



NOTICE OF MEETING

Licensing and Safety Committee

Thursday 12 June 2014, 7.30 pm

Council Chamber, Fourth Floor, Easthampstead House, Bracknell

To: The Licensing and Safety Committee

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

ALISON SANDERS
Director of Corporate Services

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Published: 3 June 2014



Licensing and Safety Committee
Thursday 12 June 2014, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House,
Bracknell

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AGENDA

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

Members are asked to declare any personal or disclosable pecuniary interest in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

3. **Minutes**

To approve as a correct record the minutes of the meeting held on 9 January 2014 and 14 May 2014.

1 - 6

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

5. **Notice of Public Speaking**

To note those agenda items which have received an application for public speaking

Decision Items

6. **Taxi Ranks Yorktown Road Sandhurst**

To receive a report seeking the removal of the taxi rank in Yorktown Road, Sandhurst.

7 - 8

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| 7. | Authorised Garages for Testing of Licensed Vehicles
To consider a report seeking approval to review the provision for authorised garages carrying out testing of licensed vehicles in the Bracknell Forest borough. | 9 - 12 |
| 8. | Park Home Site Licence Fees
To receive a report seeking approval to consult on a fee policy for park home site licences. | 13 - 22 |
| 9. | Annual Report And Work Plan
To receive a report detailing the activities carried out by the Licensing Section during the period 1 April 2013 to 31 March 2014 and the proposed work plan for 2014/15. | 23 - 32 |
| 10. | Enforcement Policy
To comment on a draft of the Enforcement Policy setting out the procedure that will be adopted by the Council when seeking regulatory compliance. | 33 - 54 |
| 11. | Health and Safety Law Enforcement Plan
To receive a report detailing the activities carried out to ensure the health and safety of the Borough's working population during 2013/14 and the proposed work plan for 2014/15. | 55 - 84 |
| 12. | Licensing and Safety Air Quality Action Plan
To receive a report setting out the results of a consultation undertaken as part of a process to develop an Air Quality Action Plan for the Borough. | 85 - 124 |

Information Items

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|-----|---|-----------|
| 13. | Licensing Act 2003: Locally Set Fees
To receive a report providing a briefing on recent Home Office consultation in respect of fees charged for authorisations granted under the Licensing Act 2003. | 125 - 126 |
| 14. | Licensing Panel Minutes
To receive the minutes of Licensing Panel Hearings held since the Committee's last meeting: <ul style="list-style-type: none"> • Premises Licence – Wellington Arms 16 January 2014 • Premises Licence – McDonalds 25 March 2014 • Premises Licence – Sandhurst Social Club 2 April 2014 • Driver Hearing 30 May 2014 • Premises Licence – Waitrose Shell 1 May 2014 | 127 - 144 |

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**LICENSING AND SAFETY COMMITTEE
9 JANUARY 2014
7.30 - 8.15 PM**



Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Baily, Mrs Barnard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Porter, Mrs Pile, Mrs Temperton and Ms Wilson

Apologies for Absence were received from:

Councillors Allen and Brossard

17. Declarations of Interest

There were no declarations of interest.

18. Minutes

RESOLVED that the minutes of the Licensing and Safety Committee held on 10 October 2013 be approved as a correct record and signed by the Chairman.

19. Urgent Items of Business

There were no urgent items of business.

20. Notice of Public Speaking

It was noted that no members of the public had registered to speak at the meeting.

21. Fees and Charges 2014/15

The Committee considered a report seeking approval of Hackney Carriage Licence Fees following the statutory consultation period.

It was noted that the consultation period had run between 5 December 2013 and 2 January 2014 and that adverts had been placed in the local press and displayed on the Council's website and public notice boards in the Council's customer services area. It was noted that no objections or feedback had been received during the time frame covered by the consultation.

RESOLVED that the proposed fees for licensing of Hackney Carriages and Private Hire Vehicles and Operators, as detailed in Annex A of the Chief Officer: Environment and Public Protection's report, be approved and applied to any new or renewed licence from 1 April 2014.

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

The Committee received a report setting out the results of the recent consultation on the amended version of the Council's Guidance Notes and Conditions for Hackney carriage and Private Hire Vehicle Owners, Operators and Drivers document.

The Guidance Notes and Conditions document set out the legal requirements, licence conditions and gives guidance to the trade. They are updated on a regular basis to reflect changes in law and Council policy.

The Committee noted that no substantive comments had been received in response to the consultation. Arising from members' questions and comments the following points were noted:

- The current guidance in relation to tinted windows was open to interpretation and it was therefore proposed that an objective test be included in the revised guidance notes
- If proposals to make the testing of tinted windows compulsory then the Council would purchase two pieces of testing equipment which would then be provided to the Council's authorised testing garages on a free loan basis. The garages would be expected to bear the cost of the annual calibration of the equipment
- Drivers and operators would continue to be able to use any garage they wished for an MOT test however they could only use the Council authorised garages for the required Council vehicle check which would include a tinted windows check
- The current MOT test made no provision for the testing of tinted windows however if it was introduced then the MOT requirements would take precedence
- Guidance notes on the relevance of criminal records were based on a Home Office circular and the Council could be open to a successful challenge if it chose to amend or deviate from them
- Proposals to license only vehicles which fell into specific NCAP categories could result in a number of vehicles with only three doors being considered appropriate and it was suggested that the requirement for licensed vehicles to have at least four doors be retained
- The definition of 'prestige car' might need to be revisited if it was agreed that NCAP classifications should be used to assess a vehicle's suitability for a licence

RESOLVED that:

- i. The results of the consultation be noted
- ii. The amended Guidance Notes and Conditions document, attached as Annex A of the Chief Officer: Environment and Public Protection's report, be approved for implementation with immediate effect, subject to the additional changes as proposed in recommendation 2.1(iv) of the Chief Officer: Environment and Public Protection's report
- iii. The proposals set out in paragraph 5.3 of the Chief Officer: Environment and Public Protection's report be approved
- iv. the variation to the criteria for new vehicle licensing, as set out in paragraphs 5.7, 5.8 and 5.9 of the Chief Officer: Environment and Public Protection's report be approved

23. Deregulation of Entertainment Licensing

The Committee received a report providing an update on the ongoing deregulation of entertainment licensing under the Licensing Act 2013.

