



## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday 7 July 2011, 7.30 pm**

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

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

Councillor Brunel-Walker (Chairman), Councillor Leake (Vice-Chairman), Councillors Allen, Baily, Mrs Barnard, Brossard, Davison, Finch, Gbadebo, Kensall, Porter, Sargeant, Thompson and Ms Wilson

ALISON SANDERS  
Director of Corporate Services

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Published: 3 July 2011



**Licensing and Safety Committee**  
**Thursday 7 July 2011, 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 16 June 2011. 1 - 2
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. **Notice of Public Speaking**  
To note those agenda items which have received an application for public speaking
6. **Health and Safety Law Enforcement Plan 2011-12**  
The Committee is asked to consider the Health and Safety Law Enforcement Plan prior to its adoption by the Council. 3 - 30
7. **Licensing Annual Report and Service Plan**  
To consider, and comment on, a report covering the activities carried out by the Licensing Section during the period 1 April 2010 to 31 March 2011 31 - 58
8. **Licensing Panel Minutes**  
To receive and note the minutes of meetings of the Committee's Licensing Panels held during the last quarter. 59 - 64
  - 9 March 2011 – The Spot Sandhurst Youth Centre (Variation of Premises Licence)
  - 16 March 2011 – The Victoria Arms, Binfield (Variation of Premises Licence)
  - 13 April 2011 – Mr F (Dual Driver Licence Application)



**LICENSING AND SAFETY COMMITTEE  
16 JUNE 2011  
7.30 - 8.35 PM**

**Present:**

Councillors Brunel-Walker (Chairman), Allen, Baily, Mrs Barnard, Brossard, Davison, Gbadebo, Kensall, Porter, Sargeant and Thompson

**Apologies for Absence were received from:**

Councillors Leake and Ms Wilson

**4. Declarations of Interest**

There were no declarations of interest.

**5. Minutes**

**RESOLVED** that subject to:

The addition of Councillor Mrs Barnard's apologies to the minutes of the Licensing and Safety Committee meeting on 24 March 2011

The minutes of the meetings of the Licensing and Safety Committee held on 24 March 2011 and 25 May 2011 be approved as a correct record and signed by the Chairman.

**6. Urgent Items of Business**

There were no urgent items of business.

**7. Notice of Public Speaking**

The Committee noted that Mrs Jane Robson, JJM Taxis and Zulu Cars, and Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, had registered to speak to Item 7 of the agenda.

**8. Appointment of Licensing Panel Chairmen**

**RESOLVED** that the following members of the Licensing and Safety Committee be appointed to act as Chairmen of Licensing Panel hearings during the 2011/12 municipal year:

Councillors Brossard, Brunel-Walker, Leake and Thompson

## 9. Hackney Carriage Tariffs

The Committee considered a report proposing changes to the tariffs charged by Hackney Carriages in Bracknell Forest.

A previous report seeking approval to consult the industry on proposals to increase hackney carriage fares had been considered by the Committee at its meeting on 24 March 2011. The subsequent consultation had elicited one objection to the proposed fare increases and the matter had been returned to the Committee for further consideration and decision.

The Chairman invited Mr John Yexley, Chairman of the Bracknell Licensed Taxi Forum, to speak to the meeting. Mr Yexley expressed the view that an increase in fares was supported by the majority of hackney carriage drivers licensed by the Borough and while past fare increases had impacted on trade levels they had recovered.

The Chairman subsequently invited Mrs Jane Robson, JJM Taxis and Zulu Cars to speak to the meeting. Mrs Robson expressed the view that while a tariff increase was necessary to meet rising outgoings and costs the rate of increase proposed was too much too quickly. It would therefore be preferable to implement a staggered increase over a two year period, with a small tariff increase now and a second increase in 2012.

Arising from member's questions and comments the following points were noted:

- The preferred Option 2 proposals would if adopted bring Bracknell Forest fares into line with neighbouring authority fares
- Any fare increases would need to be fair, reasonable and sustainable in the long term
- The proposed fares were the maximum that could be charged
- Any changes would come into effect from 23 June 2011. This would provide sufficient time to enable changes to be made to meters and for the Council's Licensing Team to conduct accuracy checks

**RESOLVED** that from 23 June 2011 the tariff for charges to be made by Hackney Carriages and other vehicles with meters licensed within Bracknell Forest be set as follows:

- for the first 700 yards: £3.00
- for each subsequent 200 yards: £0.20
- waiting time of 45 seconds: £0.20

**CHAIRMAN**

**TO: LICENSING AND SAFETY COMMITTEE**  
**7 July 2011**

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**HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2011-2012**  
**(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF REPORT**

- 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 The proposed Health and Safety Law Enforcement Plan for 2011-2012 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 Annex 1. A draft Enforcement Plan was presented to the Committee meeting of 24 March 2011; the purpose of this report is to finalise the plan prior to adoption.

**2 RECOMMENDATIONS**

**That the Committee:**

- (a) notes the performance outturn report as set out in Appendix A in the plan and**
- (b) agrees the adoption of the Health and Safety Law Enforcement Plan for 2011-2012 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 REASONS FOR RECOMMENDATION**

- 3.1 The Plan sets out how the Council will seek to work with businesses as they seek to comply with health and safety requirements, in line with direction from the Health and Safety Commission. Appendix B sets out the proposed work plan for 2011 - 2012.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The production of an annual plan is a legal requirement.

**5 SUPPORTING INFORMATION**

- 5.1 Matters relating to overall management and delivery of health and safety management at a national level fall to the Health and Safety Executive. There are effectively two main delivery/regulatory arms; namely the Health and Safety Executive and the Local Authorities. Within Bracknell Forest, enforcement of health and safety is predominately 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. At 1 April 2011 the Council had 1,498 local businesses where it has the statutory responsibility to enforce the Health and Safety at Work etc Act 1974 and associated regulations. This figure will

be adjusted during the year to account of the closure and start-up of new businesses. The Health and Safety Enforcement Plan 2011-12 set out in Appendix B shows the breakdown for the current year based on risk assessment.

- 5.2 Appendix A shows how we have performed in 2010-11. The Council's performance in relation to health and safety enforcement has been reported to the Health and Safety Executive in an annual statutory return. The Executive has powers to intervene where there is a shortfall in performance. The targets set in 2010/11 were met.
- 5.3 The Council has signed a Statement of Intent with the Health and Safety Executive thereby committing itself to working in closer partnership so as to further national, regional and local priorities. The Plan reflects that arrangement in line with national priorities. A key theme of the Enforcement Plan is to continue to develop targeted health and safety activity by working effectively in partnership with businesses and the Health and Safety Executive. We will continue to support businesses with adopting and encouraging a common sense approach to health and safety. This year's work plan has been populated with targets and initiatives under 3 main headings which are: Protecting Consumers, Support for Local Businesses, and Local Partnerships. The portfolio of work is based on national accident data combined with local intelligence to deal with areas of concern for businesses. Visits to businesses will where appropriate encompass multiple regulatory services. However we would not seek to burden businesses with additional regulatory controls unless this can be justified. The Plan also covers accident and complaint investigation. Progress against the plan is reported monthly as a key performance indicator to the Departmental Management Team.
- 5.4 The Enforcement Plan once it is 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 Council'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 2010-2011, or on the draft plan made public in March 2011.

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

### Borough Solicitor

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

### Borough Treasurer

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

### Equalities Impact Assessment

- 6.3 The Plan targets premises based on the history of risk and identified need. Where issues of equality may arise, provision is made to help as may be necessary. The activity is regulatory and the plan is covered by the overarching document entitled Enforcement Policy 2008 and Equalities Impact Assessment (Executive November 2008).

### Strategic Risk Management Issues

- 6.4 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.

### Other Officers

- 6.5 The Head of Trading Standards and Licensing has been consulted and contributed to the proposed plan.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 The nature of the Plan is such that we have consultation with stakeholders after its adoption. All feedback is taken into account and helps inform the Plan's future development.

### Method of Consultation

- 7.2 The Plan will be published on the Council's website and issued to key locations in the Borough, including all the Councils libraries and Town and Parish council offices.

