the motion to address the Committee for a maximum of 3 minutes followed by any registered speaker against the motion. This will be strictly enforced. The speaker will not be allowed to ask questions of Councillors, Officers or others.
- (iii) Members of the Committee may ask the speaker for clarification on any of the points raised.
- (iv) The presenting Officer will be invited to comment upon any of the points raised by the speakers before the Committee continues with its deliberations.

#### 4.3.3 What will be permitted?

- (i) A maximum time of 6 minutes public speaking will be permitted per item. .
- (ii) Where a speaker strays into areas which are not relevant to the matter under discussion the Chairman may interrupt them and direct them to restrict their comments to those areas.

4.4 It is proposed that such a scheme be trialled for a 12 month period before being reviewed by the Committee. If agreed the above detail would be incorporated into a flyer that would be made public. The detail in the flyer would be agreed by the Chief Officer: Environment and Public Protection in consultation with the Chairman.

#### Background Papers

None

#### Contact for further information

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

#### Doc Ref

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# Equality Impact Assessment Record

Date of EIA

14 March 2009

Directorate

Environment Culture and Communities

		<b>Step</b>
<b>Initial Screening Record</b>		<b>1/2</b>
Activity to be assessed	<b>Public Speaking At Licensing &amp; Safety Committee</b>	
What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input checked="" type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	X New <input type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<b>The purpose of the activity is to: Provide residents and businesses the opportunity to speak at the Committee on reports before the committee</b> <b>The activity is designed for: Residents and businesses affected by decisions made by the committee to give verbal comment prior to discussion and decision</b>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Robert Sexton	
Did Step 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.	
<b>Full EIA Record</b>		
Who are the members of the EIA team?	Overwrite with names of individuals, section or team	
What evidence has been found to indicate that the activity might need to be amended? (Include any consultation undertaken)	Overwrite with the data, information or research that was used in the EIA	
With regard to the equalities themes, which groups might be <b>impacted</b> by the activity? Might any of these groups be impacted <b>adversely</b> ?	<b>Groups Impacted</b>	<b>Groups impacted adversely</b>
	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief
What evidence is there to suggest an impact/adverse impact?		
On what grounds can impact or adverse impact be justified?		
Is there any current action that addresses issues for any of the groups impacted/adversely impacted?		
What changes will you make to the activity reduce or remove any differential/adverse impact?	List the actions that you have planned as a result of the EIA.	
Into which action plan/s will these actions be incorporated?		
		<b>4</b>
		<b>3/4</b>
		<b>5</b>

Who is responsible for the action plan?		<b>6</b>
Have any examples of good practise been identified as part of the EIA?		
Has the EIA been published on the Council website?	Yes / No	
Who is the relevant Chief Officer and have they signed off the EIA?	<u>Name</u>  Signature.....	
Which PMR will this EIA be reported in?	<u>Note the service department and relevant quarter/date of PMR</u>	

**LICENSING AND SAFETY COMMITTEE  
23 APRIL 2009**

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**ANNUAL REPORT AND SERVICE PLAN  
(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2008 to 31 March 2009. It is brought to the Committee to consider and comment upon the work completed.
- 1.2 In addition the report also includes the proposed Service Plan for the period 2009-2012 and the work plan for the period 2009-2010. The Committee is also asked to consider and comment upon these documents.

**2 RECOMMENDATIONS**

- 2.1 **That the Annual Report of the Licensing Section be received and the work carried out in 2008-2009 noted; and,**
- 2.2 **That, subject to any comments the Committee may have, the Service Plan 2009-2012 and associated work plan for 2009-2010 be approved.**

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

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

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

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

## **4 SUPPORTING INFORMATION**

- 4.1 Attached as Annex A is a list of those licences, registrations, permits and consents that are current as of 1 May 2009 or issued within the last year. This is a single indicator of the number of transactions that the Licensing Service has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises.
- 4.2 Attached as Annex B is a copy of the work plan for the Licensing Section for 2008-2009 which was approved by this Committee at its meeting in July 2008. The final column headed "How we did" details progress against the service action, target or measure set. Members are asked to note the progress made against that work plan.
- 4.3 Attached to the report as Annex C is a copy of the draft Service Plan for the period 2009-2012. This is a new document and seeks to set out the overriding purpose and objectives of the Licensing Service over the next 3 years given the external drivers, such as international and national pressures and priorities, and internal and local drivers such as pressures and priorities from the Council itself and from businesses and residents within the Borough. The objectives and service actions within that document, if approved, set the parameters for those activities to be included within the Licensing work plan for 2009-2010. The proposed work plan is attached as Annex D.
- 4.4 Despite being short of staff for four months, the main priorities of the work plan were completed as detailed within Annex B. A site audit was carried out of all 460 park homes at the Warfield Park site, which will form the basis of a report to identify levels of compliance with the site licence and planning conditions. All programmed visits to licensed premises were completed as required and late night enforcement shifts were carried out at least once a month to monitor compliance by licence holders.
- 4.5 Seven warning letters have been sent in respect of persistent or more serious breaches of licence conditions and legislation at licensed premises. The only appeal against a decision of the Licensing Panel, in respect of the suspension of a premises licence for a town centre nightclub, was subsequently withdrawn and the premises has since been transferred to new ownership.
- 4.6 A large amount of work has taken place during the year to improve relations with the taxi trade. The trade have formed a union under the banner of the Bracknell Licensed Taxi Forum and regular meetings have taken place to communicate issues and consult on various matters. The penalty points scheme has been re-launched as a consistent means of dealing with breaches of licence conditions, and no appeals have yet been received against penalty points allocated to licence holders. A multi-agency check with VOSA and TVP took place in January, at which approximately 60 vehicles and their drivers went through a series of mechanical and licence checks. Of those vehicles checked, four had bald tyres and there were a small number of minor breaches of licence conditions.

Background Papers

None.