It was noted that this was the second wave of deregulation under the Act and the proposed changes would mean that entertainment activities and live music would no longer be licensable if they took place in a specified range of settings including local authority, community, hospital and school premises. It was confirmed that further education colleges, a category which included Bracknell and Wokingham College, were not covered by this change.

The Committee noted the report.

24. Scrap Metal Legislation and Local Implementation

The Committee received a report providing an update on the implementation of the Scrap Metal Dealers Act 2013 which came into force on 1 October 2013.

It was noted that the act made provisions for two types of licences, a site licence and a mobile collector licence for those carrying on a business otherwise than at a site. To date the Council had received four applications for site licences and six applications for mobile collector licences and these were currently being processed. Joint enforcement operations had been planned with Thames Valley Police to ensure that operators were appropriately licensed.

It was agreed that publicity would be required to ensure that the public were aware of the new licences and that mechanisms should be put in place to enable them to be verified by the public.

The Committee was informed that the legislation covered by the Act was currently an Executive Function and therefore not covered by the Functions Regulations the Licensing and Safety committee operated under. However it was expected that any decisions would be delegated to an appropriate Chief Officer. The Committee requested clarification on the decision making processes around the act and it was agreed that an update would given at the Committee's next meeting.

The Committee noted the report.

25. Licensing Panel Minutes

The Committee noted the minutes of Licensing Panel hearings held during the last quarter.

CHAIRMAN

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**LICENSING AND SAFETY COMMITTEE
14 0000 2014
8.43 - 8.44 PM**



Present:

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Mrs Barnard, Brossard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Porter, Mrs Pile, Mrs Temperton and Ms Wilson

1. Election of Chairman

RESOLVED that Councillor Thompson be appointed Chairman of the Licensing and Safety Committee for the Municipal Year 2014/15.

COUNCILLOR THOMPSON IN THE CHAIR

2. Appointment of Vice-Chairman

RESOLVED that Councillor Leake be appointed Vice-Chairman of the Licensing and Safety Committee for the Municipal Year 2014/15.

3. Appointment of Licensing Panel - Sub Committee of Licensing and Safety Committee

RESOLVED that:

- i) Membership of Licensing Panels be any three councillors drawn, as required, from the membership of the Licensing and Safety Committee.
- ii) The Appointment of the Licensing Panel Chairmen be any councillor who has completed the Chairman training drawn, as required, from the membership of the Licensing and Safety Committee.

CHAIRMAN

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**TO: LICENSING AND SAFETY COMMITTEE
12 JUNE 2014**

**TAXI RANKS, YORKTOWN ROAD, SANDHURST
Chief Officer: Environment and Public Protection**

1 PURPOSE OF REPORT

- 1.1 This report brings to the attention of the Committee the results of a consultation process and seeks the agreement of the Committee for the closure of two taxi ranks on the junction of Yorktown Road and York Way, Sandhurst.

2 RECOMMENDATION

- 2.1 That the Committee agrees to the closure of the taxi ranks located upon the junction of Yorktown Road and York Way.**

3 REASONS FOR RECOMMENDATION

- 3.1 There is a growing demand for parking within this area which would be assisted by the conversion of these ranks to additional parking provision. Observations by local business over a long period of time have shown very limited use for their present purpose. No objections have been received following consultation upon a proposal to close the ranks.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The ranks could remain.

5 SUPPORTING INFORMATION

- 5.1 The Council has received comments from local businesses and residents that the taxi ranks are very rarely used by the taxi trade and that there is insufficient provision for short and long term parking for shoppers and workers. It has been requested that the taxi ranks are removed and converted to additional parking provision. Attached as Annex 1 is a map showing the location of these ranks.
- 5.2 The Local Government (Miscellaneous Provisions) Act 1976, Section 63 requires that before considering the closure of a taxi rank the Council must undertake a process of consultation through an advertisement in a local paper and with the local Chief Inspector of Police. An advertisement appeared in the Bracknell News of the 13 February 2013 and the newspaper website. In addition a letter was sent to Chief Inspector Gilbert on the 30 January 2014. No comments were received through either consultation.
- 5.3 Upon the closure of the ranks consideration will be given to the necessary Traffic Regulation Orders to enable the spaces to be used for parking.

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 implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Residents and businesses within the area and the Chief Inspector of Police for Bracknell Forest LPA.

Method of Consultation

- 7.2 The consultations were conducted in accordance with the legislative requirements.

Representations Received

- 7.3 No comments were received.

Background Papers

None

Contact for further information

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Bracknell Forest Council

Air Quality Action Plan

2014

1. Introduction

- 1.1. This document comprises an Air Quality Action Plan of two areas in Bracknell Forest Borough which have been declared as Air Quality Management Areas (AQMAs).
- 1.2. Under the Environment Act 1995 the Council has a duty to designate Air Quality Management Areas (AQMAs) where the defined air quality standards and objectives are not being met. The Council must also prepare a written plan, an Air Quality Action Plan (AQAP) outlining the measures to be taken to pursue the objectives.
- 1.3. The Council declared two AQMAs in 2011, the initial boundaries of the AQMAs were amended in 2013 following the Further Assessment report undertaken in 2012.
- 1.4. The purpose of the Action Plan is to:
 - Provide the context to the national requirements for assessing and managing air quality in declared AQMAs.
 - Outline the measures delivered and/or proposed by the Council in its aim to improve the local air quality to meet the air quality standards and objectives, within the AQMA areas.
- 1.5. As the Action Plan is mainly transport based, the majority of the delivery of the plan will be integrated with the delivery of the Local Transport Plan already adopted by the Council. It is also important to recognise the link between air quality and climate change and the action plan will seek to provide an integrated approach to local air quality and the impacts of climate change.
- 1.6. The plan focuses primarily on the two declared Air Quality Management Areas which are:
 - Bracknell (Area 1) – see Appendix 1
 - Crowthorne (Area2) – see Appendix 2

However it is recognised that improvements in air quality Borough wide can also have a positive effect upon air quality within the two areas.

