



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 2 July 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 Mrs Angell, Baily, Mrs Barnard, Beadsley, Brossard, Browne, Burrows, Finch, Leake, Osborne, Thompson, Virgo and Ms Wilson

ALISON SANDERS
Director of Corporate Services

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Published: 22 June 2009

Licensing and Safety Committee
Thursday 2 July 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 meetings held on 23 April 2009 and 6 May 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. **Health and Safety Law Enforcement Plan 2009-2010**
The Committee is asked to consider the Plan attached as Appendix A. Members will recall commenting on the draft Enforcement Plan at the Committee Meeting of 5 February 2009. The purpose of this report is to finalise the plan prior to adoption. 7 - 30
6. **Public Speaking at the Licensing & Safety Committee**
This information item updates members following the decision of the Committee on 23 April 2009 to permit public speaking at its meetings. 31 - 34
7. **Bracknell Licensed Taxi Forum**
Since the last meeting of the Licensing and Safety Committee on 23 April 2009, there have been two meetings with representatives of the Bracknell Licensed Taxi Forum (BLTF), on 12 May and 26 June. The minutes of these meetings are attached for information. 35 - 38
8. **Unmet Demand Survey**
At the last meeting of the Licensing and Safety Committee on 23 April 2009, decisions were taken with respect to the commissioning and financing of an Unmet Demand Survey in relation to Hackney 39 - 40

Carriages. The purpose of this report is to update members on the progress made since that last meeting.

9. **Policing and Crime Bill 2008-2009**

This information item briefs members on a number of aspects of the Policing and Crime Bill 2008-2009, that directly relate to licensing functions.

41 - 42

10. **Date of Next Meeting**

1 October 2009

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LICENSING AND SAFETY COMMITTEE
23 APRIL 2009
7.30 - 8.55 PM

Present:

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

Apologies for absence were received from:

Councillors Burrows, Kendall and Thompson

32. Declarations of Interest

There were no declarations of interest made at the meeting.

33. Minutes

RESOLVED that the minutes of the meeting of the Committee on 5 February 2009 be approved and signed by the Chairman.

Matters Arising

Minute 23: Health & Safety Law Enforcement Plan 2009-10: Councillor Browne stated that he had not received information on attendance at seminars that focussed on disease reduction. Officers agreed to look into this.

Minute 29: Changes to the Licensing Act 2003: Officers confirmed that schools were not included under the definition of 'community premises' in relation to the proposed changes. Schools were exempt from paying the fees for premises licences where regulated entertainment was provided by the school for purposes of the school. If the school wished to have an event involving the sale of alcohol, it was usually recommended that the school submit a temporary event notice for the event.

34. Hackney Carriage Unmet Demand Survey

The Committee considered a report that asked them 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.

The Committee noted that 53 out of 55 licence holders had agreed that there was a need to limit the number of Hackney carriage licences within Bracknell Forest. In addition, 51 licence holders had expressed the preference that the increase in their licence fee to finance the unmet demand survey be spread over three years.

It was reported that 3 businesses had put forward tenders for the unmet demand survey and that officers had recommended the lowest priced tender be commissioned to the Committee, this was put forward by a business called TPI.

The Chairman thanked the officers for all the work that had been undertaken to get this work off the ground.

It was **RESOLVED** that;

- i) 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,
- ii) The cost of a Hackney carriage vehicle licence be advertised to increase from £220 to £270,
- iii) If no objections were received, the new cost be implemented from 1 July 2009, and
- iv) The Chief Officer; Environment and Public Protection be authorised to consider any objections and determine the fee and implementation date in consultation with the Chairman and Vice-Chairman.

35. **Public Speaking at the Licensing & Safety Committee**

The Committee received a report that asked them to consider the introduction of public speaking at the Licensing and Safety Committee for a one year trial period. It was reported that a public leaflet would be produced to detail the process for public speaking. Members welcomed the proposal.

It was **RESOLVED** that;

- i) with effect from 2 July 2009 for a trial period of one year, public speaking be permitted at the Licensing and Safety Committee,
- ii) in line with the principles set out in paragraphs 4.3.1 to 4.3.3 of the report in the agenda papers, 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
- iii) the arrangement be reviewed by the Committee in 12 months time.

36. **Annual Report and Service Plan**

The Committee received a report on the activities carried out by the Licensing Section during the period 1 April 2008 to 31 March 2009, which sought approval of the Service Plan for the period 2009-12 and sought comments on the work plan for 2009/10.

In response to members' queries, officers reported that the single inspection service detailed on page 33 was useful in that it reduced the inspection burden on businesses. Instead of separate inspections by Environmental Health, Trading Standards and Licensing officers, a single inspection would be carried out by one officer.

It was **RESOLVED** that;

- i) the Annual Report of the Licensing Section be received and the work carried out in 2008-09 noted and
- ii) the Service Plan 2009-12 be approved and the associated work plan for 2009-10 be noted.

37. First Aid Training for Licensed Drivers

The Committee considered a report that detailed proposals for first aid training for licensed drivers. It was reported that licensed drivers had been consulted on these proposals but that no comments had been received from them. It was confirmed that the cost of the training would need to be recovered from licensed drivers through their fee.

It was **RESOLVED** that;

- i) drivers first licensed with the Council prior to August 2001, who had not attended an approved emergency first aid course, be required to do so by 1 April 2011,
- ii) licensed drivers who had attended an emergency first aid course more than 5 years ago must attend the Council's emergency first aid course by 1 April 2011,
- iii) all licensed drivers must undertake refresher emergency first aid training every 5 years from the date of the original training,
- iv) the cost of the training be met by licensed drivers through a fee payable at the time of booking and
- v) if a driver fails, without reasonable excuse, to attend a booked course, a further fee would be payable.