Contact for further information

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robert.sexton@bracknell-forest.gov.uk

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**Current Licences 2008/2009**

**ANNEX A**

<b>Type</b>	<b>No</b>	<b>Type</b>	<b>No</b>
Animal Boarding Establishments	4	Personal Licences	666
Club Premises Certificates	31	Pet Shops	4
Dangerous Wild Animals	0	Petroleum	16
Hackney Carriage Drivers	200	Poisons	8
Explosives	27	Premise Licence	214
Hackney Carriage Vehicles	89	Riding Establishments	4
Home to School Drivers	6	Special Treatments (Personal)	49
Home to School Vehicles	11	Special Treatments (Premises)	20
House to House Collections	4	Street Collections	102
Lotteries	48	Street Trading	16
Private Hire Vehicles	193	Temporary Event Notice	244
Private Hire Drivers	120	Private Hire Operators	39
Caravan Sites	14	Gambling Permits	23
Hairdressers	45	Motor Salvage	1
Performing Animals	4		

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## Environment, Culture and Communities Department

## Work plan outcome – 2008-2009 ANNEX B

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

Service Task	Target/Measure Inc National/Local indicators	Lead Officer	How we did
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	Progress has been made however further changes in our database usage and a fuller range of reports need to be written
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	126 programmed inspections completed and revisits completed where required.
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	Due to a vacancy for 4 months, the need to train 2 new officers within the financial year together with the need to meet other targets and respond to reactive demands within high priority areas, it has not been possible to fully complete the targeted inspections. We did however achieve 241 inspections.
Licensing Enforcement Protocol to be drafted with relevant agencies	Protocol completed and in place by end March 2009	LD	Protocol drafted and out for final approval and agreement
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 inspections	LD	16 out of hours enforcement shifts completed, 161 in performance/monitoring inspections completed

## Environment, Culture and Communities Department

## Work plan outcome – 2008-2009 ANNEX B

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

Service Task	Target/Measure Inc National/Local indicators	Lead Officer	How we did
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	Achieved 70%
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	Audit of a 460 park home site completed
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	100% of pub watch meetings attended
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	Completed. Newsletter to licensed premises and taxi trade sent out
Take lead role for Safety Advisory Group	Carry out all administration in relation to event forms and meetings	LD	11 meetings held within the year dealing with 44 proposed events within the borough
Ensure Safety Advisory Group documentation up to date	Review and re-issue SAG Guidance Manual by March 2009	LD	Manual redrafted ready for reissue
Ensure all application forms and guidance are up to date and available on website	Forms and guidance reviewed and updated	LD	All forms and guidance up to date on website

## Environment, Culture and Communities Department

## Work plan outcome – 2008-2009 ANNEX B

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

Service Task	Target/Measure Inc National/Local indicators	Lead Officer	How we did
Liaise with trade wherever possible to ensure awareness of redevelopment	Attend Town Centre Update meetings and liaise with Redevelopment team as requested	LD	Regular meetings held with relevant trade members
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	Online licensing maintained and neighbourhood notification implemented
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	Reports and training sessions delivered to members on new and existing legislation
Review policies where appropriate	Plan implemented to ensure Gambling policy reviewed by Dec 2009	LD	Members approved plan put forward for the review of the Gambling Policy
Monitor budget and review fees and charges	Budget monitored on monthly basis and fees and charges reviewed annually through Committee	LD	Fees and charges reviewed to enable the fees to be set for 09-10. Service delivered within the budget set.
Ensure information shared between staff	FAQs on shared drive reviewed annually and updated as required	LD	Progress limited due to staffing vacancies within the year

## Environment, Culture and Communities Department

## Work plan outcome – 2008-2009 ANNEX B

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

Service Task	Target/Measure Inc National/Local indicators	Lead Officer	How we did
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	Progress limited due to staffing vacancies within the year
Ensure customers are satisfied with service provided	Customer surveys sent out in respect of complaints, inspections and applications.  90% satisfaction rate target  NKPI 182	LD	The service was included within a new national business satisfaction performance indicator alongside Trading Standards and Environmental health. The provisional result is expected to be around 75%. This survey looks at the interactions that we have with businesses in respect of licence applications and inspections  The service was unable to initiate a separate consumer satisfaction survey that looked at our interaction with persons making complaints about licensed businesses.
Provide talks and presentations to consumers and businesses on Licensing issues	To respond to a maximum of 5 requests for talks	LD	Only one talk requested which was delivered
Continue to develop and update Internet and Intranet information	Intranet up to date and relevant	ND	All forms and guidance up to date on website and intranet

## Environment, Culture and Communities Department

## Work plan outcome – 2008-2009 ANNEX B

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

Service Task	Target/Measure Inc National/Local indicators	Lead Officer	How we did
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	Introduced and implemented. It is anticipated that the vast majority of taxis will be wheelchair accessible by the 2010 date
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	Information now being collected where provided by the applicant
Ensure accuracy of data held on M3 database	Data check all taxi licence information to be carried out by end July 08	LD	Good progress made but due to staffing vacancies within the year the exercise was not fully completed
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	Facilities now in place to enable single inspection visits on a limited number of premises
Section 101 Berkshire-wide agreement to permit cross border authorisation of Licensing Officers	Agreement signed and implemented	RJS	Document drawn up but still no final agreement between the 6 Unitary authorities
Review Caravan site licences conditions in light of legislative changes to model standards	All licences reviewed and process of variation in progress	SW	Some progress made but will have to continue into next year. The new model standards reduce some areas of legislative control by local authorities

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## DRAFT LICENSING SECTION SERVICE PLAN 2009-2012

### Service Description

The Licensing Service primary function is to provide businesses with the relevant licences or permits necessary to carry out a legitimate business.

The service also seeks to

- Protect consumers and business from illegal and unlicensed activities
- Ensure that licensed activity is carried out in a manner that it is not detrimental to the health and safety of users or the economic welfare of compliant businesses

### Service Activities

#### Advice and processing of applications

- Provide information and education to assist businesses and consumers to understand the range of licensing legislation
- Enable businesses to apply for licences through a variety of mediums
- Provide a conduit for businesses to suggest ways within which improvements in standards of licensed activity within Bracknell Forest can be achieved

#### Inspection and Compliance

- Delivery of a targeted inspection programme focused upon those businesses presenting the highest risk to consumers
- Actively operating a penalty points scheme in respect of taxis and private hire contraventions
- Enabling the resolution of disputes between consumers and businesses by advice and intervention
- Investigating serious breaches of the legislation or licence conditions
- Targeted activity to reduce crime, disorder and anti social behaviour within Bracknell Forest

#### Service Improvement and Development

- Review of policies, plans and strategies to ensure they are meeting needs and expectation of our stakeholders
- Improving the cooperation, effectiveness and efficiency of service delivery by working with partners on shared aims
- Improving access to and awareness of the Licensing service for consumers and businesses
- Ensuring staff have the knowledge, skills and support to deliver the service

- Continuing to improve our service by managing our performance and comparing ourselves against national performance measures and standards.