2. National Air Quality Regulations

- 2.1. The local air quality has a vital role not only in protecting public health and the environment, but also by enhancing quality of life for society. There is evidence which has demonstrated that exposure to air pollution can be associated with a number of adverse health impacts and can reduce life expectancy by an average of 7 – 8 months. Poor air quality particularly affects the most vulnerable in society, the very young and older people and those with heart and lung conditions.
- 2.2. The strategic framework for air quality management in the UK is contained within the Air Quality Strategy (AQS) which DEFRA released in July 2007. This strategy contains the national air quality standards and objectives established by the Government to protect human health. See table 1
- 2.3. The AQS objectives take into account EU Directives that set limit values which member states are legally required to achieve by their target dates. The objectives for ten pollutants (benzene, 1,3-butadiene, carbon monoxide, lead, nitrogen dioxide, sulphur dioxide, particulates - PM10 and PM2.5, and ozone) have been prescribed within the Air Quality Strategy based on the Air Quality Standards (England) Regulations 2007.

- 2.4. The Strategy acknowledges there are links between air quality and climate change and in 2010 DEFRA published a further document entitled “Air Pollution: Action in a changing Climate” which acknowledged that air pollution often originates from the same activities that contribute to climate change e.g. road transport, it therefore makes sense to link air quality action plans with climate change and transport policies, by including objectives within these policies into this plan
- 2.5. All local authorities in the UK have statutory duties for managing local air quality under Part IV of the Environment Act 1995. Local authorities are required to carry out regular reviews and assessments of air quality in their area against standards and objectives prescribed in the Air Quality(England) Regulations 2000 (SI928) and the Air Quality (England) (Amendment) regulations 2002 (SI 3043).The objectives for the pollutants for the Local Air Quality Management (LAQM) are set by the regulations see table 1.
- 2.6. Bracknell is one of the 292 Local Authorities which has declared AQMAs based on the failure to meet the air quality objective for NO₂

Table1: Air Quality Objectives included in Regulations for the purpose of LAQM in England

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2003
	5.00 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2010
1,3-Butadiene	2.25 $\mu\text{g}/\text{m}^3$	Running annual mean	31.12.2003
Carbon monoxide	10.0 mg/m^3	Running 8-hour mean	31.12.2003
Lead	0.5 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2004
	0.25 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2008
Nitrogen dioxide	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2005
Particles (PM ₁₀) (gravimetric)	50 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2004
Sulphur dioxide	350 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 $\mu\text{g}/\text{m}^3$, not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

3. Overview of Air Quality and Health

- 3.1. All combustion processes in air produce oxides of nitrogen. NO₂ and nitric oxide (NO) are both oxides of nitrogen and together are referred to as NO_x. It is NO₂ which may be associated with adverse effects upon human health. Road transport accounts for about half of the total UK emissions of NO_x, with further major contributions from the electricity supply industry and the industrial and commercial sectors. Emissions are likely to decline further over the coming years as new technology and emission standards continue to be introduced
- 3.2. There is evidence to show that long-term exposure to NO₂ may affect lung function, and at relatively high concentrations NO₂ causes inflammation of the airways. Exposure to NO₂ also enhances the response to allergens in sensitised individuals (DEFRA 2004.).
- 3.3. The EU limit values and Air Quality Strategy Objectives for NO₂ are primarily based on health effects. In recent decades there has been increasing concern about the possible adverse effects of pollution by motor vehicles emissions. Among these concerns has been a belief that this type of air pollution may cause or aggravate asthma and other respiratory disorders (Department of health, 1997).
- 3.4. This Action Plan will outline the reduction measures in relation to NO_x as the other pollutants in the air quality objectives have been monitored in recent years and the levels do not pose a current health threat to those living within the AQMAs.

4. Local Air Quality in Bracknell

- 4.1. The previous air quality assessments undertaken in Bracknell Forest concluded that concentrations of carbon monoxide, benzene, 1, 3-butadiene, lead, sulphur dioxide and particulates (PM10) are compliant with UK objectives. However NO_x emissions as a result of road transport continue to effect air quality on the Borough.
- 4.2. The Updated Screening Assessment in 2009 recommended that a Detailed Assessment Report was undertaken into two areas within the Borough. This was submitted to DEFRA in 2010 and as a result two Air Quality Management Areas (AQMA) were declared in the borough; one in Bracknell and the other in Crowthorne. The 2012 Further Assessment modelled both AQMAs air quality in greater depth and advised the Council to change the AQMA boundaries.

The Bracknell AQMA (Area 1) encompasses 233 properties. This road network is commonly known as the M3/M4 corridor as it is the main road which links both motorways. The Crowthorne AQMA (Area 2) is a smaller area which includes 271 properties.

- 4.3. Since undertaking the Further Assessment, and to comply with the LAQM an Updated Screening Assessment (USA) was undertaken and published in 2012 This report examined air quality data collected during 2011 and concluded that Bracknell Forest Borough Council was not required to proceed to a Detailed Assessment for any pollutant. The report also concluded that the annual mean NO₂ objective continued to be exceeded in the Bracknell AQMA. However the closure of Crowthorne High Street to through-traffic between June and October 2011 had influenced measured concentrations and there were no exceedences of the annual mean objective recorded in the Crowthorne AQMA in 2011.
- 4.4. The information in this Action Plan will look at a variety of strategies which may be able to help reduce the NO₂ levels below annual mean objective of 40µg/m³. Some of these strategies are already in place as part of other initiatives in the borough; and as a secondary factor should have a positive effect on reducing the NO₂ in the AQMAs and across the Borough. The actions are closely linked to the Local Transport Plan and its implementation plan which was adopted by the Council in April 2011.