38. Review of Statement of Gambling Principles

The Committee considered a report that advised them on the proposals for the consultation around the Review of Statement of Gambling Principles, which would take place prior to the new policy being published.

It was **RESOLVED** that the list of consultees set out in Appendix A of the agenda papers, be invited to contribute to the review of the Council's "Statement of Gambling Principles".

39. Bracknell Licensed Taxi Forum

The Committee considered the minutes of the meetings of the Bracknell Licensed Taxi Forum. The Licensing Team Leader reported that she was looking into whether meters should be switched on whilst a wheelchair user was being assisted into a taxi. She would look at how other local authorities approached this as well as consider whether there would be any breach of the Disability Discrimination Act.

It was reported that the taxi trade had asked about the possibility of extending the use of bus lanes and bus gates to taxi drivers. In particular, the bus gate on Downshire Way. Officers stated that TPI had been asked to consider the impact of doing this alongside the unmet demand survey. In addition, the taxi trade had been asked to provide details of the likely frequency and times of days that specific bus gates would be used by taxi drivers. This information would allow Transport officers to provide an assessment of how this would impact the traffic flow of the Borough as a whole. This matter would be discussed again at the next meeting of the Forum.

The Chairman asked if visits to ranks and operators as requested on page 74 of the agenda papers could be organised.

Members agreed that it would be useful if an action points summary was drafted following each Committee meeting. Officers agreed to look at this.

40. **Date of Next Meeting**

2 July 2009.

CHAIRMAN

**LICENSING AND SAFETY COMMITTEE
06 MAY 2009
8.35 - 8.36 PM**



Present:

Councillors Baily, Mrs Barnard, Brunel-Walker, Beadsley, Brossard, Browne, Finch, Leake, Osborne, Thompson, Virgo and Ms Wilson

1. ELECTION OF CHAIRMAN

RESOLVED that Councillor Brunel-Walker be elected Chairman of the Licensing and Safety Committee for the Municipal Year 2009/10.

COUNCILLOR BRUNEL-WALKER IN THE CHAIR

2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED that Councillor Mrs Ryder be appointed Vice-Chairman of the Licensing and Safety Committee for the Municipal Year 2009/10.

3. APPOINTMENT OF LICENSING PANEL

RESOLVED that:

- (a) The Appointment of the Licensing Panel Chairmen be deferred to the next meeting of the Licensing and Safety Committee.

CHAIRMAN

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LICENSING AND SAFETY COMMITTEE 2 JULY 2009

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2009-2010 (Director of Environment, Culture and Communities)

1 INTRODUCTION

- 1.1 The Council is required by Section 18 of the Health and Safety at Work etc Act 1974 to ensure that national priorities and standards are delivered effectively and consistently at a local level.
- 1.2 A Health and Safety Law Enforcement Plan for 2009-2010 has been produced that reflects this requirement and identifies where and how resources are to be deployed in the current year. Also included as part of the Plan is last year's outturn report.
- 1.3 The Committee is asked to consider the Plan attached as Appendix A in the document. Members will recall commenting on the draft Enforcement Plan at the Committee Meeting of 5 February 2009. The purpose of this report is to finalise the plan prior to adoption.

2 RECOMMENDATIONS

That the Committee agrees:

- (a) the performance outturn report as set out in Appendix A, and
- (b) the adoption of the Health and Safety Law Enforcement Plan for 2009-2010 as set out in Appendix B, noting the particular focus on topic inspections and the inspection strategies for high risk businesses to ensure our resources are appropriately targeted.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

- 3.3 The plan targets premises based on the history of risk and identified need. Where issues of equality may arise, then special provision is made to help as may be necessary. An initial equalities impact assessment is attached in Appendix C. The

activity is regulatory and the equality impact assessment was covered by the overarching document entitled Enforcement Policy 2008 which was reported to the Executive on 18 November 2008.

Strategic Risk Management Issues

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

4 SUPPORTING INFORMATION

- 4.1 The Plan for Health and Safety Law Enforcement has been produced to set out the Council's plan for health and safety in line with direction from the Health and Safety Commission. Appendix B shows the proposed work plan for 2009-2010.
- 4.2 Matters relating to overall management and delivery of health and safety management fall to the Health and Safety Commission. There are effectively two main delivery/regulatory arms to the Commission, namely the Health and Safety Executive and the Local Authorities. Within Bracknell Forest, enforcement with premises is largely a function of Environmental Health. Trading Standards have a small role in relation to workplace product safety matters and the licensing officers have authority to do some inspection work in low risk premises.
- 4.3 The Borough currently has 1,932 local businesses where it has the statutory responsibility for Health and Safety at Work matters. Those premises are inspected according to a national risk rating system. Many of the Borough's premises are low risk and therefore are not subject to routine inspection. In such cases alternative strategies are used such as the use of self-assessment questionnaires, newsletters, mailshots and seminars. Such information enables the businesses to self help and call on guidance as and when required. The remaining premises are subject to a formal programme of inspection and Appendix 2 shows the breakdown for the current year based on the risk assessment.
- 4.4 As part of the Government drive to ease the burden of regulation on business and to revitalise health and safety in the Borough, the Council has signed a Statement of Intent with the Health and Safety Executive committing to working in closer partnership so as to further national, regional and local priorities. The Plan reflects that arrangement which is in line with national priorities. As a consequence a portfolio of joint working has been agreed with the HSE based around 'Fit3' which is "Fit for Work, Fit for Life, Fit for Tomorrow". This programme of targeted health and safety activity is detailed in Appendix A and involves partnership working with the health and Safety Executive and local businesses to create "added value".
- 4.5 One of the major influences on the delivery of any plan is the availability of resources. Delivery of last year's Plan was influenced by high staff turnover in the Environmental Health Section. In order to cope with the over-riding priorities of the section some resource was redeployed to other service areas. Some additional inspection services were however brought in to cover health and safety inspections as these are more readily available skills to acquire from recruitment agencies.
- 4.6 The Enforcement Plan once approved is made public and feedback is invited. Any feedback received is then used to inform the plan for next year. The plan is published

on the Borough's website and copies are sent to key locations in the Borough including the Council's libraries and town and parish council offices. No representations were made in relation to the previous plan during 2008-2009, or on the drafted plan made public in January.