### Representations Received

None.

### Background Papers

- 1 A Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond (Securing Health Together – SH<sup>2</sup>), (HSE 2004)
- 2 Health and Safety in Local Authority Enforced Sectors, Section 18. HSC Guidance to Local Authorities (09/01)
- 3 HELA Circular Number 67/2. Advice/guidance to Local Authorities on priority plans (03/2010)
- 4 Health and Safety Law Enforcement Plan 2010-2011
- 5 BFC Enforcement Policy 2008

### Contact for further information

David Steeds, Head of Environment Health – 01344 352530

[david.steeds@bracknell-forest.gov.uk](mailto:david.steeds@bracknell-forest.gov.uk)

### Doc Ref

G:\ENVHEALTHMASTER DOCS EH only\Strategies\H&S Plan\H&S Enforcement Plan 11-12\HS Law Enforcement Plan 2011-12.doc

**HEALTH AND SAFETY ENFORCEMENT  
PLAN 2011-2012**

**(inc 2010 – 2011 OUTTURN)**

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

**Tel: 01344 352000**

**Fax: 01344 351141**

**Email: [environmental.health@bracknell-forest.gov.uk](mailto:environmental.health@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 to work with business to:

- Provide advice and information to Bracknell Forest businesses and residents
- Inspect businesses on the basis of risk, reducing the burden on compliant businesses whilst targeting those that seek to gain an advantage from non-compliance
- Investigate complaints and listen and respond to your concerns
- Investigate accidents, giving priority to those involving major injury or death in the workplace
- Develop safety and health promotion initiatives including accredited training courses
- Consult our customers on the quality of our service and key issues
- Work in partnership with others to improve our outcomes for Bracknell Forest; for example The Health & Safety Executive, the Berkshire East Primary Care Trust (PCT) and the Royal Berkshire Fire Service

Bracknell Forest Council is responsible for protecting the health, safety and welfare of employees and members of the public who may as a result of business activity be harmed.



We achieve this by targeting projects, inspections, seminars and media campaigns to help reduce accidents and ill health in the work place and to protect others from risks.

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. Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement, including details such as service planning, the officer capacity required to enforce in the Borough and the competency of those officers. Possible risks to compliance with expectation are resource related. Staff numbers and officer skill shortages are hard to mitigate for in the current climate. Where needed, resources are redeployed within the overall service to ensure continued priority is given to greatest need. Staff performance and training needs are constantly evaluated.

The Council has responsibilities in respect of **1,498** premises in the Borough including offices, shops, warehouses, builders' merchants and services such as hairdressers as shown in the table below:

Type of Premises	Number of Premises
Retail shops	352
Wholesale shops, warehouses and fuel storage depots	344
Offices	499
Catering, restaurants and bars	233
Hotels, camp sites and other short stay accommodation	21
Residential care homes	26
Leisure and cultural services	100
Consumer services	211
Other premises	12
<b>Total</b>	<b>1,498</b>

### **National Picture for health and safety**

Lord Young's recent report on the review of health and safety, *Common Sense - Common Safety*, commissioned by the Prime Minister, recommends improving the way health and safety is applied and tackling the compensation culture. It highlights the role that the Health and Safety Executive (HSE) and Local Authorities have in promoting a common sense approach to health and safety, and suggests how to ensure that businesses and voluntary organisations can operate in a way where health and safety is applied in a proportionate manner.

The recommendations have been in place since the 2005 'Hampton report' whereby we seek to reduce the burden on business through unnecessary regulation and to work towards improving the vision of a regulatory system that is based around risk and proportionality.

The Regulatory Enforcement and Sanctions Act 2008 introduced the Primary Authority Principle, placing a particular responsibility upon Local Authorities to provide information, advice and support to local businesses that operate in more than one Local Authority area. We provide for such help and have already set up formal arrangements.

The Better Regulation Executive (BRE) aims:

- to work with departments and regulators to simplify and modernise existing regulations, and
- to work with regulators (including Local Authorities) and departments to change attitudes and approaches to regulation to become more risk-based.

The inspection of businesses in Bracknell Forest is already based upon risk as we carry out inspections in line with the national targets set by HSE.

### **Roles**

Officers within the Environmental Health function deal with the main aspects of workplace safety related matters and undertake programmed risk based inspections, reactive inspections, investigating reports of accidents/ill-health under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations). They also provide educational and

promotional materials and information to raise the public profile of workplace health and safety, and coordination of enforcement activities within the Berkshire area.

The team also has responsibility for enforcement of the smoke-free legislation, food safety, waste, drainage, nuisance, infection control and licensing of special treatments. Licensing officers undertake some premises inspections according to their skill set in low risk premises. Trading Standards staff have a 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.

Across the Environment and Public Protection Division on average approximately 1.75 FTE's time is spent on health and safety matters a year. During 2010/11 the Commercial Team Manager was absent due to maternity leave for a period of nine months and a Senior Environmental Health Officer within the team acted up as manager.

### **Sensible Risk Management**



A key component to Bracknell Forest Council's health and safety duties is promoting the principles of sensible risk management including:

- ensuring that workers and citizens are properly protected
- providing overall benefit to society by balancing benefits and risks, with a focus on controlling real risks – both those which arise more often and those with serious consequences
- ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action

#### **Promoting sensible risk management is not:**

- creating a totally risk-free society;
- generating useless paperwork mountains;
- scaring people by exaggerating or publicising trivial risks;
- stopping important recreational and learning activities for individuals where the risks are managed;

#### **Benefits of sensible risk management**

- Focuses attention towards the real risks, meaning valuable resources are not wasted on the trivial.
- Reduced burdens on those we regulate, meaning that we become a better regulator.
- Building our organisation's credibility.

Risk management is about practical steps to protect people from real harm and suffering – not bureaucratic back covering.



As part of this we support the efforts by the Health and Safety Executive to tackle the problem of health and safety myths which are undermining important health and safety messages. Often such myths result in an unnecessary burden on business in the mistaken believe that “it’s what is required.”

Some examples of myths which received attention in the past year are:

- “HSE bans traditional school ties”
- “If you run an office-based business you need a health and safety consultant”
- “There’s nothing you can do about slips and trips and they don’t really hurt anyone anyway”
- “Health and safety bans bunting”



HSE encourages people to use common sense about their attitudes to risk. At every visit or intervention with a business, we offer advice setting out the sensible and proportionate steps to be taken to deal with workplace risks properly.

For the past number of years, we have moved the emphasis from full inspections of premises purely on a risk based inspection programme to participation in national campaigns tailored to target local and regional priority topics. Full inspections are now restricted to those premises where activities represent the highest risk (as determined by officers following national guidance after inspection) and in accordance with the Hampton Review. Therefore regular full inspections are carried out only of our A, B1 and B2 category premises with alternative interventions for lower risk premises.

Our priority topics are areas of work where intelligence suggests that interventions are required to achieve a reduction in working days lost, fatal and major injuries and work related ill health. Based on statistics for injury data 2009/10 for Berkshire, there were 4 fatal injuries, 98 major injuries, 310 over 3 day injuries to employees and 461 injuries to members of the public. These 902 accidents in Berkshire can be detailed by type:

Workplace transport	14
Slips and trips	339
Falls from height	98
Workplace violence	22

In 2011/12 we plan to:

- inspect all high-risk businesses
- focus our work on priority topics identified by the HSE and carry out **195** topic-based inspections
- 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.

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

	<b>A</b>	<b>B1/B2</b>	<b>B3/B4</b>
Targeted 2006/2007	7	45	51
Targeted 2007/2008	5	48	58
Targeted 2008/2009	9	44	108
	<b>A</b>	<b>B1/B2</b>	<b>Fit3</b>
Targeted 2009/2010	6	27	161
Targeted 2010/2011	3	28	208

	A	B1	B2	Topic Led	C rated	Unrated
Targeted 2011/2012	6	3	26	195	169	250

**Table 1**

Where the premises are to be visited for other statutory inspection purposes, both visits will if possible be combined.