### **Context for Service Delivery**

#### External Drivers

The Rogers Review of Enforcement Priorities for Trading Standards and Environmental Health Services identified six enforcement priorities:

- Fair Trading
- Alcohol Licensing
- Air Quality
- Improving Health in the workplace
- Hygiene of Food Businesses
- Animal and Public Health

The "economic downturn" has a direct and serious impact upon residents and businesses within the Borough. There is a pressing need for local authority services to support residents and businesses to retain economic prosperity during this economic downturn. The Licensing service has an important role to play within Local Authority support programmes.

#### Internal Drivers

Account needs to be and will be taken of the Council's 6 medium term objectives for the period 2009-11. The Licensing service will aim to tailor its priorities and actions to best support the Council's objectives relating to:

- Town fit for the 21<sup>st</sup> Century
- Protecting and enhancing our environment
- Promoting health and achievement
- Create a Borough where people are safe and feel safe.
- Value for money
- Sustain economic prosperity



### Licensing Service Objectives

#### 1 Ensure Licensing within Bracknell Forest is contributing to residents' safety, health, economic and environmental being by:

- Investigating unlicensed activity
- Monitoring and improving business compliance through targeted proactive enforcement activities
- Tackling bad practices by responding to complaints, and enabling resolution of disputes between consumers and businesses.

**What success will look like** - Rising standards of business compliance with licensing legislation together with evidence of the successful tackling of disruptive, unsafe or unlicensed activities

### Service actions

Council Objective	Service Action	Lead Officer
Create a Borough where people are safe and feel safe	Investigate serious or illegal practices by way of formal enforcement and other interventions against those businesses causing most detriment	
Create a Borough where people are safe and feel safe	Contribute to crime and disorder reduction within Bracknell Forest including the reduction of anti social behaviour by risk based assessment and monitoring of licensed activity	
Sustain economic prosperity	Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance	
Create a Borough where people are safe and feel safe	Enable the resolution of disputes between consumers and businesses through effective advice, information and intervention	
Value for money	Through partnership working deliver a licensing service that delivers more for less	
Create a Borough where people are safe and feel safe	Support older and/or vulnerable people to lead independent and safe lives by providing a taxi service suitable for their needs	

2 Through effective and efficient licensing processes assist businesses and consumers within Bracknell Forest to be informed, confident and successful by:

- Responding to requests for advice and information to enable businesses to make effective choices.
- Providing targeted proactive information and advice to help businesses avoid non-compliance with licensing legislation.

**What success will look like** – Successful and compliant businesses. Consumers avoiding problems when buying on the market and an ability to resolve their own complaints when they do encounter problems sometimes following advice from the service

**Service actions:**

Council Objective	Service Action	Lead Officer
Sustain economic prosperity	Provide easy to access and read information for businesses on licensing matters.	
Value for money	Provide a an efficient and seamless service from the application to the grant of a licence or permit	
Sustain economic prosperity	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	
Create a Borough where people are safe and feel safe	Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers	
Create a Borough where people are safe and feel safe	Support older and/or vulnerable people to lead independent and safe lives by providing a taxi service suitable for their needs	
Sustain economic prosperity	Enable the resolution of disputes between consumers and businesses through effective advice, information and intervention	

3 **Maximise our efficiency through a culture of value for money and continuous performance improvement by:**

- Improving customer focus
- Delivering excellent services and ensuring good value for money
- Developing and supporting our workforce

**What success will look like** – High levels of business and consumer satisfaction with the service through excellent support and performance management of staff. The provision of adequately trained staff with processes in place that enable work to be effectively targeted with improving results.

**Service actions**

Council Objective	Service Action	Lead Officer
Sustain economic prosperity	Improve access to and awareness of Licensing services for consumers and businesses	
Value for money	Continue to improve our service by managing our performance and comparing ourselves against national performance measures	
Value for money	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	
Sustain economic prosperity	Review our plans, policies and strategies to ensure that they meet the needs and expectations of our stakeholders	
Sustain economic prosperity	Ensure our staff have the knowledge, skills and support to deliver a modern Licensing service.	

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## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
5	Continue to improve our service by managing our performance and comparing ourselves against national performance measures	Ensure all applications 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
5	Enable the resolution of disputes between consumers and businesses through effective advice, information and intervention	Ensure all complaints and enquiries processed within agreed performance indicators	Monthly reports run to ensure local and legislative performance indicators are met	LD	Local and legislative performance indicators
4	Investigate serious or illegal practices by way of formal enforcement and other interventions against those businesses causing most detriment				
4	Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers	Carry out all programmed inspections in accordance with risk assessments	109 programmed inspections completed by end March 2010 and all revisits completed within one month to check compliance	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Priority Council area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
4	Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance	Carry out 400 driver/vehicle checks and at least two multi-agency taxi enforcement checks	All inspections and multi-agency checks carried out by end March 2009	NK	Hampton Review - Better Regulation Local PI
4	Contribute to crime and disorder reduction within Bracknell Forest including the reduction of anti social behaviour by risk based assessment and monitoring of licensed activity	Licensing Enforcement Protocol to be drafted with relevant agencies	Protocol completed and in place by end May 2009	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing
4	Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance  Contribute to crime and disorder reduction within Bracknell Forest including the reduction of anti social behaviour by risk based assessment and monitoring of licensed activity  Investigate serious or illegal practices by way of formal enforcement and other interventions against those businesses causing most detriment	Carry out regular enforcement operations 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 inspections	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
4	Contribute to crime and disorder reduction within Bracknell Forest including the reduction of anti social behaviour by risk based assessment and monitoring of licensed activity	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	Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers	Site audits for park home sites carried out in line with 5 year audit plan	Site audit carried out by end March 2010	SW	Hampton Review - Better Regulation
5	Provide easy to access and read information for businesses on licensing matters Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	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	LD	National priority - Alcohol Licensing
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	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

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	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	Through partnership working deliver a licensing service that delivers more for less	Ensure Safety Advisory Group documentation up to date	Re-issue SAG Guidance Manual by May 2009	LD	Hampton Review - Better Regulation
6	Provide an efficient and seamless service from the application to the grant of a licence or permit	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
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	Liaise with trade wherever possible to ensure awareness of redevelopment plans	Attend Town Centre Update meetings and liaise with Redevelopment team as requested	LD	National priority - Alcohol Licensing
1	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery				



## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	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
5	Ensure our staff and members have the knowledge, skills and support to deliver a modern licensing service	Ensure members of Committee are aware of and up to date with changes in legislation	Reports and training sessions to Committee members when necessary	LD RJS	Hampton Review - Better Regulation National priority - Alcohol Licensing
6	Review our plans, policies and strategies to ensure that they meet the needs and expectations of our stakeholders	Review policies where appropriate	Plan implemented to ensure Gambling policy reviewed by Dec 2009	LD	Legal requirement
5	Through partnership working deliver a licensing service that delivers more for less	Monitor budget and review fees and charges	Budget monitored on monthly basis and fees and charges reviewed annually through Committee	RJS	Audit purposes