Background Papers

- 1 HSC Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond (Securing Health Together – SH")
- 2 Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
- 3 HELA Circular Number 67/1 (Rev 3) Advice to Local Authorities in Inspection Programmes and an Inspection Rating System (12/2000)
- 4 Health and Safety Law Enforcement Plan 2008-2009

Contact for further information

David Steeds, Head of Environment Health – 01344 352530

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Doc Ref

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HEALTH AND SAFETY ENFORCEMENT

2008 – 2009 OUTTURN

AND

ENFORCEMENT PLAN 2009-2010

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

Tel: 01344 352000

Fax: 01344 351141

Email: customer.services@bracknell-forest.gov.uk

PART 1 - INTRODUCTION TO THE PLAN

This Plan sets out details of:

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

Our key priorities when it comes to workplace safety are:

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

The Council is responsible for the health and safety of thousands of locally employed people and for the safety of the public who may as a result of their activity be harmed. The duty and powers of the Council are set out in the Health & Safety at Work etc Act 1974 and associated Regulations; this plan is produced as part of our responsibilities under Section 18 of the Act. The Council has responsibilities in respect of **1,932** premises in the Borough including offices, shops, warehouses, builder's merchants and services such as hairdressers as shown in the table below:

Type of Premises	Number of Premises
Retail shops	278
Wholesale shops, warehouses and fuel storage depots	37
Offices	381
Catering, restaurants and bars	202
Hotels, camp sites and other short stay accommodation	18
Residential care homes	48
Leisure and cultural services	87
Consumer services	879
Other premises	2
Total	1932

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

Our work is varied, for example during 2008/09 we:

- inspected 63 businesses and carried out 110 other related visits
- responded to 330 complaints and enquiries
- investigated 193 accidents notifications
- issued formal notifications on how businesses can comply to 64 businesses

This is further detailed in Appendix A.

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

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

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

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

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



In 2009/10 we plan to:

- inspect all high-risk businesses
- focus our work on priority topics identified by the HSE and carry out 99 topic-based inspections followed up by 50% revisits with the aim to achieve a 20% reduction in overall risk rating for each topic following intervention visits
- organise one major seminar to support businesses
- publish and distribute one specialist health and safety newsletter
- develop further our partnership working with the Health & Safety Executive with joint warranting

We will base this work on:

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

Table 1 shows targeted or programmed inspections for the higher risk premises: A, B1 and B2. All new premises will be subject to “alternative intervention strategies” rather than inspections. This will include postal questionnaires, seminars and the issue of specific publicity material.

	A	B1/B2	B3/B4
Targeted 2006/2007	7	45	51
Targeted 2007/2008	5	48	58
Targeted 2008/2009	9	44	108
			Fit3
Targeted 2009/2010	6	27	161

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

A further 161 topic inspections will be made to premises based on the suitability of Fit3 intervention. These include industrial areas for manual handling and workplace transport initiatives, leisure premises for controls of legionella and slips and trips, and disease reduction at hairdressers, florists, nail bars, and sun bed providers. Details of these are attached in Appendix 1. Where the premises are to be visited for other statutory inspection purposes, both visits will be combined to reduce the regulatory burden on business.

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

In addition there remains approximately 1,000 C-rated or unrated premises in the area. Although these are of insufficient risk to be included in the inspection cycle, they have previously been targeted with questionnaires to check their status and awareness in relation to health and safety and will continue to be approached in that manner. All new premises will be brought into the inspection cycle based on the risks presented by their activities.

PART 2 – DELIVERING THE PLAN

Our Vision

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

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

The Corporate themes adopted by Bracknell Forest Borough Council (Community Plan) that encompass our health and safety work are contained within Corporate Priority Five to be **accountable and provide excellent value for money** working effectively with partners to improve the quality of life in the Borough

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

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

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

STRIVING FOR EXCELLENCE

Areas for Development

We are always striving to move the service forward. In order to achieve this, we set targets and identify areas for development during the coming year. **Appendix B** details targets from our Action Plan for 2009-2010 along with proposed timescales.

Staff Resourcing

Within the total Division there are a number of qualified and authorised officers. The main focus for the activity is within the Environmental Health, Commercial Team.

This team comprises of 5 officers and they spend approximately 40% of their time on health and safety issues. The team is currently short staffed and should be back to full capacity in August. Where there are shortfalls then bids are made to allow cover to bring in agency staff. Even in times of shortfall the Sections continue to monitor and cover for any critical needs.

Customer Feedback and Quality Monitoring

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

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



Benchmarking

An inter-authority audit of the health and safety enforcement service is planned to take place by March 2011 to demonstrate compliance with Section 18 Guidance.