A further **195** topic led inspections will be made to premises based on the suitability of project intervention. These include industrial premises in respect of manual handling and workplace transport initiatives; leisure premises for controls of legionella and reductions in slipping and falling related injuries; and disease reduction at hairdressers, florists, nail bars, and sun bed providers. Details of these are attached in Appendix B. In a typical year some low risk premises are likely to be brought back into the formal inspection process following complaints and accident investigations.

In addition there currently remains approximately 844 C-rated 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. HSE guidance advises that 20% of these must be targeted each year, resulting in an additional 169 interventions. 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 and 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 Medium Term Objectives 2010 -2011 adopted by Bracknell Forest Borough Council that encompasses our health and safety work is contained within Priority Five: Value for money MTO10 to be accountable and provide excellent value for money.

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. We aim to ensure that employers minimise the risks of accident, injury and ill health to their employees and customers, and address employee welfare issues. This Health and 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 2011-2012 along with proposed timescales.

#### **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 “Business Satisfaction Survey “following inspections.

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

#### **Benchmarking**

In line with HELA guidance we are currently utilising tool kits developed to ensure the Local Authority can demonstrate compliance with Section 18 Standard.

#### **Staff Development**

The Council aims to make full use of the skills that exist in the Sections and to develop those skills through updates, shadowed working and internal, external and cascade training. A record of continuous development is maintained for all officers. All staff are subject to a formal appraisal each year with interim review meetings. Part of this appraisal process is the development of a training needs analysis for staff. ‘Continuing Professional Development’

(CPD) training is provided for all staff to ensure that they maintain their level of competence. A list of training received by officers in the previous year is set out in the outturn report.

## **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 flexible warranting scheme with the HSE which broadens the authorisation of both HSE and Local Authority officers.

Our activities for 2011/2012 (detailed in Appendix B) are planned following consideration of the HSE's delivery portfolio which is 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.

### **2 Smoke Free Berkshire Alliance**



Berkshire East  
Community Health Services

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 NHS Berkshire East, 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.

A total of 6 complaints / enquiries were received in relation to smoke free issues and smokefree compliance was assessed in 2476 Commercial premises within the Borough.



## **PART 3 – FURTHER INFORMATION**

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

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

Tel: 01344 352000

Fax: 01344 351141

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

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

### **Availability of Officers**

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

### **USEFUL CONTACTS AND WEBSITES**

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

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

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

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

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

[www.workplacehealthconnect.co.uk](http://www.workplacehealthconnect.co.uk) - free practical advice on workplace health and safety designed to help SMEs, that is Small and Medium Enterprises.

Advice line: 0845 609 6006

## APPENDIX A

### HEALTH & SAFETY ENFORCEMENT OUTTURN 2010/11

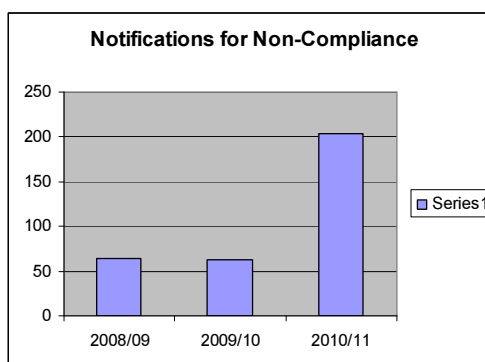
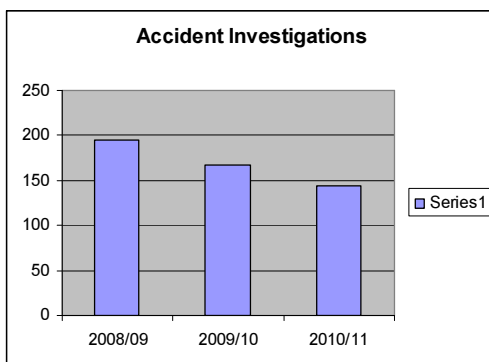
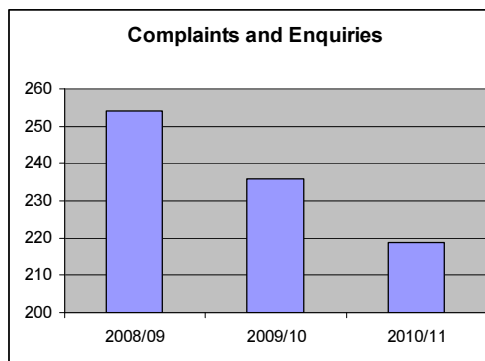
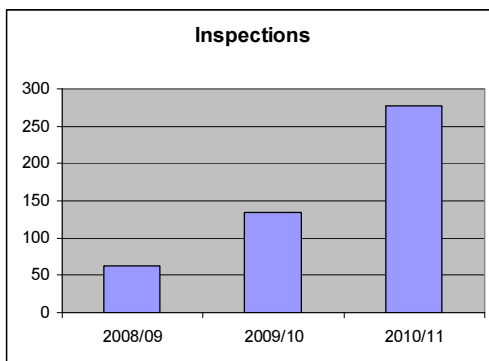
#### HOW DID WE PERFORM?

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.

#### During 2010/11 we:

- inspected **377** businesses and carried out **124** other related visits
- responded to **219** complaints and enquiries
- investigated **144** accident notifications
- issued formal notifications on how businesses can comply to **204** businesses, of which **12** were formal Notices

The charts bellows shows how this compares with previous years.



## Inspections and other interventions

In 2010/11 officers carried out a total of 501 health and safety inspections and visits:

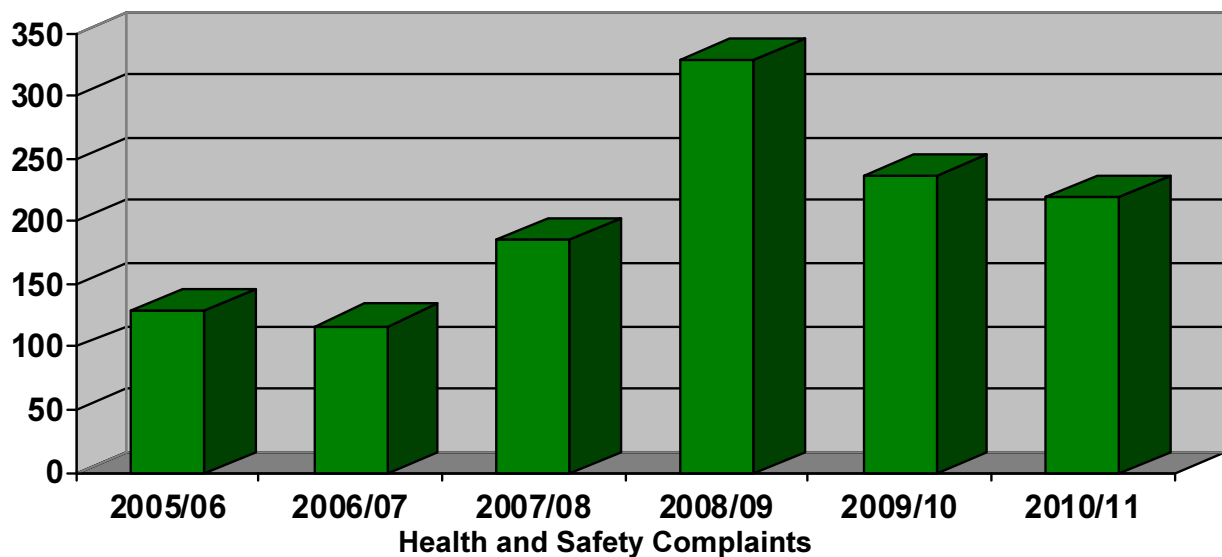
- 85 of these were programmed inspections and 213 were first visits to the business
- 33 were advisory visits
- 29 were revisits to follow up on issues of non-compliance
- 16 were visits in relation to accidents
- The remaining 125 visits were made up of both visits in response to complaints or enquiries from members of the public (32) and other visits such as where the visits identified the business as closed or not trading at that time (93)

## Health and Safety Complaints and Enquiries



During the year there were 219 complaints as shown below, regarding working conditions and practices. We aim to respond to all such enquiries within 2 working days, but if it is judged that the situation is serious then our response will be the same day. Some examples of the complaints we have dealt with are:

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



## Accident Investigation



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

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

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures, and 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 2010/11 the officers investigated 144 notified accidents and dangerous occurrences. The majority of the accidents occurring in Bracknell were related to poor manual handling and slips and trips. However:

- 76 accidents resulted in a member of the public being taken to hospital.
- 63 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 6 complaints and 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. 100% of notifications for work involving areas known to contain asbestos are investigated.