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority Area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
5	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	Ensure information shared between staff	FAQs on shared drive reviewed annually and updated as required	LD	Hampton Review - Better Regulation
5	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	Update practice notes to clarify procedure and practice within section	Practice notes relating to professional practice, M3 and performance indicators identified, developed and implemented	RJS	Hampton Review - Better Regulation National priority - Alcohol Licensing
5	Continue to improve our service by managing our performance and comparing ourselves against national performance measures Provide an efficient and seamless service from the application to the grant of a licence or permit	Ensure customers are satisfied with service provided	Customer surveys sent out in respect of complaints, inspections and applications. 80% satisfaction rate target NKPI 182	LD	Hampton Review - Better Regulation National performance Indicator

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
6	<p>Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden</p> <p>Improve access to and awareness of Licensing services for consumers and businesses</p>	<p>Provide talks and presentations to consumers and businesses on Licensing issues</p>	<p>To respond to a maximum of 5 requests for talks</p>	LD	Hampton Review – Better Regulation
6	<p>Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden</p> <p>Improve access to and awareness of Licensing services for consumers and businesses</p>	<p>Continue to develop and update Internet and Intranet information</p>	<p>Internet and intranet up-to-date and relevant</p>	NK	Hampton Review – Better Regulation

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
4	Support older and/or vulnerable people to lead independent and safe lives by providing a taxi service suitable for their needs	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	NK	Council Cohesion policy Key Tasks 1.4 and 1.5 and Disability Equality Scheme Actions 6.1 and 6.2
4	Review our plans, policies and strategies to ensure that they meet the needs and expectations of our stakeholders  Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	Monitor ethnic origin of all applicants for taxi licences in compliance with equal opportunities and cohesion policy	Ethnic origin information recorded for taxi driver applicants and compared to enforcement action data	LD	Council's Race Equality Scheme

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Priority Council area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
5	Provide an efficient and seamless service from the application to the grant of a licence or permit	Ensure accuracy of data held on M3 database	Data check all licence information to be carried out by end August 2009	SC	Local PI
4	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	Work with TS and EH to initiate a 'single inspection' service to reduce burden on businesses	Competency matrix to be agreed and officers appropriately trained where funding available	RJS	Hampton Review - Better Regulation
4	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	Berkshire-wide agreement to permit cross border working and authorisation of Licensing Officers to assist with business continuity and personal development	Agreement signed and implemented	RJS	Hampton Review - Better Regulation Business continuity
4	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	Review Caravan site licences conditions in light of legislative changes	All licences reviewed and process to vary the licences in place	SW	Legislative changes

## Environment, Culture and Communities Department

## Work Plan – 2009 to 2010 ANNEX D

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

Council Priority area	Service Action	Service Task	Target/Measure Inc National/Local indicators	Lead Officer	Comments eg: where the task comes from
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	To prepare for compliance with the requirements of the European Services Directive in respect to licensing functions	Legislation to be implemented within UK by 28 December 2009 Service to meet legal requirements	RJS	EU Regulations

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

**PERFORMANCE INDICATORS**

<b>Type of Application</b>	<b>Length of time following receipt of fully complete and valid application</b>
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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# Equality Impact Assessment Record

Date of EIA

14 March 2009

Directorate

Environment Culture and Communities

		<b>Step</b>
<b>Initial Screening Record</b>		<b>1/2</b>
Activity to be assessed	<b>Licensing Service Plan</b>	
What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input checked="" type="checkbox"/> Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<b>The purpose of the activity is to: Report activities of service and future activities</b>  <b>The activity is designed for: Residents businesses and visitors to Bracknell Forest</b>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Robert Sexton	
Did Step 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.	
<b>Full EIA Record</b>		
Who are the members of the EIA team?	Overwrite with names of individuals, section or team	
What evidence has been found to indicate that the activity might need to be amended? (Include any consultation undertaken)	Overwrite with the data, information or research that was used in the EIA	
With regard to the equalities themes, which groups might be <b>impacted</b> by the activity? Might any of these groups be impacted <b>adversely</b> ?	<b>Groups Impacted</b>	<b>Groups impacted adversely</b>
	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief
What evidence is there to suggest an impact/adverse impact?		
On what grounds can impact or adverse impact be justified?		
Is there any current action that addresses issues for any of the groups impacted/adversely impacted?		
What changes will you make to the activity reduce or remove any differential/adverse impact?	List the actions that you have planned as a result of the EIA.	
Into which action plan/s will these actions be incorporated?		

Who is responsible for the action plan?		<b>6</b>
Have any examples of good practise been identified as part of the EIA?		
Has the EIA been published on the Council website?	Yes / No	
Who is the relevant Chief Officer and have they signed off the EIA?	<b>Name</b>  Signature.....	
Which PMR will this EIA be reported in?	<b>Note the service department and relevant quarter/date of PMR</b>	

## LICENSING AND SAFETY COMMITTEE 23 APRIL 2009

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### FIRST AID TRAINING FOR LICENSED DRIVERS (Chief Officer: Environment and Public Protection)

#### **1 PURPOSE OF DECISION**

- 1.1 This report is brought to the Committee following a decision made by the Committee at its meeting on 2 October 2008.
- 1.2 On 2 October the Committee deferred the item until its next meeting in February in order to allow officers to discuss concerns raised by the taxi trade on the original report.
- 1.3 Officers have met with the Bracknell Licensed Taxi Forum and their union representatives in the intervening period in an attempt to discuss the concerns raised and seek consensus on the way forward.

#### **2 RECOMMENDATIONS**

- 2.1 That drivers first licensed with the Council prior to August 2001, who have not attended an approved emergency first aid course, be required to do so by 1 April 2011;
- 2.2 That licensed drivers who have attended an emergency first aid course more than 5 years ago must attend the Council's emergency first aid course by 1 April 2011;
- 2.3 That all licensed drivers must undertake refresher emergency first aid training every 5 years from the date of the original training;
- 2.4 That the cost of the training be met by licensed drivers through a fee payable at the time of booking; and,
- 2.5 That, if a driver fails, without reasonable excuse, to attend a booked course, a further fee will be payable.

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

##### Borough Solicitor

- 3.1 The legal implications are identified within the report.

### Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

### Equalities Impact Assessment

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

### Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

## **4 SUPPORTING INFORMATION**

- 4.1 Under section 51(2) of the Local Government, Miscellaneous Provisions) Act 1976, a council may attach to the grant of a driver's licence such conditions as the Council may consider reasonably necessary.
- 4.2 All new dual and private hire drivers are required, as a condition of their licence, to attend a first aid course run by the Council, unless they can provide documentation stating that they have passed a recognised first aid course within the last five years. Where a new driver fails to attend a first aid course within twelve months of the issue of their licence, their licence will be suspended until the course has been undertaken. Drivers must also attend refresher first aid courses, five years after the date of their initial course or when their current certificate expires.
- 4.3 The Council did set aside free places for drivers licensed prior to August 2001 to attend first aid courses, with the aim of having all drivers first aid trained by 2010, but to date the Licensing Section are aware that a very limited number of drivers have taken up this opportunity.
- 4.4 The Council runs one first aid course each month using an external training provider. The course lasts approximately half a day and covers emergency first aid and life support.
- 4.5 Following the report considered by the Committee on 2 October, officers have met with representatives of the Bracknell Licensed Taxi Forum on five occasions. It was agreed at the meeting on 14 October that the GMB union, who represent a number of licensed drivers within Bracknell Forest, would make arrangements for health and safety representatives from the union to meet with officers to discuss health and safety concerns expressed by licensed drivers. Despite raising the issue at every meeting with the Bracknell Licensed Taxi Forum, no arrangements for a meeting have been made. It should be noted that since we started requiring drivers to undertake Emergency First Aid training in 2001 we have not received any reports from local drivers that have experienced health and safety issues related to the use of that training.
- 4.6 The recommendation is therefore that the process should be started from 1 May 2009 for all licensed drivers to undertaken an emergency first aid course. Additionally all drivers should be required to undertake a refresher course every 5 years.

- 4.7 At present the Council runs a course every month which is suitable for up to 12 delegates. Spaces on these courses will be exceeded in the short term due to demand from new applicants, refresher applicants and original drivers. It is therefore recommended that a period until April 2011 be given to train existing drivers and deliver refresher training. It is recommended that provisions for new applicants will remain the same.
- 4.8 Drivers who have not participated in emergency first aid training will therefore be required to attend the training by 1 April 2011. Failure to do so will constitute a breach of their driver licence conditions and could result in the suspension of the licence until the condition is complied with. Officers will discuss with the trade the best way to affect the training such that spaces on courses are fully utilised over the next 2 years and deliver opportunities for drivers to attend within the timeframe proposed.

#### Background Papers

First Aid Training for Licensed Drivers - 2 October 2008 – Licensing and Safety Committee  
Emergency First Aid Training - 6 March 2001 - Hackney Carriage Sub-Committee

#### Contact for further information

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

#### Doc Ref

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# Equality Impact Assessment Record

Date of EIA

14 March 2009

Directorate

Environment Culture and Communities

		<b>Step</b>
<b>Initial Screening Record</b>		<b>1/2</b>
Activity to be assessed	<b>Emergency First Aid training for licensed Drivers</b>	
What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review      Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	X New    Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<b>The purpose of the activity is to: Introduce Emergency First Aid training for all licensed drivers</b> <b>The activity is designed for: Residents businesses and visitors to Bracknell Forest who use licensed taxi and private hire vehicles</b>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Robert Sexton	
Did Step 1: Initial Screening indicate that a full EIA was necessary?	<input type="checkbox"/> Yes – full EIA completed and recorded below. <input checked="" type="checkbox"/> No – full EIA not completed therefore record ends here.	
<b>Full EIA Record</b>		
Who are the members of the EIA team?	Overwrite with names of individuals, section or team	
What evidence has been found to indicate that the activity might need to be amended? (Include any consultation undertaken)	Overwrite with the data, information or research that was used in the EIA	
With regard to the equalities themes, which groups might be <b>impacted</b> by the activity? Might any of these groups be impacted <b>adversely</b> ?	<b>Groups Impacted</b>	<b>Groups impacted adversely</b>
	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief
What evidence is there to suggest an impact/adverse impact?		
On what grounds can impact or adverse impact be justified?		
Is there any current action that addresses issues for any of the groups impacted/adversely impacted?		
What changes will you make to the activity reduce or remove any differential/adverse impact?	List the actions that you have planned as a result of the EIA.	
Into which action plan/s will these actions be incorporated?		

Who is responsible for the action plan?		<b>6</b>
Have any examples of good practise been identified as part of the EIA?		
Has the EIA been published on the Council website?	Yes / No	
Who is the relevant Chief Officer and have they signed off the EIA?	<b>Name</b>  Signature.....	
Which PMR will this EIA be reported in?	<b>Note the service department and relevant quarter/date of PMR</b>	



LICENSING AND SAFETY COMMITTEE  
23 APRIL 2009

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**REVIEW OF STATEMENT OF GAMBLING PRINCIPLES**  
**(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 Under the Gambling Act 2005, the Council is required to review and consult upon its 'Statement of Gambling Principles' every three years from the date of adoption. The present Statement of Gambling Principles was published on 31 January 2007 and therefore must undergo a review and be re-published on or before 30 January 2010.
- 1.2 The purpose of this report is to advise the Committee on the proposals for the consultation which will take place prior to the new policy being published.

**2 RECOMMENDATION**

- 2.1 **That the list of consultees set out at Appendix A to be invited to contribute to the review of the Council's "Statement of Gambling Principles" be approved.**

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

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

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

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

**4 SUPPORTING INFORMATION**

- 4.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement of Principles ('the Statement') will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 4.2 The statement must be produced following consultation with those bodies and persons set out in subsection (3) of section 349. This includes the chief officer of

police, persons who represent the interests of persons carrying on gambling businesses in the area and persons who represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 4.3 The consultation period will run from 24 April to 5 June 2009 for internal consultees, and then a further period from 15 June to 7 September 2009 for external consultees. The proposed list of consultees is attached at Appendix A.
- 4.4 A further report will be brought to the Licensing and Safety Committee on 1 October 2009 with details of any responses to the consultation and a draft Statement for comment and approval.