Staff Development

We aim to make full use of the skills that exist in the Sections and to develop those skills through updates, shadowed working and internal and external training. A record of continuous development is maintained for all officers. The following courses were attended during 2008-2009:

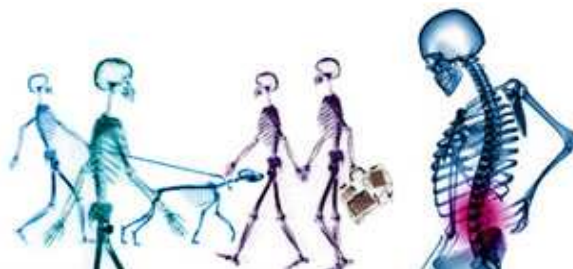
- Electrical Safety
- Legionella
- Emergency Planning

Working in Partnership with Others

1 Health and Safety Executive

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

The Council has also signed a joint warranting scheme with the HSE which broadens the authorisation of both HSE and Local Authority officers.



Fit for Work, Fit for Life, Fit for Tomorrow

Our activities for 2009/2010 (detailed in Appendix B) are planned around the HSE's 'Fit3' – **Fit for Work, Fit for Life, Fit for Tomorrow**. This strategy complements and supports 'Revitalising Health and Safety'. Fit3 is a series of targeted interventions based on analysis of injury and ill health generated from known hazards at work. It aims to reduce injury and days lost from ill health and accidents.

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



Slips, trips and falls at work shatter lives

2 Berkshire East Primary Care Trust

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

Berkshire East

Primary Care Trust

The Group aims to share information and develop joint working of in 5 topic areas in relation to schools, communities, primary care and the workplace as follows:

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

The work plan of the Group is developed considering the following:

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

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



3 Smoke Free Bracknell Forest Partnership

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

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

PART 3 – FURTHER INFORMATION

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

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

Tel: 01344 352000

Fax: 01344 351141

Email: customer.services@bracknell-forest.gov.uk

Or look on our website at: www.bracknell-forest.gov.uk/environment.htm

Availability of Officers

Officers can be contacted through our Customer Service Centre which is open from 8.30 am to 5.00 pm Monday to Friday

USEFUL CONTACTS AND WEBSITES

www.hse.gov.uk - The Health and Safety Executive website, which has an enormous amount of invaluable information on health and safety. The local HSE office is at:

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

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

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

www.riddor.gov.uk - for a full list of reportable major injuries, diseases and dangerous occurrences and when and how they must be reported.

www.berkshirehealthandsafety.co.uk - useful fact sheets on health and safety maintained by the Berkshire Health & Safety Liaison Group.

www.workplacehealthconnect.co.uk - free practical advice on workplace health and safety designed to help SMEs, that is Small and Medium Enterprises.

Advice line: 0845 609 6006

HEALTH & SAFETY ENFORCEMENT OUTTURN 2008/09

HOW DID WE PERFORM?

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

Inspections and other interventions

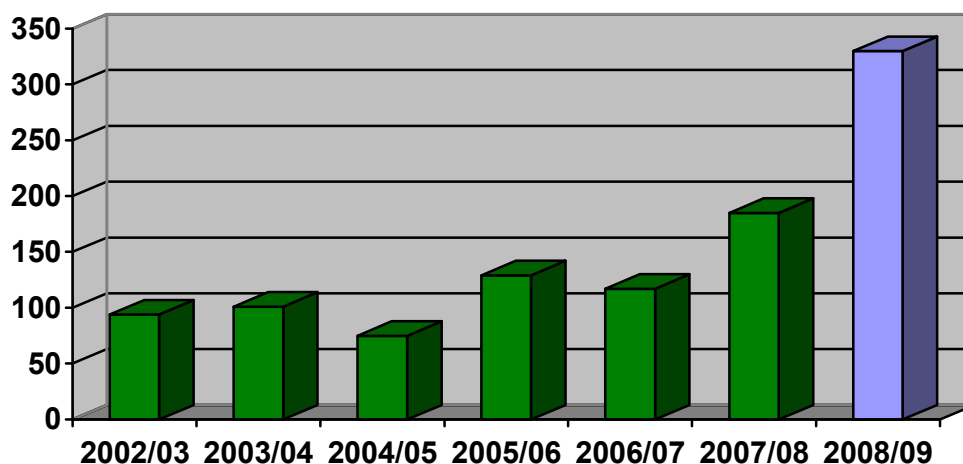
In 2008/09 officers carried out a total of **261** health and safety inspections and visits:

- 63 of these were programmed inspections and 110 of these were topic focused
- 46 were advisory visits
- 13 were revisits to follow up on issues of non-compliance
- The remaining visits were made in response to complaints from members of the public

Health and Safety Complaints and Enquiries

During the year there were 330 complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 2 working days, but if it is judged that the situation is serious then our response will be the same day. Some examples of the complaints we have dealt with are:

- Poor working conditions including: lighting, seating, temperature
- Working practices
- Employment of young persons
- Fork lift truck operation
- Trip/slip hazards



Accident Investigation

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

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

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

During 2008/2009 the officers investigated 193 notified accidents and dangerous occurrences. The majority of the accidents occurring in Bracknell were related to poor manual handling and slips and trips. However:

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

Smokefree Bracknell Forest

Officers continued to monitor and advise business on compliance with smokefree legislation at all inspections.



A total of 5 complaints and 9 enquiries were received relating to smoking. All complaints were resolved informally without the need for enforcement action.

There is extensive advice and information about the smokefree requirements on the Council's website at:

<http://www.bracknell-forest.gov.uk/smokefree>

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



Asbestos

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



Slips Trips and Manual Handling

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

74 visits were carried out to residential care homes and catering establishments to raise awareness and improve compliance in preventing slips and trips. 37 visits were carried out to premises where manual handling injuries had been high. Premises were found to be relatively compliant and willing to comply where required.