## Slips Trips and Manual Handling

71 visits were carried out to raise awareness and improve compliance in preventing slips and trips.

7 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



All cooling towers within the Borough were sampled to assess for controls for legionella.

This was the first time it has been undertaken in the Borough and has been a success. It also features as a major public health intervention in ensuring effective monitoring of controls to reduce the likelihood of legionella outbreaks. 10 premises were inspected and sampled. All results were satisfactory.

## Nail Bars



The emerging popularity of nail bars has raised a number of concerns in relation to chemical safety, competency of practitioners, safety of equipment and adequacy of ventilation. A project was run jointly across Berkshire. 10 premises in the Borough were inspected and the project is to continue to the next phase of interventions with enforcement activity planned for the premises identified as problematic.

## Sunbeds



This was also another Berkshire wide project which aimed at establishing awareness amongst premises of the irradiance issues and increase awareness by offering advice. The project also looked at the provision of health information to users and record keeping. The findings were varied and this has identified areas for potential future enforcement action.

## Liquid Petroleum Gas



This emerged as a high risk nationwide priority which required visits to all known sites utilising bulk storage of LPG, to assess condition, risks and controls in place for underground LPG storage and pipe work. An improvement notice was served on one duty holder requiring them to carry out substantial works to re-lay or replace pipe work to ensure this is accessible for inspection or of a durable material.

## Motor Vehicle Repair



This county wide project involved joint working with HSE officers to premises with dual activity, one being motor vehicle repair. This proved to be an opportunity for further training with HSE experts in evaluating controls at these premises.

## Database Review



A review of the database was carried out to ensure that all premises Bracknell Forest Council enforced premises are subject to the health and safety programme. The review also identified informal information sharing opportunities with other teams within the Council to ensure that all new businesses are added to this programme regularly.

## Enforcement Action

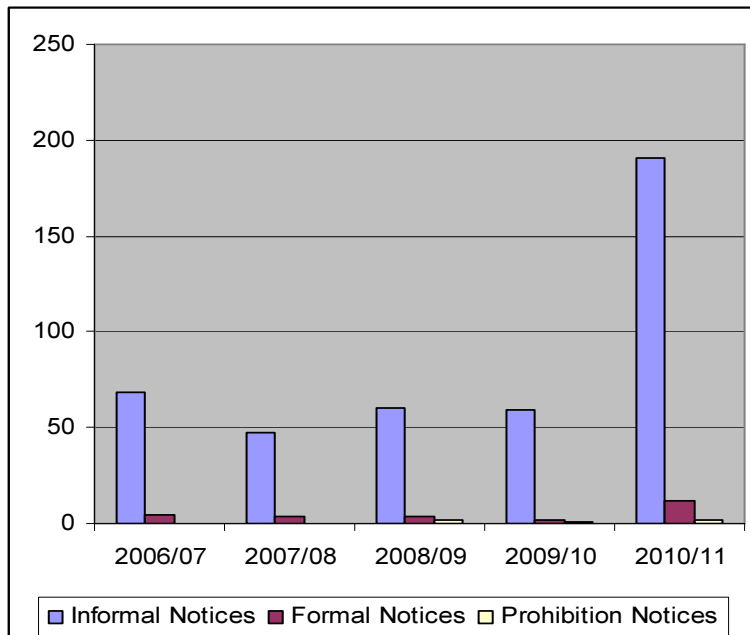


We have adopted a broad and comprehensive set of measures to protect consumers and promote health and safety, and we actively work with local business to achieve a balanced approach.

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

The enforcement action taken in relation to health and safety for recent years is shown below:

ENFORCEMENT ACTION	2006/07	2007/08	2008/09	2009/10	2010/11
Informal improvement notices	68	47	60	59	191
Formal notices	5	4	4	2	12
Prosecutions	0	0	0	0	1
Immediate Prohibition Notices	0	0	2	1	2
Simple Cautions	0	0	0	0	1
<b>TOTAL</b>	<b>73</b>	<b>51</b>	<b>66</b>	<b>62</b>	<b>207</b>



The prosecution referred to above was against Tesco Stores Limited for issues relating to lack of training for employees and inadequate accident notifications. A number of accidents occurred at the Tesco store, County Lane, Warfield whereby employees were injured as a result of accidents during routine deliveries to the store. The company was fined £48,000 for four offences and the Council was awarded £25,000 in costs. Officer involvement was in excess of 300 hours.

## **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.

## **Staff Development 2010-2011**

Each officer is responsible for keeping a record of training undertaken and maintaining their own CPD records. However following the appraisal process the following courses were attended during 2010-11:

- Gas Safety in the Catering Industry
- Noise at Work.
- Health and Safety Priority Planning
- Nailbar safety



**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Protecting Consumers</b>			
<b>Task</b>	<b>Outcome</b>	<b>Resource</b>	<b>By when</b>
To seek to improve the health and safety standards of workplaces in Bracknell Forest through effective enforcement methods.	Inspection 57 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 targeted interventions for other business, where appropriate.	57x4 hours 100 hours re-visits 100 hours Notices 100 hours Prosecutions  Total 528 hours	50% - October 2011  Complete March 2012
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.	Incorporated into other tasks	March 2012
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.	Total 200 hours	March 2012
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"> <li>• Free up officer time for developing 5 campaigns and allow more contact time with businesses</li> <li>• Low cost publicity and support material by use of nationally produced resources and publicity</li> <li>• Impact on the health of the community and the strength of the local economy by targeting areas of identified significant risk.</li> </ul>	Planning + research Visit/Inspecting Follow up  Total 600 hours	March 2012

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Project Working – Focussing Resources</b>			
<b>National Topics</b>	<b>Comments and Outcome</b>	<b>Resource</b>	<b>By when</b>
Liquid Petroleum Gas Inspection Campaign	Nationwide	3 premises x 4 hours 8 Hours Follow Up  Total 20 hours	March 2012
Asbestos	Nationwide	Incorporated into visits	March 2012
<b>Local Topics Based on National Data and Local Intelligence</b>	<b>Comments and Outcome</b>	<b>Resource</b>	<b>By when</b>
Sunbeds + Spray tanning	Following on from successful project focussing on sun beds (the coin operated facilities) - to also incorporate premises offering spray tanning – to address issues of poor local ventilation	10 premises x 4 hours 10 hours database 10 hours research  Total 60 hours	May to August 2011
Nail Bars	Following on from successful project focussing on nail bars to address issues of poor local ventilation	10 premises x 5 hours 10 hours database 10 hours research  Total 70 hours	September to November 2011
<u>Catering Priority Areas</u> Deep Fat Fryers Gas Liquid Petroleum Gas in Mobile Caterers	To be carried out jointly as part of food hygiene inspections	120 visits x 30 mins  Total 60 hours	September to November 2011