5. Sources of NO₂ in AQMAs

5.1. The Further Assessment report apportioned the source of the NO_x within both of the AQMAs. Government guidance in LAQM TG 09 which states that the sources must be separated into the following components

- Regional Background (which the LA is unable to influence)
- Local background (which the LA should have some influence over) and
- Local Sources (which will add to the background to give rise to the hotspot area of exceedences)

The Action Plan aims to target the local sources therefore these are further separated:

- Stationary sources (if relevant)
- Vehicle type (potentially cars, vans, lorries, buses; age and /or local/through traffic (if there are significant issues)
- Vehicle emissions, split between moving and stationary traffic
- Other relevant factors

5.2. The Further Assessment Reports considered that within the Bracknell AQMA (Area 1) the significant local source was moving and queuing traffic. It was not possible to split the background component into regional and local components; however the local sources were split into the components of light and heavy vehicles, as well as queuing and stationary traffic. See Appendix 3.

5.3. Similarly in the Crowthorne AQMA (Area 2) the Further Assessment report highlighted the local source to be moving traffic. The traffic was split in to the component types of light and heavy vehicles. See Appendix 4. The main local source identified in this area is that from Light Delivery Vehicles(LDVs)

5.4. The results show that the predominant source of NO_x in both areas is from the background. As already stated the background is made up of both local and regional background levels of NO_x and there is little that the Council can do to influence the regional background, however the local background is often influenced by local sources. The local sources identified contribute to the emissions in particular from queuing traffic in the Bracknell AQMA (Area 1) and from the movement of light vehicles within the Crowthorne AQMA (Area 2)

6. Monitoring within the AQMAs

6.1. The current legislation governing air quality outlines that air quality action plans need to demonstrate progress towards achieving the national air quality objectives and standards. In This will be evidenced by the continued monitoring within the AQMAs and through annual progress reports. Data and evidence may also be obtained from others parties to establish if the objectives of the Action Plan are being achieved.

6.2. There are 40 sites within the Borough where diffusion tubes measure the air quality – see Appendix 5. Diffusion tubes are set at a position to replicate a human or human receptor (receptor locations). A number of tubes are placed at the roadside and a number are placed along the kerbside slightly away from the road side. This data is used to model the NO₂ levels at the nearest human receptor. The results from these tubes are analysed every month and ratified annually. Some sites have a single tube whilst others have triplicate tubes to ensure greater accuracy in the monitoring.

6.3. A permanent real time continuous monitor is situated within the Bracknell AQMA, this collects data every 15 minutes and in addition to this there is a continuous background monitor in place at Fox Hill School measuring the background levels.

6.4. Air Quality data has been collected within the Borough for many years as part of the Local Air Quality Management regime. As part of the on-going monitoring and assessment of air quality, the extent and location of the monitoring sites will be reviewed on an annual basis.

6.5. **Area 1 Bracknell AQMA**

In the Bracknell AQMA there are 14 sets of triplicate tubes. 7 of these tubes are at receptor locations and 7 are along the road side and kerbside. The Continuous monitor is located in Downshire Way and has triplicate diffusion tubes located adjacent to it. See Appendix 6 & 7

6.6. **Area 2 Crowthorne AQMA**

Within the Crowthorne AQMA there are 7 diffusion tubes in key places, 6 positioned at road and kerb side and 1 at a receptor location. A continuous monitor was located for a period of 9 months on the High Street, this monitor was used to obtain data to support the Further Assessment report, this has now been removed but the collated diffusion tubes are still in place. See Appendix 8 & 9

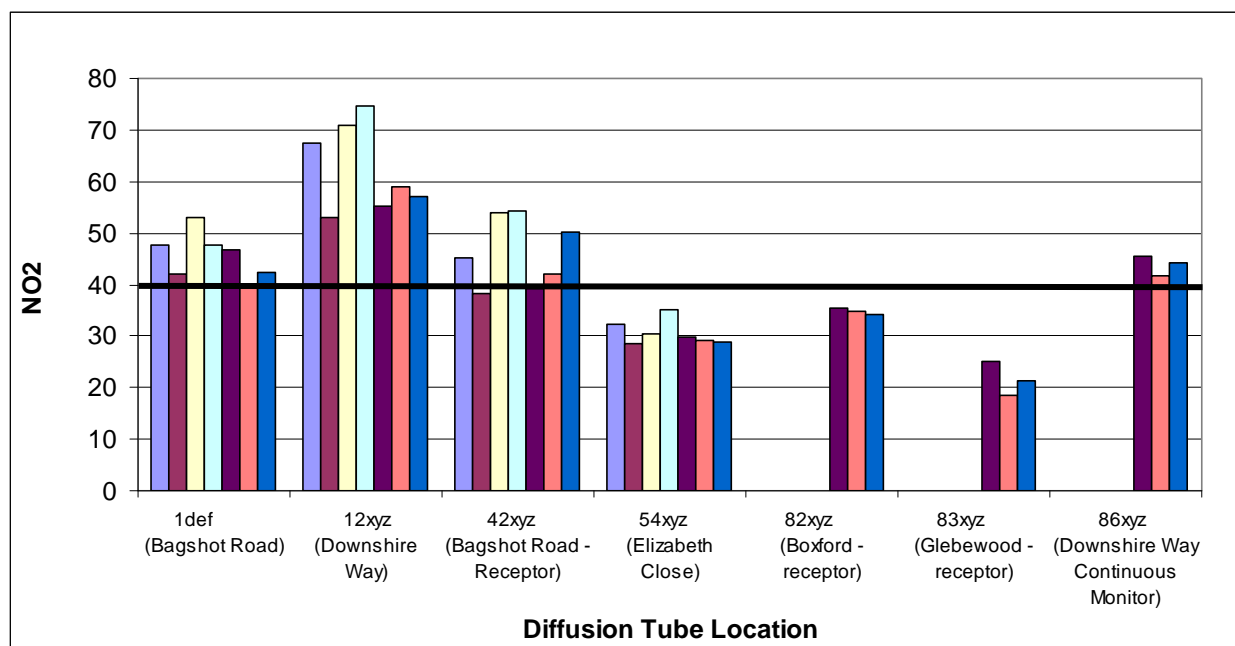
7. Trends in Air Quality within the AQMAs

7.1. The results from monitoring in the AQMAs show that the annual mean concentration recorded at diffusion tube sites between 2007 and 2011 decreased at the majority of sites compared to the 2010 annual mean. It is not possible to determine an overall trend in concentrations, but the results help to demonstrate that 2010 is likely to have been a high pollution year.