Cooling Towers

A full audit of all 20 registered cooling towers was carried out following preliminary visits in 2008/09. Premises were found to be compliant and willing to comply where required.

Enforcement Action

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

Any enforcement action taken by the officers is proportionate and in accordance with the Council's Enforcement Policy. A full copy of the policy can be found on our website: www.bracknell-forest.gov.uk.

The enforcement action taken in relation to health and safety for 2008/2009 and the two previous years is shown below:

ENFORCEMENT ACTION	2006/07	2007/08	2008/09
Informal improvement notices	68	47	60
Formal notices	5	4	4
Prosecutions	0	0	0
Immediate Prohibition Notices	0	0	2
TOTAL	73	47	66

Variations from the Plan

Departures from the Health & Safety Enforcement Plan will be exceptional, capable of justification and be fully considered by the head of service before varying action is taken. Reasons for any departure will be fully documented. Monitoring procedures are in place to assist in evaluating the effectiveness of the services as a whole. Performance reports are presented as key performance indicators monthly and quarterly with comments where performance exceeds or fails to meet targets. This information will then be fed back into the development of other service plans.

HEALTH & SAFETY ENFORCEMENT PLAN 2009/10

Protecting Consumers		
Task	Outcome	By when
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 160 businesses in Bracknell Forest where we are the enforcing authority for health and safety in accordance with risk aiming to complete 100% of identified high-risk premises and using alternative interventions for other business, where appropriate.	March 2010
To develop, implement and maintain a Health and Safety Plan	Provide encouragement, direction and support to local businesses in achieving higher levels of compliance and standards to enhance the wellbeing of Bracknell Forest residents and visitors. Plan to be achieved within existing resources.	March 2010
Respond to and investigate workplace accidents and reports of poor working practices and conditions	To ensure that effective investigations are carried out for 100 notifications and to take prompt action to improve conditions and reduce likelihood of injury recurring. Examine local trends in accidents reports.	March 2010
In partnership with the Health & Safety Executive work towards reducing the number of accidents and ill health that occurs within Bracknell Forest by focusing on priority areas identified local, regional and national level.	Adapting existing project plans that have been developed by the HSE for campaigns to: <ul style="list-style-type: none"> • Free up officer time for developing 8 Fit 3 campaigns and allow more contact time with businesses • Low cost publicity and support material by use of nationally produced resources and publicity • Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk. (FIT3) 	March 2010

FIT3 Project Working – Focusing Resources		
Task	Outcome	By when
Slips and Trips – Watch Your Step in Catering Premises	30 visits to hotel and catering establishments with the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Slips and Trips at leisure centres	5 visits to leisure centres; the aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
Loading and Unloading	A Berkshire-wide project aimed at reducing workplace transport injuries and musculoskeletal disorders. To be carried out jointly with HSE at 20 industrial units focusing on loading and unloading operations.	March 2010
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09: visits to raise awareness and implement simple controls to 20 hairdressing premises and further seminar for those in flower industry followed by 10 flower sales premises. Dermatitis among KP staff in 15 catering premises where main duties involve wet work.	March 2010
Legionella	Identify high risk sources and raise awareness with 15 duty holders at leisure centres, garden sales premises, spa venues, golf clubs. Aim is to improve overall H&S score for 20% premises by ensuring legal compliance and adopting best practice.	March 2010
RIDDOR – Under-reporting	Evidence of same organisations reporting. Carry out publicity campaign jointly with Wokingham Borough Council targeting businesses, health care professionals and injured people on reporting accidents. Incorporate awareness raising at all relevant visits.	March 2010
Construction	A Berkshire-wide project aims at designing out problems in premises such as slip and trip hazards at the design stage by informing designers and architects working in the Borough. To be targeted using the building control and planning lists.	March 2010
Noise at Work in Pubs and Nightclubs	Increase awareness of regulations at clubs and bars playing live and recorded music. Evaluation of impact in 5 . Aim is to improve overall H&S score for 20% premises by ensuring legal compliances and adopting best practice.	March 2010

Task	Outcome	By when
Special Treatments	Continue to provide specialist advice for the Licensing section and for businesses on 100% new applications and renewals. Following underage sales initiative, assess levels of management control in 10 premises offering sun-bed use and implement interventions as appropriate ensuring legal compliance and adoption of best practice.. Assess levels of management control in 10 premises offering nail treatments and implement interventions as appropriate ensuring legal compliance and adoption of best practice.	March 2010
Smokefree	Continue to monitor for compliance at all premise visits and respond to 100% complaints and enquiries.	March 2010
Stress Management	Initial work to identify leaders implementing management standards for work-related stress. Identify and work with 1 local service industry to encourage adoption of methods to manage risk. Aim is to improve overall H&S score by ensuring legal compliance and adopting best practice.	March 2010
Asbestos – Duty to Manage	Raise at all relevant visits. Likely to result in some enforcement to secure improvement.	March 2010
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	March 2010
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	December 2009
Riding Establishments	To inspect 4 premises for compliance with health and safety legislation and animal welfare provision	December 2009
Taxi Inspections	To conduct at least one joint enforcement agency inspection involving VOSA, Social Security, Customs and Excise and Thames Valley Police to check safety of licensed vehicles.	September 2009
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum products to ensure compliance with legislation and safer working practices.	March 2010
Tanning Salons	Through the use of a person under 16, to recheck compliance with respect to H+S Guidance on the use of tanning equipment by persons under 16 at 5 premises.	March 2010