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Local Topics</b>	<b>Comments and Outcome</b>	<b>Resource</b>	<b>By when</b>
Legionella	Identify high risk sources and raise awareness with <b>10</b> duty holders at leisure centres, garden sales premises, spa venues, and golf clubs. Aim is to adopt best practice. Potential sampling activities to be incorporated	10 visits x 5 hours 5 hours research 10 hours follow up  Total 65 hours	50% - October 2011  Complete March 2012
Disease Reduction – Dermatitis	Aimed at industries where skin hazards are high risk. Following up successful seminars held in 08/09 + targeted project in 10/11 – focuses on florists. Aim is to raise awareness and implement simple controls in <b>10</b> flower sales premises.	10 visits x 1 hours 5 hours research 5 hour follow up  Total 20 hours	50% -October 2011  Complete March 2012
Special Treatments	To revisit conditions and examine existing byelaws with view to updating these. To process all new applicants and deal with all queries relating to these premises. Risk focused inspection for 30% of licensed premises with view to visit remainder in next 2 years.	60 hours  7 visits x 5 hours 5 hours research 1 hour follow up  Total 47 hours	March 2012
Seasonal Retail Project	Focussing on warehouse and stock management not affected by Christmas, Easter and bank holiday demands	10 visits x 1 hour 1 hour follow up  Total 20 hours	March 2012
Noise at Work in Licensed Premises	Focus on noise levels affecting staff. Information and Advisory focus, linking with Environmental Protection (EP) and Licensing noise complaints Joint working with EP + Licensing teams.	10 hours research 10 visits x 1 hour  Total 20 hours	March 2012
Commercial Swimming Pools	Focus on management of water quality and general safety standards – project will involve obtaining up-to-date Risk assessments and recent sampling results s to ensure appropriate interpretation and actions	5 visits x 60 mins 5 hours research  Total 10 hours	March 2012
Attendance at safety advisory group	Attend monthly meetings and provide support and information for groups interested in holding events.	6 meetings x 1 hour  Total 6 hours	March 2012

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Local Topics</b>	<b>Comments and Outcome</b>	<b>Resource</b>	<b>By when</b>
Caravan Sites	Conduct full inspection of one caravan site to check compliance, health and safety aspects of model standards and licence conditions.	1 visit x 20 hours Total 20 hours	March 2012
Fireworks	To inspect 40 licensed premises to check compliance with storage and safe provisions.	40 visits x 2 hours Total 80 hours	March 2012
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.	2 visits x 10 hours Total 20 hours	March 2012
Petroleum	To inspect through risk assessment premises licensed for the storage and sale of petroleum, checking for unattended and overnight delivery.	16 visits Total 30 hours	March 2012
Animal Establishments	Inspections of premises.	10 visits x 4 hours Total 40 hours	March 2012

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Support for Local Businesses</b>			
<b>Task</b>	<b>Outcome</b>	<b>Resource</b>	<b>By when</b>
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 in conjunction with Chamber of Commerce Produce one health and safety newsletter for distribution to all Bracknell Forest businesses Prepare 2 health and safety press releases Ensure that the full range of information and guidance is available on priority areas	20 hours  5 hours  3 hours 10 hours  Total 38 hours	March 2012
To provide support and advice to local businesses to help them improve their health and safety compliance, maintaining relationship with business community and ensuring regulatory impact does not generate unnecessary burden	Respond to requests for advice within 2 working days and provide full advice within 14 days and provide "Health and Safety Handbook" to businesses, with questionnaire for low risk premises to ensure communication	192 hours	March 2012
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.	50 hours	March 2012 Ongoing
To provide training in Level 2 Health and Safety	One low cost course aimed at small businesses – Level 2 (Chartered Institute of Environmental Health )	15 hours	March 2012

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

<b>Local Partnerships</b>			
<b>Task</b>	<b>Outcome</b>	<b>Resource</b>	<b>By when</b>
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	Previously counted	March 2012
Develop links with local businesses via the Chamber of Commerce, 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. Attending business forum meetings and work closely with businesses.	30 hours	March 2012
		20 Hours	
		Total 60 hours	

**APPENDIX B  
HEALTH & SAFETY ENFORCEMENT PLAN 2011-12**

29

<b>Performance Management</b>			
<b>Task</b>	<b>Outcome</b>	<b>Resource</b>	<b>By when</b>
To respond within agreed timetables for performance data for HSE	Full reports annually and in year returns submitted within time frames	10 hours	May 2011
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, including: Regulators Development Needs Analysis tool (RDNA) Guidance for Regulators Information Point (GRIP) Reviewed and up-to-date internal procedures	20 hours  (3 hours x 5 officers) 15 hours 10 hours Total 45 hours	March 2012
Complete Monthly Performance Assessments	Report on quality and consistency of the Commercial Team's work and review as necessary	15 hours	March 2012
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. To ensure S18 compliance through consistency exercise training and ensuring consideration to reducing the burden on businesses	10 hours  10 hours Total 20 hours	Ongoing
To maintain officer competence for Flexible Warranting with HSE	Staff training and experiential learning. Ensuring competence in basic health and safety skills	(3 hours x 5 officers) 15 hours	Ongoing
To 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.	40 hours	Ongoing
To maintain database	To ensure accurate record of premises in the borough	90 hours	Ongoing
		<b>Total Resource 2,546 hours = 2.8 FTEs</b>	

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**TO: LICENSING AND SAFETY COMMITTEE**  
**7 JULY 2011**

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

**1 PURPOSE OF REPORT**

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2010 to 31 March 2011. It is brought to the Committee to consider and comment upon the work completed.
- 1.2. In addition the report also includes the proposed work plan for the period 2011/12. The Committee is also asked to consider and comment upon this document.

**2 RECOMMENDATIONS**

**2.1 That the Committee:**

- (i) **receives the out turn report for 2010/11 detailed within this report; and**  
(ii) **subject to any comments, approves the work plan for 2011/12 (Annex C).**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Committee agreed a work plan for 2010/11 at its meeting on 29 April 2010. This report details some of the main achievements of the service during 2010/11 and requests that members comment upon and approve a plan for 2011/12.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Committee has requested that officers report on progress through an Annual Report and bring forward a plan for the coming year.

**5 SUPPORTING INFORMATION**

- 5.1 Attached as Annex A is a list of those licences, registrations, permits and consents that are current as of 1 April 2011 or have been issued within the last year. This is a single indicator of the transactions that the Licensing Service has with businesses operating within the Borough. Licensing is generally required where there may be a significant negative impact on users, workers or those living in close proximity.
- 5.2 The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress easily through the licensing process. The service carries out a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.
- 5.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance,

MOTs, public liability insurance, criminal record checks, professional training records and health and safety risk assessments. These checks are essential to ensure the continued confidence of the Council and ultimately the user, on the safety of the service or goods being supplied. The service sets itself a target to issue licences within either 2 or 3 working days of receipt of a complete and valid application on 95% of occasions. It is pleasing to report that we the service achieved this on 97% of occasions. Bracknell Forest was also a leading authority in the introduction of an internet based licensing application process which facilitates online applications from across Europe.

- 5.4 A further aspect is that of assisting businesses to comply with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the internet or through the Customer Service Centre. Additionally officers regularly meet with applicants or licence holders such as attendance at Pubwatch meetings run by the trade, meeting with new Designated Premises Supervisors at premises licensed for the sale of alcohol and taxi owners at the ranks. Newsletters for the Alcohol/Entertainment and Taxi businesses are also produced to give an update on legislative changes and procedures.
- 5.5 Officers have a risk based programme to visit licensed premises to check compliance and provide business with assistance in compliance. In 2010/11 officers carried out 134 inspections programmed for that period. Additionally officers carried out 126 non programmed inspections, during the evenings and weekends, to monitor compliance at busy periods. The premises targeted were those where officers had received intelligence from local residents, or other agencies such as Thames Valley Police or Berkshire Fire Authority that compliance may not be being achieved. Officers initially deal with non compliance by working with the business to raise standards. Further unannounced visits are made to verify improvement. Where non compliance continues officers use an enforcement policy which provides for a stepped process including warnings, cautions, review, suspension or revocation of licence and finally prosecution. In the last year officers issued 5 warnings to licence holders and 179 enforcement points to 36 taxi drivers. Four of those drivers have gone before the panel for receiving 12 or more points in a 12 month period. Three drivers were issued points for defective tyres, six for construction and use regulation failures, five for using a mobile phone whilst driving, three for smoking in their vehicle and ten for failure to notify officers of relevant convictions, since their last application.
- 5.6 Other areas of work that were completed in 2010/11 include:
- (i) In 2000 the Council agreed a change in the conditions attached to hackney carriages which required that from 2002 new vehicles must meet minimum requirements to be able to carry a person whilst in a wheelchair. This policy was agreed so that disabled people would have improved access to what for them can be a vital public transport system. In 2010 the last non wheelchair accessible vehicle was replaced and Bracknell Forest now has a fleet of hackney carriages which are adapted to improve access for people with a range of disabilities and in particular those in wheelchairs.
  - (ii) Since 2007 drivers of Hackney Carriages have been required to take a Driving Standards Agency test to demonstrate their competency to assist a wheelchair user. In addition, to raise standards of disability and customer awareness, in 2010 officers ran a free Customer Awareness Course for those drivers who had not previously been required to carry out any formal training. This workshop also raised awareness of the need to communicate effectively with people especially those with disabilities to deliver good customer service. 51 drivers attended the workshops and the feedback was very positive.