#### Background Papers

Gambling Act 2005

Statement of Gambling Principles (January 2007)

Gambling Commission Guidance to Licensing Authorities (June 2007)

#### Contact for further information

Laura Driscoll, Licensing Section - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

#### Doc Ref

G:\TSTANDRD\Laura\Committee\200904\Review of Statement of Gambling Principles.doc  
(14.04.09)

**List of Consultees**

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bar Entertainment and Dance Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Clubs Association
- Federation of Community Associations
- Federation of Licensed Victuallers Associations
- Gamblers Anonymous
- GAMCARE
- Guild of Master Victuallers
- Holders of existing gambling licences / permits
- Local businesses and their representatives, e.g. Bracknell Forest Chamber of Commerce, Bracknell Retailers Forum, Bracknell Regeneration Partnership, Crowthorne Traders Association
- Local residents
- Members of Bracknell Forest Council
- National Association of Bookmakers
- National Association of Licensed House Managers
- Parish and Town Councils
- Premises licence / club premises certificate holders
- Pub & Drug Watch
- Race Equality Forum
- Safety Advisory Group
- Thames Valley Police
- The Bingo Association

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# Equality Impact Assessment Record

Date of EIA

14 April 2009

Directorate

Environment, Culture & Communities

		Step
<b>Initial Screening Record</b>		<b>1/2</b>
Activity to be assessed	<b>Statement of Gambling Principles</b>	
What is the activity?	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
Is it a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<p><b>The purpose of the activity is to: Review the policy in place in respect of determining applications made under the Gambling Act 2005.</b></p> <p><b>The activity is designed for: Preventing gambling from being a source of crime and disorder, ensuring gambling is conducted in a fair and open way and protection of children and other vulnerable persons from being harmed or exploited by gambling.</b></p>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: <b>Full Council approves the Policy</b>	
Did Step 1: Initial Screening indicate that a full EIA was necessary?	<input checked="" type="checkbox"/> Yes – full EIA completed and recorded below. <input type="checkbox"/> No – full EIA not completed therefore record ends here.	
<b>Full EIA Record</b>		
Who are the members of the EIA team?	<b>Head of Trading Standards and Licensing Licensing Team Leader</b>	
What evidence has been found to indicate that the activity might need to be amended? (Include any consultation undertaken)	<p><b>The present Statement of Gambling Principles was published on 31 January 2007 and therefore must undergo a review and be re-published on or before 30 January 2010.</b></p> <p><b>There is no evidence to indicate that the activity might need to be amended. Consultation is due to take place on the re-drafted policy between April and September 2009.</b></p>	
With regard to the equalities themes, which groups might be <b>impacted</b> by the activity? Might any of these groups be impacted <b>adversely</b> ?	<b>Groups Impacted</b>	<b>Groups impacted adversely</b>
	<input type="checkbox"/> Race and ethnicity <input checked="" type="checkbox"/> Disability <input type="checkbox"/> Gender <input checked="" type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief	<input type="checkbox"/> Race and ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Age <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion or belief
What evidence is there to suggest an impact/adverse impact?	<b>Young people and people with learning disabilities or mental health problems may be at higher than normal risk of being harmed or exploited by gambling.</b>	<b>This policy aims to ensure that there is no adverse impact.</b>
On what grounds can impact or adverse impact be justified?	<b>This policy could justify adverse impact against those minority groups running gambling premises if the action is taken in order to protect children or other vulnerable persons from being harmed or exploited by gambling, which is a requirement of the Gambling Act 2005. There is no data available to support this proposition.</b>	
Is there any current action that addresses issues for any of the groups impacted/adversely	<b>Licensing will collect and monitor data of minority groups refused licences.</b>	
		<b>4</b>

impacted?		
What changes will you make to the activity reduce or remove any differential/adverse impact?	<b>No changes planned to the current position.</b>	<b>5</b>
Into which action plan/s will these actions be incorporated?	<b>The current actions are contained within written procedures and the relevant service plan.</b>	
Who is responsible for the action plan?	<b>Head of Trading Standards and Licensing Licensing Team Leader</b>	
Have any examples of good practise been identified as part of the EIA?	<b>N/A</b>	
Has the EIA been published on the Council website?	<b>No</b>	<b>6</b>
Who is the relevant Chief Officer and have they signed off the EIA?	Name: <b>Steve Loudoun</b>  Signature.....	
Which PMR will this EIA be reported in?	<b>Environment and Public Protection 1<sup>st</sup> Quarter 2009/2010</b>	

## LICENSING AND SAFETY COMMITTEE 23 APRIL 2009

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### BRACKNELL LICENSED TAXI FORUM (Chief Officer: Environment and Public Protection)

#### 1 INTRODUCTION

- 1.1 Since the last meeting of the Licensing and Safety Committee on 5 February 2009, there have been three meetings with representatives of the Bracknell Licensed Taxi Forum (BLTF), on 11 February, 3 March and 8 April.

#### 2 SUPPORTING INFORMATION

- 2.1 The minutes of the meetings held are attached as Appendices A, B and C.
- 2.2 Mr Watson and Mr Yexley currently own and drive hackney carriages in the Bracknell Forest borough, while Mr Hildreth and Mr Flanagan represent the GMB Union, Professional Drivers Branch. Jane Robson owns a number of hackney carriages and runs the private hire firm JJM, and Stuart Jefferies and Neil Mathews work in the Bracknell Forest Council Transport Development team.

#### 3 EQUALITIES IMPACT ASSESSMENT

- 3.1 There are no implications arising from this report.

#### 4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 There are no strategic risk management implications arising from this report.

#### Background Papers

Minutes of meeting held 11 February

Minutes of meeting held 3 March

Minutes of meeting held 8 April

#### Contact for further information

Laura Driscoll - 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

#### Doc Ref

G:\TSTANDRD\Laura\Committee\200904\Bracknell Licensed Taxi Forum Update.doc  
(14.04.09)



## MINUTES

**MEETING NAME:** Bracknell Licensed Taxi Forum

**MEETING DATE AND TIME:** 11.00 hours Wednesday 11 February 2009

**PRESENT:** Laura Driscoll (LD)  
Andy Watson (AW)  
John Yexley (JY)  
Councillor Chas Baily (CB)  
Niamh Kelly (NK)

<b>1.</b>	<b>Apologies</b> Robert Sexton (RJS) (updated through minutes)	
<b>2.</b>	<b>Minutes of last meeting</b> No amendments required. Outstanding actions as follows:  RJS and MH to look into the issue of private hire vehicles displaying the word 'Taxi' in their door adverts.  Details of GMB Health and Safety Rep to be provided to RJS.  LD to look into whether meters can be switched on before the driver begins to assist the wheelchair user, to ascertain whether this is an offence under Disability Discrimination Act.	<b>RJS/MH</b>  <b>MH</b>  <b>LD</b>
<b>3.</b>	<b>Extensions for existing saloon vehicles</b> LD passed BLTF a list of the existing swivel seat vehicles with details of when they are due to be replaced, for BLTF to discuss with those concerned. BLTF will consider the argument for extension.  LD also provided to BLTF a list of all hackney vehicles in the borough.	<b>AW/JY</b>
<b>4.</b>	<b>Safety Advice and Awareness</b> NK is working with TVP on a number of initiatives with regards to driver safety, including a leaflet with advice, a notice for passengers regarding their behaviour and also a key fob to check for counterfeit notes.  NK to liaise with TVP representative and BLTF to see if it is possible to attend next trade meeting to discuss and hand out leaflets etc.	<b>NK</b>