Support for Local Businesses		
Task	Outcome	By when
To facilitate the delivery of health and safety promotional events and material to reflect local needs and national priorities	Organise one major workshop during the year Produce one H&S Newsletter for distribution to all Bracknell Forest businesses Prepare 2 H&S press releases Ensure that the full range of information and guidance on priority areas	March 2010
To provide support and advice to local businesses to help them improve their health and safety compliance	Respond to requests for advice within 2 working days and provide full advice within 14 days Develop a new business advice pack	March 2010
To maintain up-to-date health and safety pages on the Council's website	Provision of relevant accessible information and links to other key sites including Berkshire Health and Safety Website.	March 2010
To provide training in Risk Assessment (CIEH Accredited course)	One low cost course aimed at small businesses in Risk Assessment (CIEH Accredited)	March 2010

Local Partnerships		
Task	Outcome	By when
To support and participate in a joint warranting project with the HSE	Work effectively together on agreed regional projects to provide a consistent and improved service	March 2010
Develop links with local businesses to support local priority topics	To form partnerships with a variety of organisations to help support the service aims particularly focussing on raising awareness during European Health and Safety Week. 2 major partnerships (Panasonic and one other)	March 2010

Performance Management		
Task	Outcome	By when
To respond within agreed timetables for national performance data for HSE	Full reports annually and in year returns submitted within time frames	March 2010
To maintain a quality service in accordance with Section 18 HSC	Implementation of the agreed work plan, ensuring consistency of approach and maximised resources Continue to implement an in-house competency system for appointed officers Identification of staff training needs during appraisals Reviewed and up-to-date internal procedures	March 2010
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	March 2010
To undertake benchmarking with the other Berkshire Authorities via the Berkshire Health & Safety Liaison Group and Berkshire EH Managers Group	Application of best practice, enabling the service to continually improve and identify areas suitable for collaborative working	March 2010
To periodically consult with stakeholders	To seek Business satisfaction levels by annual ongoing consultation and to use the information to improve the service and to further identify local needs.	March 2010

Equality Impact Assessment Record

Date of EIA 2 July 2009
Directorate Environment Culture & Communities

Initial Screening Record		Step
Activity to be assessed		1/2
Health and Safety Law Enforcement Plan 2009-10		
What is the activity?	<input 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?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	
Aim / objective / purpose of the activity – who is the activity designed to benefit/target?	<p>The Council is required by section 18 of the Health and Safety at Work etc Act 1974, to ensure that national priorities and standards are delivered effectively and consistently at a local level.</p> <p>The plan sets out how the Council intends to comply with those obligations and in so doing mitigate against the risk of an adverse inspection report from the external monitoring body the Health and Safety Executive followed by possible intervention and surcharge.</p> <p>The activity is regulatory and the Equality Impact Assessment in relation to the plan was covered by the overarching document Enforcement Policy 2008 which was reported to the Executive on the 18 November 2008. The purpose of the enforcement policy is to set a framework for enforcement action in the Environment and Public Protection Division which includes the Health and Safety Law Enforcement Plan.</p>	
Who is responsible for the activity?	The person/section/team responsible for this policy/function is: Overwrite with name of individual, section or team	
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.	
Full EIA Record		
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)		3/4
With regard to the equalities themes, which groups might be impacted by the activity? Might any of these groups be impacted adversely ?	Groups Impacted 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	Groups impacted adversely <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
	4	
What evidence is there to suggest an impact/adverse impact?		

On what grounds can impact or adverse impact be justified?		5
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?		
Into which action plan/s will these actions be incorporated?		
Who is responsible for the action plan?		
Have any examples of good practise been identified as part of the EIA?		
Has the EIA been published on the Council website?		6
Who is the relevant Chief Officer and have they signed off the EIA?	Name Signature	
Which PMR will this EIA be reported in?		

LICENSING AND SAFETY COMMITTEE
2 JULY 2009

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

1 INTRODUCTION

- 1.1 This report is to update members following the decision of the Committee on 23 April 2009 to permit public speaking at its meetings.

2 SUPPORTING INFORMATION

- 2.1 At the meeting on 23 April 2009 members agreed:
- i) that with effect from 2 July 2009 for a trial period of one year public speaking be permitted at the Licensing and Safety Committee, and
 - ii) that in line with principles within the report and discussions at the meeting that officers in conjunction with the Chairman of the committee produce and publish a document setting out the procedure for public speaking at the Committee.
- 2.1 Attached to the report as Annex A is a leaflet that has been drawn up in conjunction with Legal Services and Democratic Services, and approved by the Chairman of the Committee. This document has also been published on the Bracknell Forest website.

Background Papers

Public Speaking at Licensing and Safety Committee – 23.4.2009

Contact for further information

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

Doc Ref

G:Secs1\WinwordM\L&S Ctte\2009\Jul\Public Speaking at Licensing & Safety
Committee\10.6.09

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The Council has a public participation scheme which allows members of the public to speak at meetings of the Licensing and Safety Committee.

This leaflet explains when you can speak and what will happen at the meeting.

Q1 When is public speaking permitted?

Speaking is only permitted when:

- i) A written notification of request to speak at the Committee is received by Democratic Services by 1200 noon on the Tuesday prior to the meeting, and
- ii) The notification indicates whether or not the person intends to speak for or against the officer recommendation.

Q2 What will happen at the Committee?

- i) The Committee may hear one representative for the motion and one representative speaking against the motion.
- ii) 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 registers a similar interest, in the expectation that the parties will liaise and a joint statement will be made.
- iii) The speakers must attend the meeting and report to the Committee officer not less than 15 minutes prior to the start of the meeting.

Q3 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.

Q4 What will be permitted?

A maximum time of 6 minutes in total public speaking will be permitted per item.

Q5 What will I be able to speak about?

Time is limited so comments to the Committee should, to make best use of time, be restricted to matters relevant to the content of the report.