7.2. The trends within the AQMAs are set out in Figures 1 and 2 below using the annual mean concentrations.

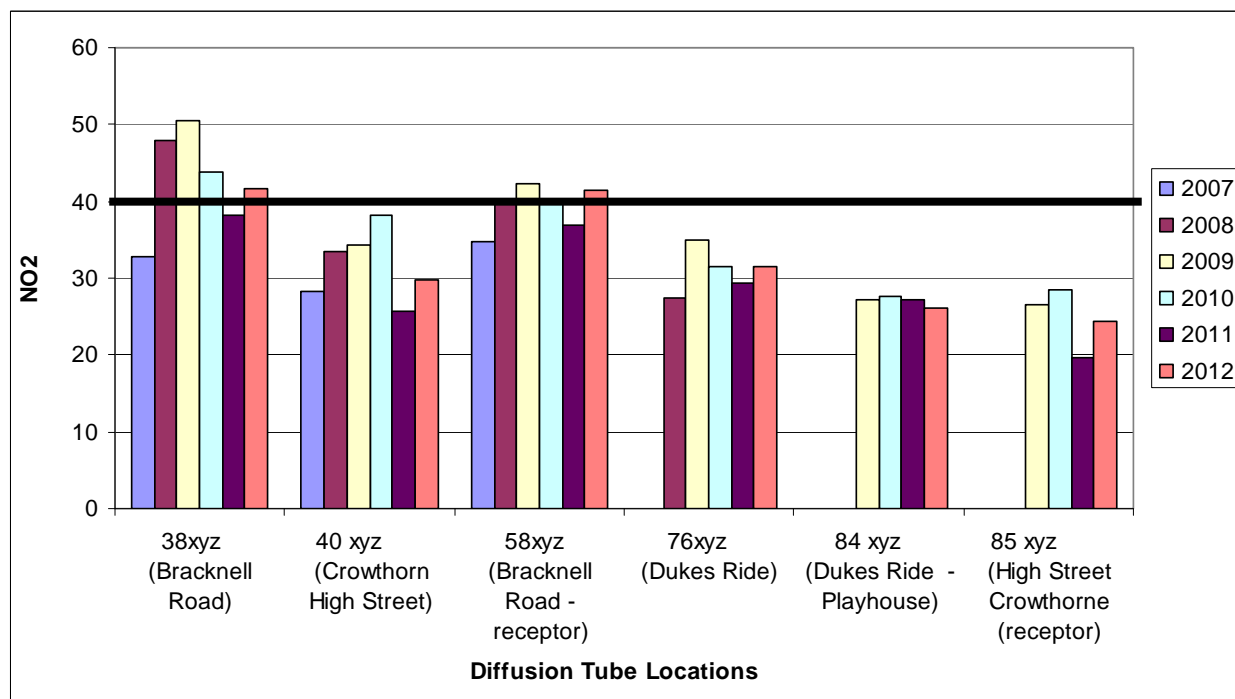
7.3. The results from the Bracknell AQMA have generally shown a decrease in concentrations between 2010 and 2011, with the exception of sites 12 and 42 (Downshire Way and Bagshot Road). At all sites in the Bracknell AQMA, the 2011 annual mean concentrations were lower than the 2009 annual mean concentrations..

Figure 1: Trends in annual mean NO₂ concentrations measured at diffusion tube sites in Bracknell AQMA (Air Quality Objective - 40µg/m³)



7.4. In the Crowthorne AQMA all sites recorded a decrease in concentrations between 2010 and 2011. However, the closure of the High Street between June and October 2011 due to major road works will have influenced these readings, with lower than typical concentrations occurring when the High Street was closed to through-traffic. As in the Bracknell AQMA, concentrations were generally lower in 2011 than in 2009 in the Crowthorne AQMA.

Figure 2: Trends in annual mean NO₂ concentrations measured at diffusion tube sites in Crowthorne AQMA (Air Quality Objective - 40µg/m³)



8. Integration with other policies

- 8.1. Bracknell Forest Council's Core Strategy is the main document in the Local Development Framework (LDF) portfolio. It contains the policy framework for delivering sustainable growth in the Borough up to 2026 to ensure future development strikes the correct balance between the Borough's economic, social and environmental needs.
- 8.2. This action plan has been developed initially within the Council by drawing upon the work undertaken in relation to the adoption of the Local Transport Plan 3¹. Consultation was undertaken on the production of Local Transport Plan 3 which resulted in a set of policies and measures being developed which can, amongst other transport related matters, improve air quality in the borough (including within the two declared AQMAs). Therefore a more focused consultation on this draft Air Quality Action Plan is not necessary.
- 8.3. Focusing on air quality matters, Local Transport Plan 3 is consistent with the governments transport objectives to improve local air quality by developing a set of local objectives including the objective to protect and enhance the quantity and quality of natural resources including water, air quality and the natural environment. These have led to a set of transport policies of which set a statement of intent and direction of travel in terms of achieving better air quality in the borough and in the AQMAs. Together, these policies will ensure improved air quality over time. The following provides examples of how the policies intend to positively deal with air quality issues across the Borough:
- **Accessibility (Policy TP1)** – states the Council is committed to improving accessibility through developing a series of corridor route strategies to ensure a co-ordinated and forward thinking approach to network improvements. This is critical to improving the flow of traffic within and through the borough such along the A322/329 corridor which will keep traffic moving and reduce the stop/start impact of congestion which contributes towards poorer air quality.
 - **Buses (Policy TP3)** – encourages the use of alternative fuels and greener buses, which will minimise air pollution from this mode of transport in the AQMA areas.
 - **Rail (Policy TP4)** – encourages improvements to capacity as an alternative to car use.
 - **Taxi and Private Hire Vehicles (Policy TP5)** – encourages alternative fuels and low emission vehicles which will benefit the AQMAs in the longer term.
 - **Smarter Choices (Policy TP7)** - states that the Council will improve and promote walking and cycling options especially for short local trips. This could help ensure that unnecessary car trips through the AQMA areas are minimised
 - **Walking and Cycling (Policy TP8)** – aims to improve walking and cycling infrastructure which could improve provision through the Crowthorne Area 2 AQMA.
 - **Smarter Vehicle Use (Policy TP11)** – encourages up-to-date journey information which could influence traffic using the A322/329 corridor especially during congested periods.
 - **Traffic Management (Policy TP12)** – seeks to regulate traffic by facilitating the movement of traffic. This will minimise traffic congestion and its impact on air quality.