5.	<p><b>Guidance Notes and Conditions</b> LD reminded BLTF that any comments re the proposed amendments to the Guidance Notes are to be raised by the end of the month.</p>	AW/JY
6.	<p><b>Survey Specification</b> A discussion was held about the specification for the proposed survey. The three core components are the monitoring of ranks (BLTF were keen on the video option), public consultation (with a need for explanation of the difference between hackney carriage and private hire) and stakeholder consultation. A suggested list of stakeholders was drawn up and LD explained that focus groups would be preferred wherever possible (within reason due to cost) to ensure a better quantity and quality of response. LD will feed back to RJS and a draft specification will be sent out for comment shortly.</p>	LD/RJS
7.	<p><b>Any other business</b> BTLF requested a meeting with the Chairman of the Licensing and Safety Committee plus any other members who would like to attend, to discuss issues currently affecting the trade. LD to try to arrange.</p> <p>JY reminded all present that he would be happy to assist with any work on training of drivers on how to deal with disabled passengers.</p> <p>BLTF have concerns about the extra charge for the larger vehicles, which is only added to the fare at the end of the journey, LD will carry this over to the next meeting for a fuller discussion on the matter.</p> <p>RJS has looked into provision of public toilets, provision is available from 8am until 6pm and there are no plans for additional hours or capacity.</p> <p>RJS will be taking a report to the April Committee meeting to seek approval of arrangements for public speaking.</p> <p>Work will start on the train station rank at the end of March for 4 months, increasing capacity at the station rank to 18+ vehicles. There are no plans in the short term for redevelopment of the bus station area.</p>	<p>LD</p> <p>LD</p> <p>RJS</p>
8.	<p><b>Date of Next Meeting</b> To be confirmed.</p>	



## MINUTES

**MEETING NAME:** Bracknell Licensed Taxi Forum

**MEETING DATE AND TIME:** 11.00 hours Tuesday 3 March 2009

**PRESENT:** Laura Driscoll (LD)  
 Andy Watson (AW)  
 John Yexley (JY)  
 Councillor Marc Brunel-Walker (MBW)  
 Niamh Kelly (NK)  
 Stuart Jefferies (SJ)  
 Jane Robson (JR)  
 Mick Hildreth (MH)

1.	<p><b>Apologies</b>          Robert Sexton (RJS)</p>	
2.	<p><b>Train Station Rank</b>          SJ gave a presentation on the plans for the redevelopment of the station rank. Work is due to start before the end of March and access to the station rank is to be maintained throughout the works. The capacity will extend to 18-20 vehicles at the station rank, the bus station rank will remain as it is now and the plan is to have a feeder rank on Station Way outside the Columbia Centre, so the vehicles on the feeder rank can see the end of the new train station rank.</p> <p>JR stated that there is inadequate rank provision at the moment, as there is not enough work for wheelchair accessible vehicles, which leads to overranking. SJ explained that the station redevelopment will create a number of extra spaces. Also, the trade will be consulted on the proposals for ranks for the new town centre in due course.</p> <p>BLTF requested dates of what will happen when. SJ will pass to Licensing, who will notify BLTF and also monitor during works.</p> <p>MBW was glad to see that access would be maintained for taxis during the works. He would like consideration to be taken of improving signage in the area to help passengers requiring taxis to ensure they know where to go and what type of vehicle to get in.</p>	<p><b>SJ/LD</b></p> <p><b>SJ</b></p>

<p>3.</p>	<p><b>Unmet Demand Survey</b>  BLTF happy with the letter to be sent to the survey firms, LD to send by end of the day. There are still have concerns over the 'consumer benefit' issue and how survey will prove this. MBW confirmed that what the Committee want from the survey is what the current position is, and a view to the future with a look at what the impact would be on the trade. There is a general public interest test.</p> <p>JR explained that there was a concern that hackney carriage businesses would be worthless upon retirement unless a limiting policy was introduced.</p> <p>LD stated that the trade view is extremely important, and this is the function of the trade consultation element part of the survey.</p> <p>MBW explained that there should also be provision for public speaking at the next Committee for all Members to hear the view of the trade directly from the BLTF, which was a real step forward.</p> <p>BLTF also have concerns over the way the costing of the survey is presented in the letter to the drivers, and this may discourage them from responding to the letter. MH suggested some amendments to the letter to allow for further investigation by MBW of whether the survey cost can be spread over three years. LD to make some amendments to the letter and send new draft to BLTF. Letter will be sent out to all HC proprietors tomorrow.</p>	<p>LD</p> <p>LD</p>
<p>4.</p>	<p><b>Minutes of last meeting</b>  No amendments required. Outstanding actions as follows:</p> <p>Details of GMB Health and Safety Rep to be provided to RJS, details required within next week due to report deadlines for April Committee.</p> <p>Issue of whether meters can be switched on before the driver begins to assist wheelchair users is to be deferred to the next meeting.</p> <p>BTLF requested a meeting with members of the Licensing and Safety Committee who may not have extensive knowledge of taxi licensing. LD to check with Legal whether this is possible.</p>	<p>MH</p> <p>LD</p>
<p>5.</p>	<p><b>Any other business</b>  Extensions for saloon vehicles: LD explained that the Committee decision on the recent appeal was final, and the Committee were unable to reconsider the decision. Currently under discussion are plates 95, 100 and 58.</p> <p>Safety Advice and Awareness: NK and TVP to attend next trade meeting to discuss and hand out leaflets.</p> <p>Guidance Notes and Conditions: No comments received from BLTF.</p> <p>BLTF have concerns about the extra charge for the larger vehicles, which is only added to the fare at the end of the journey, LD has been unable to find any meters capable of including this charge to the fare during journey. BLTF to request alternative solutions if required.</p>	<p>NK</p>