Q6 How do I arrange to speak at the meeting?

To speak at the Committee you must register with the Council by 12 noon on the Tuesday before the Committee meeting.

Speakers are registered on a "first-come" basis and unless the first speaker gives up that right, no other person may speak for or against the item. The register is kept at Easthampstead House and the speaking rights are given to the first name entered.

To register, you must contact Democratic Services at the address/telephone number on the back of this leaflet during normal office hours. The officers will not knowingly pass your details onto the media. You must give your name, address, daytime contact number and agenda number.

You must agree that the Council can provide your contact details to any subsequent person wishing to speak in a like-minded manner, ie: for or against the recommendation, in order for all objections to be covered.

If the right to speak has already been given, you will be provided with details of the person already registered to speak so that you can liaise with them. If the arrangements are to change, this is a matter for the approved speaker(s) to resolve and inform the Council accordingly, prior to the meeting.

Q7 What do I do on the evening?

If registered to speak, you must arrive in the Council Chamber by 7.15pm on the day of the Committee. The Democratic Services Officer will be present at the Committee meeting. You must report to him/her when you arrive. If you fail to do this, you may not be permitted to speak.

When the Committee reaches your item, the Chairman will call you to speak.

You may use the PA system in the Chamber. No other facilities will be provided by the Council. You can leave any supporting information for the committee.

The report will not be deferred if the registered speaker does not attend the Committee meeting.

Q8 What happens after the decision is made?

There is no appeal against the decision of the Committee although with some items there may be further opportunities for consultation through legal provisions.

Q9 Where is the meeting?

The Licensing and Safety Committee meets usually on a Thursday at 7.30pm in the Council Chamber at Easthampstead House, Town Square, Bracknell, RG12 1AQ. Details are available on our website.

Car parking is usually available at Easthampstead House.

This leaflet is intended to answer most of your questions about public speaking at the Licensing and Safety Committee. However, if you need further information and advice, or you would like a copy of this leaflet in large print format, another language or Braille, please contact the Council.

For further information or to register for public speaking, please contact:

Democratic Services
Bracknell Forest Borough Council
Easthampstead House
Town Square
Bracknell
RG12 1AQ

Tel: 01344 352000

www.bracknell-forest.gov.uk

Environment,
Culture and
Communities
Department



Speaking to Reports at Licensing and Safety Committee Meetings



LICENSING AND SAFETY COMMITTEE
2 JULY 2009

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 23 April 2009, there have been two meetings with representatives of the Bracknell Licensed Taxi Forum (BLTF), on 12 May and 26 June.

2 SUPPORTING INFORMATION

- 2.1 The minutes of the meeting of 12 May are attached as Appendix A and the minutes of the meeting of 26 June will be tabled at the meeting.
- 2.2 Mr Watson and Mr Yexley currently own and drive hackney carriages in the Bracknell Forest borough, while Mr Hildreth represents the GMB Union, Professional Drivers Branch.

3 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 12 May
Minutes of meeting held 26 June

Contact for further information

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

Doc Ref

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09.06.09



MINUTES

MEETING NAME: Bracknell Licensed Taxi Forum

MEETING DATE AND TIME: 10.30 hours Tuesday 12 May 2009

PRESENT: Laura Driscoll (LD)
Andy Watson (AW)
John Yexley (JY)
Niamh Kelly (NK)
Robert Sexton (RJS)

1.	<p>Apologies Mick Hildreth (MH) Cllr Marc Brunel-Walker (MBW)</p>	
2.	<p>Minutes of last meeting BLTF have not yet supplied details of proposed usage re bus gates etc, so NM will be unable to report to the June meeting.</p> <p>LD reported back reference the issue of an operator running a business from home with a large aerial in his garden, and the situation with survey and plates in Reading.</p> <p>NK to arrange for MBW to visit ranks and operators.</p>	<p>BLTF</p> <p>NK</p>
3.	<p>Fares for wheelchair users LD has been looking into issue of the meter being started when a driver gets out to assist a wheelchair user into the vehicle. JY has been advised by his insurance company that he is not insured unless the meter is on. LD explained that it is clear within the Guidance that reasonable assistance should be provided at no extra charge, and there is potential for action under Disability Discrimination. LD to speak to Alan Woodward (JY's insurance broker and chairman of Oxford Taxi Association). JY believes there is an agreement at Oxford with the licensing authority on these grounds, LD to investigate. JY explained that there is not a problem with stopping for a few minutes on the rank but when picking someone up from a home address it can take up to half an hour. JY has offered to train those drivers who have not done the DSA wheelchair assessment in use of ramps etc. RJS would be happy to organise some training if the drivers feel it would be useful.</p>	<p>LD</p> <p>LD</p>