¹ Bracknell Forest Local Transport Plan 3 Core Strategy and Implementation Plan 2011-2026 (April 2011)
www.bracknell-forest.gov.uk/LTP3

- **Congestion Management (Policy TP13)** – states that the Council through works and measures will improve the capacity and functionality of junctions and route corridors. The proposed junction improvements along the A322/A329 corridor planned in association with the Council Infrastructure Delivery Plan² are an example of the intended improvements to be made to implement this policy which will have a positive impact on air quality issues in this area.
- **Intelligent Transport System (Policy TP14)** –states the Council will use Intelligent Transport Systems (ITS) technology to manage traffic flow through transport corridors. This will help to keep traffic moving and also help people to make informed decisions about their intended journey.
- **Movement of Freight (Policy TP15)** –. promotes preferred routes for freight movement, low emission vehicles and the provision of infrastructure to facilitate the use of low emission vehicle.
- **Parking (Policy TP16)** –.promotes electric charging points in parking bays.
- **Network Management (Policy TP18)** - states the Council will co-ordinate the response to congestion issue which will contribute to minimising the impacts of congestion on AQMAs.

9. Action Plan measures

9.1. Improving the flow of traffic and reducing queuing traffic

- 9.1.1. It is well recognised that queuing traffic can have a massive impact upon air quality and as such this is an area which needs to be considered in both AQMAs. The stopping and starting of traffic can also impact upon air quality and therefore any measures to ease congestion within the AQMAs will assist in improving air quality
- 9.1.2. The Further Assessment Report identified road transport having a significant contribution to NOx emissions within the AQMAs.
- 9.1.3. In particular within the Bracknell AQMA queuing traffic was identified as a problem, the report suggested that the NOx would need to be reduced by 50% in this area to achieve compliance with the national objectives
- 9.1.4. The A329/A322 corridor is the Borough's busiest route passing through Bracknell's urban areas, carrying in excess of 46,000 vehicles per day. Although the route serves as a primary means of access into Bracknell, it is also used by through traffic as an "outer orbital" link between the M3 and M4 motorways with up to 25% of the total vehicles in the PM peak travelling from the M3 corridor and onwards to the M4. This high percentage of through traffic puts a tremendous strain on the Boroughs highway network and contributes to creating delays at major junctions for residents of Bracknell
- 9.1.5. The Council have already undertaken a number of projects which will impact upon the day to day flow of traffic through the AQMAs and the Borough itself. The work in this area is being undertaken as part of the implementation plans of the LTP3; however it must be noted that during the construction phase there may be a worsening of the air quality in these areas due to the increase in queuing traffic.

² The Infrastructure Delivery Plan is a live document which is periodically updated to provide the details of necessary infrastructure to deliver the Council's housing needs as set out in the emerging Site Allocations Development Plan Document. It will also be an important tool for the production of the Council's forthcoming Local Plan review.

- 9.1.6. In order to establish the impacts of future development proposals on the highway network in 2026, a number of core journey time routes traversing the Bracknell area have been assessed using the Bracknell Forest Multi Modal Transport Model for the AM and PM peak periods. By assessing each junction along these routes it can be established the improvements required to maintain reliable journey times.

These routes included the B3348 and A322/A329 which both run through the Boroughs AQMAs. Some improvements have already been implemented on the A322 at the Horse & Groom and Sports Centre roundabouts. These improvements have shown anecdotally, a reduction in traffic queues and improved journey times for this section of the route. However the results of the detailed monitoring undertaken are yet to be analysed. These improvements have been adopted as part of improving the corridor as a whole (see Figure 3) and the use of urban traffic control. By taking this whole corridor approach, the Council have been able to deliver improvements to the traffic flow at a reduced cost thereby providing much better value for money than approaching this in a piecemeal way. The Council have also bid successfully for Department for Transport for funding to improve Twin Bridges see www.bracknell-forest.gov.uk/localpinchpointbid

- 9.1.7. Within the Crowthorne AQMA – it is recognised that the area is not a major through route and as a busy shopping area is used regularly by residents for access to shopping and retail units. However the presence of retail units means that there is an increase in delivery vehicles using the High Street on a regular basis. These vehicles in themselves can cause other vehicles to queue as they often reduce the road width when delivering in the area. Improvements have been made to the speed humps in the High Street, replacing them with speed cushions therefore reducing the stop/start driving style adopted for speed humps.

