

**LICENSING AND SAFETY COMMITTEE
22 MARCH 2012
7.30 - 9.10 PM**



Present:

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

Apologies for absence were received from:

Councillors Allen and Leake

Councillor Ms Wilson

The Chairman welcomed Councillor Ms Wilson after her absence due to ill health.

40. Declarations of Interest

There were no declarations of interest.

41. Minutes

As Councillor Thompson was on holiday at the time of the last meeting and had sent his apologies, the Committee

RESOLVED that, subject to the deletion of Councillor Thompson from those recorded as present at the meeting, the minutes of the Licensing and Safety Committee held on 12 January 2012 be approved as a correct record and signed by the Chairman.

Arising from the minutes:

Minute 27/24: Fees and Charges – the officers confirmed that the increase in the licence fee for icecream vans had been implemented.

Minute 31: House to House Collections – The Committee noted that two applications from the same applicant in respect of different charities had been refused.

Minute 38: Hackney Carriage and Private Hire Enforcement – the member sub group would hold a further meeting and report to the next meeting of the Committee.

42. Notice of Public Speaking

There was no public speaking.

43. Designated Public Place Order

The Committee received a presentation from the Community Safety Manager on the proposed Designated Public Place Order for the Town Centre and Arlington Business Park, which was the subject of a 28 day consultation which commenced on 8 March 2012. This was following a recommendation from Thames Valley Police that such an

order would significantly contribute to tackling ongoing problems of alcohol related nuisance to members of the public in the town centre, by providing the police with extra powers.

The consultation information on the Council's public website included a map of the proposed area and evidence of alcohol related incidents recorded on CADIS.

The order would not ban drinking in public places but would enable police officers to ask people to stop drinking where they had reason to believe that alcohol-related nuisance and annoyance was likely to occur. The police could also confiscate alcohol. It was not a criminal offence to drink alcohol within this designated area. An offence would only be committed if a person refused to obey a police officer's request to stop drinking or surrender any alcohol they had with them.

The decision on this proposal would be made by the Executive Member for Culture, Corporate Services and Public Protection and was presented to the Committee for information and as part of the consultation process.

Some members expressed concerns about the need for such an Order, whilst others expressed support. Councillor Porter requested that it be recorded that he considered that it was unacceptable that one person would make the decision instead of the Licensing and Safety Committee.

The Chairman encouraged all members to write to the Executive Member and the Community Safety Manager expressing their views.

RESOLVED that the request to make a Designated Public Place Order in Bracknell Town Centre be noted.

44. **Health and Safety Law Enforcement Plan 2012-13**

The Committee received the report of the Chief Officer: Environment and Public Protection setting out the typical tasks undertaken during a typical year. The work plan, attached at annex A, set out the proposal for delivery in line with direction from the Health and Safety Executive. The objective was to ensure that national priorities and standards were delivered effectively and consistently at local level.

The Committee was invited to comment upon the draft work plan:-

- The number of visits made were not always indicated. The Committee noted that where a specific number of visits were indicated, it was based on the number of licenses. Visits for other purposes were unknown in advance and depended upon resources. In future, numbers of visits would be specified where possible.
- High risk grounds maintenance activities related to agricultural equipment used on the golf courses. There was national guidance on how to risk assess.
- In response to a request to have designated staff available out of normal hours, the Committee noted that Bracknell Forest did not have officers on standby outside of normal office hours. Forestcare was available in an emergency.

RESOLVED that

- (i) the draft work plan for 2012-2013 be approved; and
- (ii) the presentation to the next meeting of the out turn report for 2011-2012 be noted.

45. Police Reform and Social Responsibility Act

The Committee received the report of the Chief Officer: Environment and Public Protection updating on the progress with the implementation of the Act, which received the Royal Assent in September 2011. Some of the proposals were due to be introduced on 6 April 2012 and some in October 2012 at the earliest. However, as nothing had been heard about April implementation, it was assumed that it would be deferred, possibly to October.

In relation to the legislation relating to persistent sales of alcohol to children, persistent was deemed to be twice within a three-month period.

In relation to the repeal of the Alcohol Disorder Zones, Councillor Thompson pointed out that there had not been an order made in any part of the entire country.

46. Live Music Bill 2012

The Committee received the report of the Chief Officer: Environment and Public Protection on the Live Music Bill 2012 which received Royal Assent on 8 March 2012. The exact timing of the introduction of this was not yet known.

Live music would cease to be regulated entertainment in venues licensed for the sale of alcohol for consumption on the premises when:-

- it was unamplified and took place between 8.00am and 11.00pm; and
- it was amplified and took place in the presence of an audience of 200 persons or less and was between 8.00am and 11.00pm.

The new provisions with an audience limit of 200 or less would apply to almost all venues in Bracknell Forest. Where a premises had live music in accordance with the Act, that license may be called for review by a Responsible Authority and if a Licensing Panel was satisfied that it was appropriate it may add conditions to the licence relating to live music. This provided a control measure for the licensing authority should irresponsible licensees through the provision of live music step outside the licensing objectives.

47. Licensing Panel Minutes

The Committee noted the minutes of Licensing Panels held on 1 February and 15 February 2012.

48. Exclusion of Public and Press

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

- (3) Information relating to the financial or business affairs of any particular person.

49. Animal Boarding Establishments: Licence Conditions

Following the adoption on 13 October 2011 of the Chartered Institute of Environmental Health Model Licence Conditions for Boarding Establishments for all new establishments, the officers were tasked to inspect the current licensed premises and to report back on the compliance of those premises with the Model Licence

Conditions, including comments on any works necessary to bring them up to standard within a reasonable timeframe, having regard to the extent of the works, the associated risks to animal welfare and the potential cost.

The Committee received a report on the outcomes of inspections at Ryslip Kennels, Kings Cattery and Oakwood Park Kennels.

Ryslip Kennels

The Committee noted that the inspection confirmed that the premises was currently compliant with the Model Licence Conditions in respect of dog and cat boarding establishments and

RESOLVED that the Model Licence Conditions be applied in respect of Ryslip Kennels from the date of the renewal of the licence.

Kings Cattery

The Committee noted that the inspection confirmed that the premises was currently compliant with the Model Licence Conditions in respect of cat boarding establishments and

RESOLVED that the Model Licence Conditions be applied in respect of Kings Cattery from the date of the renewal of the licence.

Oakwood Park Kennels

The Committee noted that the inspection carried out at the premises was compliant with the majority of the Model Licence Conditions with three exceptions and a subsequent meeting was held with the owners.

RESOLVED that

- (i) it be noted that the small kennel block would be compliant with the Model Licence Conditions by the end of June 2012;
- (ii) an isolation block compliant with the Model Licence Conditions be required to be made available for use at the premises by the end of June 2012; and
- (iii) if Oakwood Park Kennels wished to seek an amendment to Model Licence Condition 5.6.2 to "All reasonable efforts should be made to ensure the health of animals to be boarded at the premises" they be requested to submit to officers by 1 May 2012 evidence to support their proposal so that a report could be brought back to Committee on 5 July 2012 to consider the matter further.

CHAIRMAN