- (iii) To inform the public of the risk of using unlicensed taxis and to promote good businesses within Bracknell Forest officers produced a credit card sized information sheet entitled "Take a Taxi you can trust". The card provides information on how to avoid problems and keep safe when using a hackney carriage or private hire vehicle and it fits easily into a purse or wallet.
- (iv) In order to control and regulate venues within Bracknell Forest that might wish to offer entertainment such as lap dancing or striptease, officers drew up and consulted upon a Licensing of Sexual Entertainment Venues Policy. This was discussed and debated by this Committee before being approved and implemented.
- (v) The Licensing Policy used by the Council to determine applications for licences under the Licensing Act 2003 was due for review in 2010. Officers and members of this Committee contributed to the review and public consultation process and the new policy was implemented in January 2011.

5.7 The Licensing Service cannot work effectively in isolation. There are a range of services and agencies whose work impacts upon licensed people and premises. The Licensing Service therefore is actively involved in partnership working where it delivers real benefits for an effective licensing service. The main partners are Thames Valley Police, Royal Berkshire Fire Authority, VOSA, other local authorities and internal services such as Environmental Health, Trading Standards and Planning. Examples of successful joint working include:

- (i) **Safety Advisory Group** - Licensing provide the leadership for this group which includes Thames Valley Police, Royal Berkshire Fire Authority, South Central Ambulance Service, Highways and Environmental Health. This group provides guidance and assistance to people and organisations that are looking to deliver both large and small public events within the Borough. The assistance of the group aids the smooth running of the event and reduces health and safety risks. In 2010/11 the group (SAG) assisted with over 40 events including the South Hill Park Big Day Out, Bracknell Armed Forces Day and the Crowthorne Carnival.
- (ii) **Taxi checks** - working with Thames Valley Police, VOSA, and Benefits, licensing officers have participated in checks upon taxis and vehicles being used for hire and reward across the Borough. In ten operations where 262 vehicles were checked, 44 vehicles were found to have contraventions, from breaches of licence conditions to non compliance with vehicle construction and use legislation. In ten cases vehicles were immediately prohibited by VOSA from being driven.
- (iii) **Street Traders** - working again with Thames Valley Police and VOSA, officers carried out checks on the safety of the vehicles and trailers used for trading from the street. This included vehicles commonly referred to as "burger and kebab vans". Of 8 vehicles examined, 8 were found to be defective, and 2 were subject to an immediate prohibition from being used on the highway.

5.8 Attached as Annex B is the out turn report for the work plan for 2010-2011. A proposed work plan for 2011/12 is attached as Annex C for consideration, comment and approval by members. This is based upon the objectives and priorities for the period 2009/12 that were approved by members at their meeting in April 2009, attached as Annex D. It reflects recent changes in legislation that had not been identified in previous service planning.

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

### Borough Solicitor

6.1 The legal implications are identified within the report.

### Borough Treasurer

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

### Equalities Impact Assessment

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

### Strategic Risk Management Issues

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

## 7 **CONSULTATION**

### Principal Groups Consulted

7.1 The key partners have been consulted upon the outcomes of work conducted in 2010. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2011. All feedback is taken into account and helps inform the plan's future development.

### Method of Consultation

7.2 The work plan will be discussed with key partners during the year and adjustments made where necessary.

### Representations Received

7.3 None.

### Background Papers

None.

### Contact for further information

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### Doc Ref







G/Secs/L&SCttee/2011/AnnualReportandServicePlan7-7-11 (b)

**Current Licences  
2011/2012**







Type	No	Type	No
Hackney Carriage Drivers	184	Personal Licences	856
Hackney Carriage Vehicles	86	Premises Licences	228
Home to School Drivers	11	Temporary Event Notices	206
Home to School Vehicles	9	Club Premises Certificates	30
Private Hire Vehicles	176	Petroleum	15
Private Hire Drivers	133	Explosives	29
Private Hire Operators	38	Tattoo, acupuncture, piercing etc (Personal Registration)	66
Poisons	4	Tattoo, acupuncture, piercing etc (Premises Registration)	32
Animal Boarding Establishments	10	Street Collections	133
Riding Establishments	5	Street Trading	19
Performing Animals	4	House to House Collections	10
Pet Shops	5	Gaming Permits	44
Hairdressers	53	Gambling Premises	13
Caravan Sites	13	Lotteries	69
Motor Salvage	1		
Scrap Metal Dealers	1		

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**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 processed within agreed local performance indicators and as required by legislation	Monthly reports run to ensure that 95% targets met	LD	97% achieved	
Ensure all complaints and enquiries processed within agreed local performance indicators	Monthly reports run to ensure that 95% targets met	LD	93.5% achieved	
Ensure customers are satisfied with service provided	Customer surveys sent out in respect of inspections, 80% satisfaction rate target	LD	No data presently available	
To introduce similar surveys which look at customer experience of applications or complaints dealt with by the section	Survey established	LD	Not introduced	
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 new DPS applications	SW	Achieved and new arrangements introduced	
Carry out all programmed inspections in accordance with risk assessments	116 programmed inspections completed by end March 2011	LD	139 inspections conducted	

**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	
	100% revisits completed within one month to ensure compliance		Achieved 100%	
Carry out 500 driver/vehicle checks and at least two multi-agency taxi enforcement checks	All inspections and multi-agency check carried out by end March 2011	NK	360 vehicles checked with 44 failing requirements	
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 120 out of hours inspections	LD	Achieved	
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 Pub watch meetings as required approx 12 per year	SW	Attended all Pub Watch meetings	
Site audits for park home sites carried out in line with 5 year audit plan	5 site audits carried out by end March 2011	SW	5 conducted	
Review Caravan site licences conditions in light of legislative changes	All licences reviewed as part of a site audit	SW	In consultation process	








**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	
Educate and inform local businesses to ensure they are aware of any changes in legislation and their duties as licence holders	Produce an annual newsletter for licensed premises and taxi drivers	SW/ NK	Newsletters to taxi and alcohol licensed trades sent	
Ensure all licensees are aware of the conditions attached to their licences	Re-issue all LA03 premises licences by December 2010 to include new mandatory licence conditions	LD	Ongoing	
Take lead role for Safety Advisory Group	Carry out all administration in relation to event forms and meetings approx 40 events per year	LD	Over 40 events processed	
Ensure all application forms and guidance are up to date and available on website	Forms and guidance reviewed and updated	LD	All electronic forms updated	
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	Register maintained. e-gov agenda met within legislative time frame	






**Environment and Leisure Department      Work plan – 2010 to 2011 - HOW WE DID      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 members of Committee are aware of and up to date with changes in legislation	Reports, briefing and training sessions to Committee members as and when necessary	LD RJS	Updates given to members through Licensing and Safety Committee	
Review policies where appropriate	Plan implemented to ensure Licensing Act 2003 statement of policy reviewed by January 2011	LD	Licensing Act policy reviewed and re-issued. Sexual Entertainment Policy introduced	
Monitor budget and review fees and charges	Budget monitored on monthly basis and fees and charges reviewed annually at October 2010 Committee meeting	RJS	Service delivered with agreed budgets Fees reviewed and set	
Ensure information shared between staff	FAQs on shared drive reviewed annually and updated as required	LD	Ongoing	
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	Ongoing	