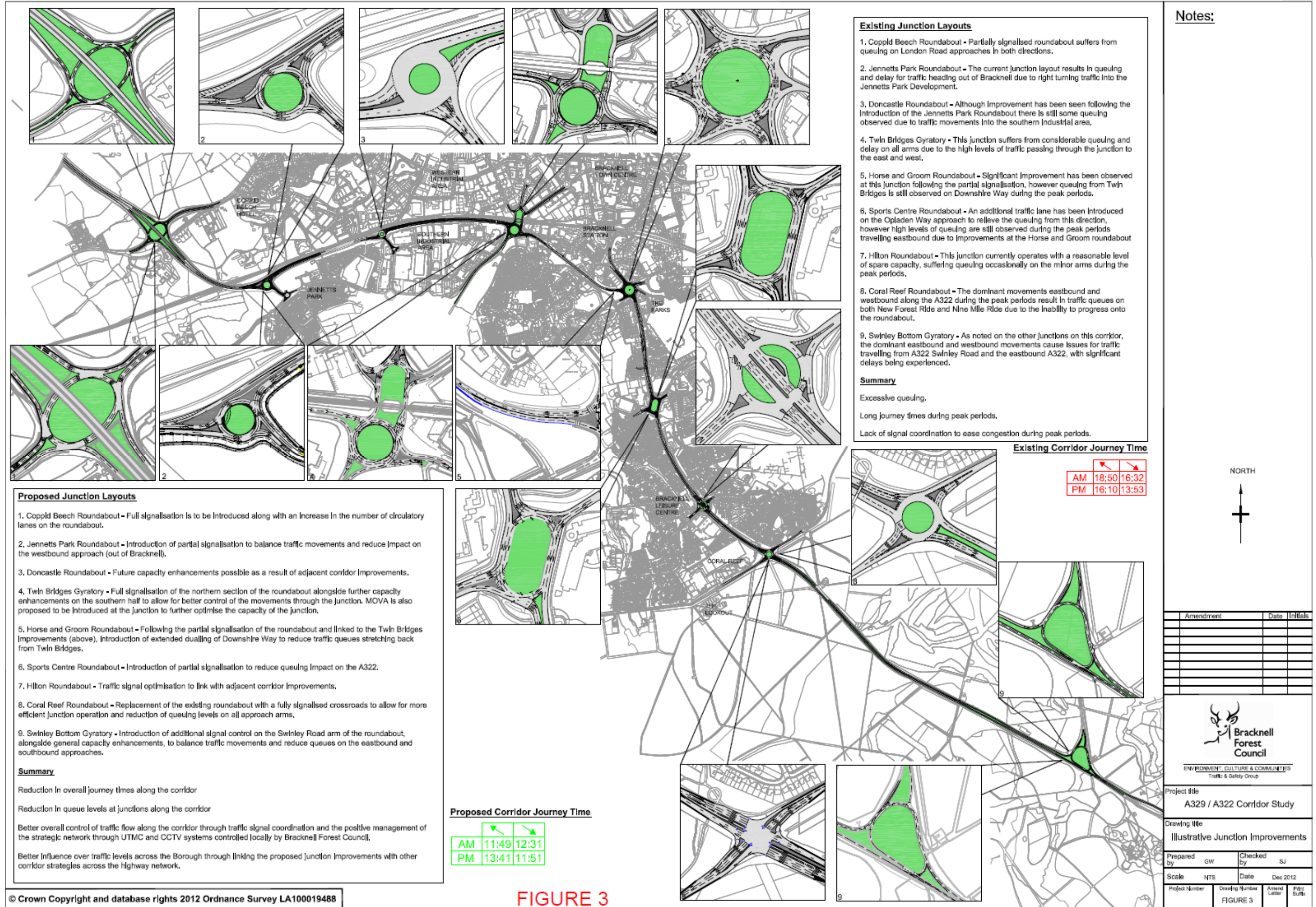


FIGURE 3

9.2. Reducing the number of LDVs using the High Street, Crowthorne

- 9.2.1. Within the Crowthorne AQMA, movement of Light Duty Vehicles (LDV) and the stop/ start and frequent acceleration and deceleration were a major factor in NO_x emissions. The reduction in NO_x emissions to achieve the Air Quality Objective in this area is 19%.
- 9.2.2. The Further Assessment apportioned a significant amount of NO_x to the Light delivery vehicles using Crowthorne High Street. The design and nature of Crowthorne High Street makes it difficult to provide loading/ unloading bays to the front of the retail premises. Thereby reducing the number of delivery vehicles unloading and loading on the High Street and causing traffic to queue. An alternative would be to provide a rear service road to the rear of the premises to allow for deliveries to be made, this at any time and not to impact upon the flow of traffic along the High Street.

9.3. Improving travel choices

- 9.3.1. The Council seeks to promote and enhance all modes of public transport across the Borough, this in itself will ensure that there is a wider choice of travel options available and single person car journeys could be reduced.
- 9.3.2. There are a number of sub strategies developed under the LTP3 relating to bus, rail, taxi and community transport. Bracknell has 77km of Public right of Ways which also assist with improved travel choices. In recent years the Council has seen an increase in the number of journeys undertaken by walking or cycling.

9.4. Bus Travel

- 9.4.1. The existing bus network provides services from residential areas into Bracknell Town Centre and also links between Bracknell and surrounding areas; as the Town Centre develops it is likely that there will be an increase in the demand for bus travel into the town for shopping and employment.
- 9.4.2. The Council promotes bus travel in a number of ways;
- by contributing financially towards a charity called New Neighbours who put together a new residents welcome pack for all new residents to the borough, bus timetables are included within this pack
 - through the planning process, by ensuring a travel plan is produced for all new developments which exceed certain (size) thresholds. Such plans include measures designed to encourage more sustainable travel modes, such as bus travel
 - Provision of bus information on the public web site, including a range of route maps not available anywhere else, which receive several thousand hits per month
 - Bus travel is promoted through Council promoted adverts across the Borough

9.5. Rail Travel

- 9.5.1. There are 4 railway stations within the Borough which help with reducing the number of car journeys especially for those commuting into the Borough.
- 9.5.2. The Council is working to improve access to rail travel by:

- Providing real time information for travellers - Real Time Information is available via Network Rail's web site, which can be accessed via the rail page on the Council's web site.
- Investigating smart ticketing options.
- Officers continuing to monitor developments in this area, which due to the technology involved is a rapidly changing market place.

9.6. **Car Clubs – Travelshare**

9.6.1. Bracknell Forest Travelshare has been set up to provide a journey matching service for anyone who lives, works or travels in and around Bracknell Forest. Whether a resident currently drives alone, does not own a car but needs a lift, or even if walks or cycles.

9.6.2. This web site aims to reduce the number of cars on the road by maximising the number of people in each car. It also helps cyclists and walkers find someone to share their journey too.