4.	<p>Progress on unmet demand survey Advert is in place reference the increase in the hackney carriage vehicle licence fee to £270, deadline for objections is 27 May and no objections received yet. LD and RJS have held initial meeting with TPI and they have been looking at position of ranks already.</p>	
5.	<p>First Aid Course LD explained that the current proposal is to invite drivers in by turn by licence number, starting in July. JY will be looking into possibility of Red Cross providing a suitable course and will update at June meeting.</p>	BLTF
6.	<p>Complaints against drivers BLTF enquired about the use of the new penalty points as the new version of the Guidance not yet sent to drivers. LD to email new version through to AW and JY, has been ready for a while and is with the Print Room, will be sent out as soon as ready. The full document is available on the website. The new penalty points scheme took effect from 1 April 2009 in accordance with the Committee decision. However it will be taken into consideration if anyone reaches the threshold for referral to a Panel hearing.</p>	
7.	<p>Train Station Redevelopment LD explained that not received notification yet of a firm date to commence the works. JY enquired as to whether there would be public toilet provision. LD to look into this.</p>	LD
8.	<p>Any other business Discussed a current issue with a refusal to extend age of vehicle, GMB are financing appeal and supporting the appellant. RJS explained that he requires written proof that the appeal has been lodged with the Court or the vehicle will be suspended from 24 May.</p> <p>BLTF have requested signage at bus station to prevent parking alongside rank by private hire vehicles. LD explained that will continue to monitor the area due to BLTF concerns, but there has been no evidence found to date of any illegal plying for hire.</p> <p>BLTF reported that the 'taxi' sign at the rank in Harmanswater has disappeared, LD to investigate.</p> <p>BLTF reported that some vehicles not displaying their plates, details to be supplied to NK for her to look into this.</p> <p>NK to chase John Oblein re driver safety leaflets.</p> <p>NK will try to arrange a couple of conflict management training for drivers for sometime in August.</p> <p>BLTF commented that it may be useful to have joint meetings with representatives from the private hire trade, NK to enquire with operators as to whether they would be interested in this.</p>	<p>BLTF</p> <p>LD</p> <p>BLTF</p> <p>NK</p> <p>NK</p> <p>NK</p>
9.	<p>Date of Next Meeting 10.30am on Friday 26 June 2009, in Time Square South Ground Floor Room 3 (by the old Environment Reception).</p>	

LICENSING AND SAFETY COMMITTEE
2 JULY 2009

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

1 INTRODUCTION

- 1.1 At the last meeting of the Licensing and Safety Committee on 23 April 2009, decisions were taken with respect to the commissioning and financing of an Unmet Demand Survey in relation to Hackney Carriages. The purpose of this report is to update members on the progress made since that last meeting.

2 SUPPORTING INFORMATION

- 2.1 The Committee at its meeting on 23 April 2009 agreed to:

- i) TPI being invited to conduct an unmet demand survey with a view to reporting their finding to the Licensing and Safety Committee on 1 October 2009.

Officers can confirm that TPI have agreed to conduct the survey and present their findings to the Committee on 1 October 2009.

- ii) the cost of a Hackney Carriage vehicle licence being advertised to increase from £220 to £270, and

- iii) if no objections are received, the new cost be implemented.

- 2.2 Officers can confirm that the legal requirements for advertising an increase in a Hackney Carriage fee were completed with opportunities for objection open until 28 May 2009. No objections were received and therefore the new fee was applied for all new and renewal applications for licences starting from 1 June 2009.

Background Papers

Unmet Demand Survey – Licensing & Safety Committee – 23.4.09

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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**LICENSING AND SAFETY COMMITTEE
2 JULY 2009**

**POLICING AND CRIME BILL 2008-2009
(Chief Officer: Environment and Public Protection)**

1 INTRODUCTION

- 1.1 The Government has proposed to reclassify lap, table and pole dancing clubs as sex encounter venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, through the Policing and Crime Bill 2008-2009 ('the Bill') currently laid before Parliament. Currently, such premises are only covered by the Licensing Act 2003 as premises licensed for performance of dance.
- 1.2 Also being considered within the Bill are proposals to tackle irresponsible selling of alcohol, which may involve the creation of a mandatory code of practice for the retail of alcohol, mandatory licence conditions which may limit 'all you can drink' promotions, and allowing for a set of targeted conditions to be attached to premises in particular local trouble hotspots.

2 SUPPORTING INFORMATION

- 2.1 The Bill would create a new class of establishment under the same legislation which regulates sex shops and sex cinemas, and would allow local councils to set limits on how many clubs could be located in a particular area or to decide to grant no licences at all. It is currently proposed that the reclassification will take effect for those premises which provide live performances or displays involving nudity for the purpose of sexual stimulation of the audience more than 11 times in a 12-month period.
- 2.2 Currently, persons applying for premises licences under the Licensing Act must declare if they will be offering entertainment of an adult nature, which ensures that responsible authorities are aware and can make sure appropriate conditions are in place, such as prevention of full nudity, prevention of contact between customers and performers and banning of adult entertainment while any persons under the age of 18 are on the premises.
- 2.3 Venues will be subject to more restrictive controls and conditions if local authorities adopt the provision of the 1982 Act, including the power to prescribe standard conditions and to set the number of clubs appropriate for the locality. Objections cannot currently be made on the grounds of the number of such establishments in an area or the suitability of location for the type of activity that will take place.
- 2.4 It is recognised that there is some public concern that existing licensing laws are not designed to control such activities or address local objections to this type of entertainment. The reclassification will allow local authorities to consider a wider range of community interests in determining whether to grant a licence.
- 2.5 A recent House of Commons Committee report states that although there are concerns as to the nature of the activities taking place in lap dancing clubs, all the evidence suggests that such venues are much less likely to cause crime and disorder problems than other late night venues, as 'they tend to be fairly well run and they tend

to have a fairly high staff ratio to customers. The people who tend to go there tend to be a bit older, so they do not drink so excessively and cause the crime and disorder problems outside'.

- 2.6 As things currently stand, it would not be compulsory for councils to move to this system, so Councils would have the discretion to continue to licence lap dancing clubs under the Licensing Act. The Bill is currently going through a consultation process and implementation is likely to commence some time in the Autumn. If a new regime is introduced, there would be a transition period to allow for time to complete the switch over to the new regime.

3 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

Policing and Crime Bill 2008-2009

House of Commons Culture, Media and Sport Committee's Report 14 May 2009

Licensing Review Journal Jan-Feb 2009 and April-May 2009

Contact for further information

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laura.driscoll@bracknell-forest.gov.uk

Doc Ref

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