**Environment and Leisure Department      Work plan – 2010 to 2011 - HOW WE DID      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	
Monitor and ensure compliance with the requirements of the European Services Directive in respect to licensing functions	All relevant licences and process available online	RJS	Compliance achieved	
Provide talks and presentations to consumers and businesses on Licensing issues	To respond to a maximum of 5 requests for talks	LD	Achieved	
Continue to develop and update Internet and Intranet information	Intranet up to date and relevant	LD	Completed	
Ensure safe access to hackney carriages by wheelchair users	All hackney carriages to be wheelchair accessible by May 2010; all new driver applicants to undertake DSA practical wheelchair assessment and all to attend disability awareness training	NK	All Hackney Carriages have improved disability access and are wheelchair accessible. Additional customer service training provided to taxi drivers	
Monitor ethnic origin of all applicants for taxi licences in compliance with equal opportunities and cohesion policy	Ethnic origin information recorded for drivers and compared with enforcement action data	NK	Data collected	

**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	
Work with TS and EH to initiate a 'single inspection' service to reduce burden on businesses	Working model adopted and working effectively	RJS	Achieved for special treatment premises	
Ensure appropriate legislation is adopted to enable licensing of sexual entertainment venues	Resolution to adopt legislation in place by March 2011	LD	Legislation adopted and Policy document in place	
Policy and guidance documents created for applicants	Policy and guidance in place by start of transition period	LD	Achieved	
Take part in Community Alcohol Partnership	Engagement within a successful project	RJS	Worked with Trading Standards, Youth Service and Thames Valley Police to raise awareness and reduce incidence of successful test purchases	
Check that gaming machines in licensed premises are appropriately licensed and compliance with Gambling Commission code of practice	Check 50% of all licensed premises by March 2011	LD	Over 50% checked	

**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 e.g. 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 local performance indicators and as required by legislation	Monthly reports run to ensure that 95% targets met	LD	Local and legislative performance indicators
5	Enable the resolution of disputes between consumers and businesses through effective advice, information and intervention	Ensure all complaints and enquiries processed within agreed local performance indicators	Monthly reports run to ensure that 95% targets 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				
5	Develop the use of our knowledge, intelligence, operational support and partnerships to improve planning and delivery	To develop a credible and effective intelligence led service	Officers to enter data onto ibase and to use it to effectively direct resources	RJS	Hampton Review - Better Regulation
5	Provide a an efficient and seamless service from the application to the grant of a licence or permit	To introduce surveys which look at customer experience of applications or complaints dealt with by the section	Survey established	LD	Hampton Review - Better Regulation

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 e.g. where the task comes from
4	<p>Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance</p> <p>Investigate serious or illegal practices by way of formal enforcement and other interventions against those businesses causing most detriment</p>	Carry out at least one multi agency operation directed at the safety of children in taxis or private hire vehicles	At least one operation conducted and the results reported to Licensing and Safety Committee by March 2012	LD	Hampton Review - Better Regulation
4	<p>Deliver a targeted inspection programme focussing on those businesses presenting the highest risk to consumers</p>	Carry out all programmed inspections in accordance with risk assessments	153 programmed inspections completed by end March 2012 and 100% of revisits completed within one month	LD	Hampton Review - Better Regulation National priority - Alcohol Licensing
4	<p>Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance</p>	Carry out 350 driver/vehicle checks and at least two multi-agency taxi enforcement checks	All inspections and multi-agency checks carried out by end March 2012	NK	Hampton Review - Better Regulation Local PI

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 e.g. where the task comes from
4	<p>Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance</p> <p>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</p> <p>Investigate serious or illegal practices by way of formal enforcement and other interventions against those businesses causing most detriment</p>	<p>Carry out regular enforcement operations outside of normal working hours to monitor compliance and respond to intelligence and complaints</p>	<p>At least 8 evening or weekend shifts carried out by end of March 2012</p>	LD	<p>Hampton Review - Better Regulation</p> <p>National priority - Alcohol Licensing</p>
5	<p>Provide easy to access and read information for businesses on licensing matters</p>	<p>Educate and inform local businesses to ensure they are aware of any changes in legislation and their duties as licence holders</p>	<p>Attend and assist with Pubwatch meetings as required, approx 12 per year</p>	SW	<p>National priority - Alcohol Licensing</p>

Environment, Culture and Communities Department - Work plan – 2011 to 2012

ANNEX C

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 e.g. where the task comes from
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	3 site audits carried out by end March 2012	LD	Hampton Review - Better Regulation
	Improving the cooperation, effectiveness and efficiency of service delivery by working with partners on shared aims	Conduct consultation exercises upon Animal Boarding Establishments Hackney Carriage Tariffs Metered fares Chauffeur licence	Consultations completed and reports to Licensing and Safety Committee where appropriate	LD RS	
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 an annual newsletter for licensed premises and taxi drivers	SW/ NK	Hampton Review - Better Regulation
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden	Ensure all licensees are aware of the conditions attached to their licences	Re-issue at least 50% of LA03 premises licences by March 2012 to include new mandatory licence conditions	LD	The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010



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 e.g. 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 approx 50 events per year	LD	Corporate initiative to ensure safe events
6	Provide a 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	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, briefing and training sessions to Committee members as and when necessary	LD RJS	Hampton Review - Better Regulation National priority - Alcohol Licensing

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 e.g. where the task comes from
6	Review our plans, policies and strategies to ensure that they meet the needs and expectations of our stakeholders	Review where required policies required by legislation	None due for review in 2011-12	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 in line with Council budget cycle	RJS	Audit purposes
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 LD	Hampton Review - Better Regulation National priority - Alcohol Licensing

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 e.g. 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	Monitor and ensure compliance with the requirements of the European Services Directive in respect to licensing functions	All relevant licences and process available online	LD	EU Services Directive
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden  Improve access to and awareness of Licensing services for consumers and businesses	Provide talks and presentations to consumers and businesses on Licensing issues	To respond to a maximum of 5 requests for talks	LD	Hampton Review – Better Regulation
6	Provide a high quality advice and support service to businesses to help improve current and future compliance and reduce unnecessary burden  Improve access to and awareness of Licensing services for consumers and businesses	Continue to develop and update Internet information	Internet up to date and relevant	LD	Hampton Review – Better Regulation

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 e.g. 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 driver applicants to undertake DSA practical wheelchair assessment	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 driver applicants and compared with enforcement action data by Sept 2011	NK	Council's Race Equality Scheme
4	Ensuring staff have the knowledge, skills and support to deliver the service	Ensure that staff are working within a safe environment through regular review of health and safety risk assessments	Review health and safety risk assessments in line with agreed programme	LD RJS	Health and Safety legislation

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 e.g. where the task comes from
4	<p>Ensuring staff have the knowledge, skills and support to deliver the service</p> <p>Review of policies, plans and strategies to ensure they are meeting needs and expectation of our stakeholders</p>	<p>Look for improvements within processes that increase efficiency and effectiveness</p> <p>Driver photos</p> <p>Storage of documents</p>	<p>Matters considered, proposals made and decisions taken.</p>	LD	Hampton Review - Better Regulation
4	<p>Ensure effective licensing in Bracknell Forest through a programme of intelligence led enforcement activities to monitor and improve business compliance</p>	<p>Check that gaming machines in licensed premises are appropriately licensed and compliance with Gambling Commission code of practice</p>	<p>Check 50% of all licensed premises by March 2012</p>	LD	

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

**Local Performance Indicators**

Type of Application	Length of time to issue licence following receipt of complete & valid application
Taxi applications	2 clear working days on 95% of applications
Premises Licences	3 clear working days on 95% of applications
Personal Licences	3 clear working days on 95% of applications
Variation DPS/Transfer	3 clear working days on 95% of applications
All other licences, permits, registrations and consents	3 clear working days on 95% of applications
Inspections	100% of all programmed inspections by end of year
Revisits	100% within 1 month where non-compliance found
Complaints/Enquiries	First response within 2 working days on 95% of complaints Completed within 30 days on 95% of complaints
Taxis	350 vehicle/driver checks Participation in at least 2 multi-agency checks

Please note that all of the above are targets.

## 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 has the knowledge, skills and support to deliver a modern Licensing service.	