	<p>It was mentioned that an operator in the area is running a business from a Council house with a large aerial in his garden. LD to investigate and pass details to Planning.</p> <p>An issue of an unlicensed vehicle was mentioned, LD confirmed that the vehicle was licensed but had not been displaying its plate, so the driver has been issued with a warning.</p> <p>JR and BLTF both extended invitation to MBW to visit them for a short time to see how they operate, see the ranks etc. NK to arrange.</p> <p>Issue of bus lanes to be carried over to next meeting due to lack of time, LD to see if rep available from relevant Council department as requested by MBW.</p> <p>LD mentioned that there were to be some changes to the Right to Work in the UK for non-EU persons, with a points system dependent on skills.</p> <p>MH asked whether dual plating was allowed, LD confirmed that this is not the case in Bracknell. Details of a vehicle licensed by both BFC and the PCO were provided, LD to investigate.</p>	<p><b>LD</b></p> <p><b>NK</b></p> <p><b>LD</b></p> <p><b>LD</b></p>
<p><b>6.</b></p>	<p><b>Date of Next Meeting</b> To be confirmed.</p>	



## MINUTES

**MEETING NAME:** Bracknell Licensed Taxi Forum

**MEETING DATE AND TIME:** 11.00 hours Tuesday 8 April 2009

**PRESENT:** Laura Driscoll (LD)  
 Andy Watson (AW)  
 John Yexley (JY)  
 Niamh Kelly (NK)  
 Neil Mathews (NM)  
 Terry Flanagan (TF)  
 Robert Sexton (RJS)

1.	<p><b>Apologies</b>          None received</p>	
2.	<p><b>Bus lanes and ranks</b>          NM attended meeting at request of BLTF to discuss issues around bus gates/lanes. BLTF explained that in peak morning and evening rush hour periods there can be long delays which can add up to £2 to the fare on the meter. BLTF would like to be able to use the bus gates to cross Downshire Way to get to South Bracknell. BLTF are aware that this might disrupt the traffic flow on the Downshire Way but as the traffic is likely to be at a standstill at that time any impact would be minimal. BLTF are not aware that any buses use that particular bus gate at the moment, only minibuses.</p> <p>NM explained that the issue is that it crosses a strategic route for the town so this is not a decision to be taken lightly. There is an issue around signage; at the moment the route is for buses only and that is very clear but any change would require an amendment to the regulations and changes to signage. The subsequent amendment to signage may lead to potential for drivers of normal vehicles to misunderstand the signage, especially as Bracknell hackney carriages often look like normal vehicles so people may be misled into thinking it is acceptable to use the route. Abuse by private vehicles is already a problem so this is not a straightforward issue.</p> <p>NM also explained that there is a need to consider whether it is feasible taking into account the impact to those vehicles using the A322. It is possible to use a software model to gauge the impact but will need details of approximate numbers of 'south' journeys (e.g. a normal</p>	

	<p>working day) from BLTF to have a starting point for the model. BLTF to supply details within a fortnight, NM to report back to the June meeting.</p> <p>BLTF asked whether a trial period would be possible. NM explained that a lot of work will be required to even get to the stage where it would be legal for taxis to use the route, and it would be open to all hackney carriages, not just those licensed by Bracknell Forest. There will be a need to consider the legal issues, how to prevent misuse and the impact on the A322.</p> <p>NM also provided an update on the works to the station rank, which are now due to start in approximately three weeks. It should be business as usual for the first couple of months. BLTF raised concerns about the feeder lane outside the Columbia Centre and couriers using the parking spaces. NM explained that there are no concerns with regards to displaced vehicles and the rank may not take up the whole existing parking space in any case.</p> <p>BLTF raised concerns about the bus station rank and alleged illegal plying for hire by private hire vehicles. LD explained that the area had been monitored frequently for the last four months and no evidence of abuse of the area had been found. BLTF had only supplied one detailed complaint with regards to the area. TF believes there is a lack of enforcement and that the public are in danger so will raise this issue with the Chair of the Licensing Committee.</p>	<p><b>BLTF</b> <b>NM</b></p>
<p><b>3.</b></p>	<p><b>Minutes of last meeting</b> No amendments required. Outstanding actions as follows:</p> <p>No details have yet been received for the GMB Health and Safety Rep. TF explained this was due to a change in region. LD explained that Committee report deadline is next week so if they would like a meeting to take place the details must be provided as soon as possible.</p> <p>Issue of whether meters can be switched on before the driver begins to assist wheelchair users is to be deferred to the next meeting.</p> <p>Planning are investigating the issue of an operator running a business from home with a large aerial in his garden.</p> <p>NK to arrange for MBW to visit ranks and operators.</p> <p>BLTF raised issue of the vehicle licensed by PCO and LD confirmed this had been investigated and it did not appear to be licensed with the PCO. NK is to double check this with PCO. BLTF stated that the vehicle was also not displaying the Bracknell plate properly, NK to investigate this as not mentioned at the last meeting.</p>	<p><b>BLTF</b></p> <p><b>LD</b></p> <p><b>LD</b></p> <p><b>NK</b></p> <p><b>NK</b></p>
<p><b>4.</b></p>	<p><b>Unmet Demand Survey Tenders</b> RJS detailed the results of the consultation with hackney carriage owners and explained that he is satisfied that all three tenders meet the required criteria, so the report going forward will recommend the option at the lowest cost. There is a need to ensure the survey does not clash with the works at the station rank.</p>	

	<p>If the Committee gives approval to go ahead with the survey, the increase to the hackney carriage vehicle licence fee must be advertised as per the legal requirements. If anyone objects there must be a separate meeting for the Committee to consider the objection. This must all take place before the Council engages a firm to do the survey.</p> <p>BLTF believe that Reading have imposed a temporary suspension on the issue of new plates, LD has emailed to enquire about the situation and will update in due course.</p>	<p><b>LD</b></p>
<p><b>5.</b></p>	<p><b>Any other business</b></p> <p>RJS explained that an operator has been given three months to resolve an issue with door signs which are not compliant with the licence conditions, due to extra wording.</p> <p>RJS gave an update on the public speaking report going to Committee, the arrangements should be in place for the July Committee. If BLTF would like to make a statement at the April meeting, this should be submitted prior to the meeting to ensure it can be read out.</p> <p>TF raised the issue of extensions to age of vehicle. RJS explained that the criteria are specified within the Guidance Notes and anything over 200,000 miles is generally considered not abnormally low mileage. However, the policy allows for discretion on a case by case basis.</p>	<p><b>BLTF</b></p>
<p><b>6.</b></p>	<p><b>Date of Next Meeting</b></p> <p>To be confirmed.</p>	

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