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**LICENSING PANEL  
9 MARCH 2011  
10.45 AM - 1.30 PM**

**Present:**

Councillors Leake (Chairman), Baily and Brossard

**Apologies for Absence were received from:**

Councillors Virgo

**Also Present:**

Simon Bull, Legal Services

Sue Walker, Licensing Officer

Priya Patel, Democratic Services Officer

Paul Crawte, Applicant

Interested Party and Representative

**1. Declarations of Interest**

There were no declarations of interest, the Chairman informed all parties that Councillor Baily would be standing as a Panel Member in place of Councillor Virgo.

**2. The Procedure for Hearings at Licensing Panels**

The Chairman confirmed that all parties had noted and understood the procedures to be followed for the hearing.

**3. Application to Vary a Premises Licence - The Spot Sandhurst Youth Centre, Owlsmoor Road, Sandhurst, Berkshire, GU47 OSD.**

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the Applicant, Mr Crawte,
- the Interested Party and his representative;

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police or any of the other Responsible Authorities. The Panel bore in mind the promotion of the four licensing objectives, the relevant objectives in this case being potential for noise nuisance and crime and disorder.

The Panel decided, on balance, to grant the variation to the Licence.

## **Reasons**

The reasons for the decision are that the Panel found no documented evidence that incidents described by the Interested Party could be specifically attributed to the Applicant. The Panel noted that there had been no representations made by the Police or the Responsible Authorities.

There was no documentary evidence to suggest that the Applicant had contravened his current licence conditions. The Panel noted that the Applicant had been keen to understand the concerns of the Interested Party and to take measures to address these concerns. The Applicant had agreed, upon the request of the Interested Party, to put into place a requirement upon the hirer to submit a deposit of £75 when hiring the Youth Centre, to deter hirers from contravening licence conditions and the terms of the hire agreement.

The Panel noted the concerns raised by the Interested Party around the noise emanating from the venue particularly in the late evening. The Panel agreed that an additional condition be added that; all windows and doors be closed by 22.00 every evening to minimise any disturbance to residents living in the vicinity of the Youth Centre.

The Panel also noted that the Applicant already had in place in their policy that the Youth Centre would not accept bookings for 18 or 21<sup>st</sup> birthday parties and that generally parties were for young children or other small family or community parties. It was noted that there were other local venues in the locality that could cater for larger parties.

The Panel recognised that whilst it would be beneficial to have a dedicated supervisor to open, lock up and monitor any issues around the venue, as proposed by the Interested Party, that this was not allegedly a financially viable option for the Applicant as the Centre was hired as a low cost community venue.

If any of the feared breaches occur in the future they can be responded to by any interested party living or working in the vicinity of the premises, or any of the statutory bodies calling for a review of the premises licence.

In summary, the Panel granted the variation to the licence to extend the hours that the Youth Centre was open to the public to 9.00 until 23.00 Sunday to Saturday, to include performance of plays, exhibition of films, indoor sporting events and facilities dancing and anything of a similar description. In accordance with amended conditions outlined in the agenda papers and the additional condition that; all windows and doors be closed by 22.00 and thereafter every evening. The amended conditions would also include all of condition 23 of the amended conditions at Annex G of the agenda papers, including part d) circulated separately at the hearing.

**CHAIRMAN**

**LICENSING PANEL  
16 MARCH 2011  
2.05 - 2.37 PM**



**Present:**

Councillors Beadsley (Chairman), Brossard and Osborne

**Also Present:**

Niam Kelly, Licensing Officer  
Mr Durn, the Applicant's Representative  
Simon Bull, Legal Advisor to the Panel  
Amanda Roden, Democratic Services Officer

**1. Declarations of Interest**

There were no declarations of interest.

**2. The Procedure for Hearings at Licensing Panels**

The Chairman confirmed that all parties had noted and understood the procedures to be followed at the hearing.

**3. Application to Vary a Premises Licence - The Victoria Arms, Terrace Road North, Binfield, RG42 5JA.**

The Panel carefully considered all the information presented, both written and oral, from:

- the Licensing Officer who outlined the issues;
- the applicant's representative, Mr Durn,
- the interested parties, who submitted a written representation only;

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police. A relevant representation had been made by Environmental Protection, a Responsible Authority but this had been withdrawn after additional proposed conditions were agreed by all parties at a mediation meeting on 13 December 2010.

The Panel decided that granting the variation to the licence would not have an adverse impact on the promotion of the four licensing objectives, and agreed to grant the variation to the Licence.

**Reasons**

The reasons for the decision were that the Panel found no evidence in the written submission by the interested parties to suggest that incidences of noise outside of the establishment would increase significantly as a result of the variation of the premises licence or that there would be a significant impact on the parking requirements of the establishment.

The Panel considered the representation by the interested parties carefully and the Applicant's proposals for live music inside the establishment with the doors and windows closed. The Panel noted the concerns of the local residents regarding noise levels outside the establishment and parking in the vicinity of the public house. In the absence of the interested parties being present at the hearing, the Panel received no further objections to the variation of the premises licence.

The Applicant's Representative confirmed that the variation to the premises licence would not include live music in the garden or marquee. On occasions where live music outside was requested by residents or provided by the establishment a TENs (Temporary Event Notice) Application would be submitted. The addition of live music to the premises licence would mean that the operation of live music at the premises would need to comply with licensing conditions.

The Applicant had satisfactorily addressed the promotion of the four licensing conditions and noted the need to revise an additional proposed condition of the licence to include that live music would be undertaken "indoors".

In summary, the Panel decided to agree the variation to the premises licence to include live music indoors on Fridays, Saturdays and Public Holidays from 12:00 until 23:30 subject to the proposed additional licence conditions of the mediation meeting of 13 December 2010 detailed at Annex M of the agenda papers.

**CHAIRMAN**



**LICENSING PANEL  
13 APRIL 2011  
2.00 PM**



**Present:**

Councillors Beadsley, Brossard and Brunel-Walker

**Also Present:**

Mr F, Licensed Driver  
Mrs Walker, Licensing Officer  
Anthony Igbiniyesu, Legal Services  
Priya Patel, Democratic Services

**Apologies for Absence were received from:**

Councillor Virgo

**1. Declarations of Interest**

There were no declarations of interest.

**2. The Procedure for Hearings at Licensing Panels**

The Chairman confirmed that all parties had noted and understood the procedures to be followed at the hearing.

**3. Exclusion of Public and Press (S100A)**

It was **RESOLVED** that pursuant to section 100A of the Local Government Act 1972, as amended, and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of the following item which involved the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

(1) Information relating to any individual (Item 4)

**4. Application for Dual Driver Licence - Mr F**

It was reported that a referral was made to the Licensing Panel, following a total of 18 penalty points being issued to Mr F within the last 12 months. Bracknell Forest Council policy states that where a licensed driver is issued with 12 or more points within a 12 month period, a referral will be made to the Licensing Panel to determine if the driver's licence should be revoked, suspended, or allowed to continue with conditions.

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr F and Mrs Walker, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr F's Dual Driver's Licence should be renewed for a period of 12 months. In addition, the Panel decided that Mr F should be issued with a formal written warning. The decision letter would set out this written warning and the written warning is set out below.

The Panel noted that Mr F had committed a number of offences and took this very seriously as the offences were relevant to the issue of public safety and as to whether or not he was a fit and proper person to be a licensed driver. In addition, the Panel were not satisfied with the explanation Mr F gave regarding; reporting his offences, presenting and completing the documents required by the Licensing team to process his application.

The Panel were minded to refuse the renewal of Mr F's licence. However, after careful consideration, they did not wish to deprive him of his livelihood, particularly in the current difficult economic climate. The Panel also took into account Mr F's long standing service as a licensed driver. However, Mr F was strongly advised to adhere to the conditions of his licence, particularly within the next 12 months. Any subsequent misdemeanour resulting in Mr F receiving any penalty points could have the likely effect of his licence being revoked.

The Panel wished to impress upon Mr F that should he be issued with **any** further penalty points, irrespective of the severity of the offence, *within the next 12 months from the date of this letter*, the matter would be referred to a Licensing Panel, who would then decide whether his licence should be suspended or revoked.

**CHAIRMAN**