9.7. **Improving Council's own transport emissions**

3.1.1 The Council currently has a fleet of 53 vehicles plus there are a number of contracts which the Council awards where transport is used extensively e.g. Refuse Collection, Landscape Services, Street Cleansing and Highways The new contract due to commence in October 2014 requires that all vehicles used shall meet not less than Euro 5 emissions standards and in the case of cars and vans have CO2 emissions below 120g/km.

9.7.1. Generally Council owned vehicles are replaced every five years with new vehicles thereby complying with current emission levels.

9.7.2. In 2010, 50 council drivers undertook training in the Energy Savings Trust's Smarter Driving campaign.

9.7.3. There are 3 cars which are used as pool cars by Council employees, the fleet will be reviewed in 2013 and the viability of using electric vehicles for the pool cars will be investigated with support from the Energy Savings Trust.

9.8. **Cycling and Walking**

9.8.1. Cycling and walking can play a significant role in reducing congestion on the road network. However to encourage and promote this mode of transport the routes that people use must be safe and well designed

9.8.2. The Council continue to try to ensure that

- The needs of pedestrians and cyclists are fully considered within new developments
- Where feasible, the walking and cycling infrastructure is improved. A number of schemes have been outlined within the LPT3 implementation. These schemes will only go ahead if appropriate funding can be secured.

9.9. **Encourage the use of alternative fuels/greener**

9.9.1. The Council has installed 2 electric car charging points in the High Street public car park, this is in partnership with Scottish and Southern Electricity.

9.9.2. The Council have also provided charging points in the Town Centre for a national distribution company who were trialling electric vehicles

9.9.3. The Council is encouraging supermarkets to have electrical charging points in their car parks eg Bracknell Waitrose

9.10. Reducing emissions from new developments

9.10.1. A Travel Plan is a package of measures aimed at promoting greener, cleaner travel choice with specific emphasis on reducing single-occupancy car journeys.

9.10.2. The planning process now ensures that all major new developments within the Borough must implement such a plan. The Council actively encourage developers to ensure that bus travel/services are effectively provided in any new development

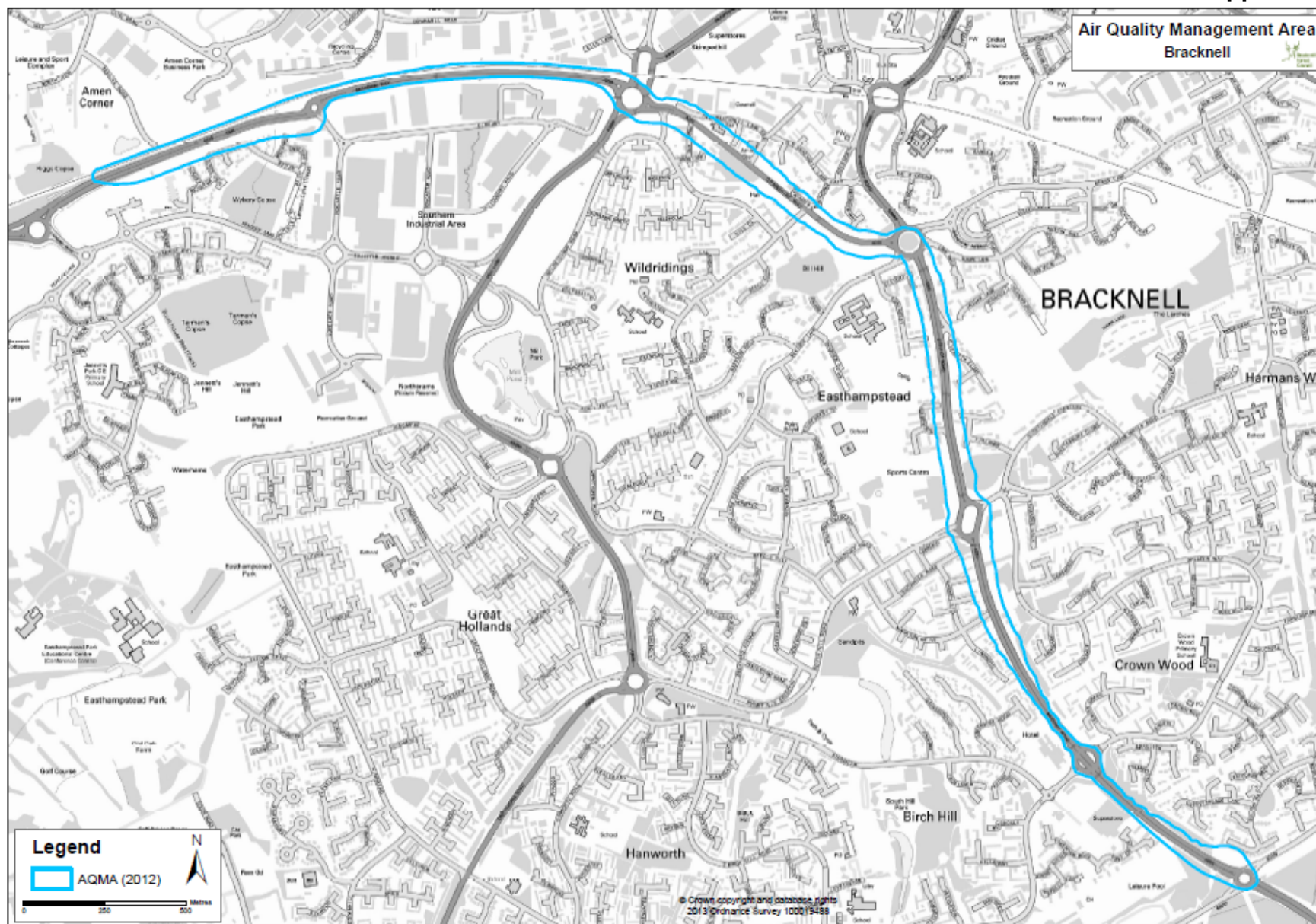
9.10.3. The Council will not only ensure travel plans are produced for developments within the Borough but for major housing developments contributions are secured specifically for providing bus services to serve the new developments.

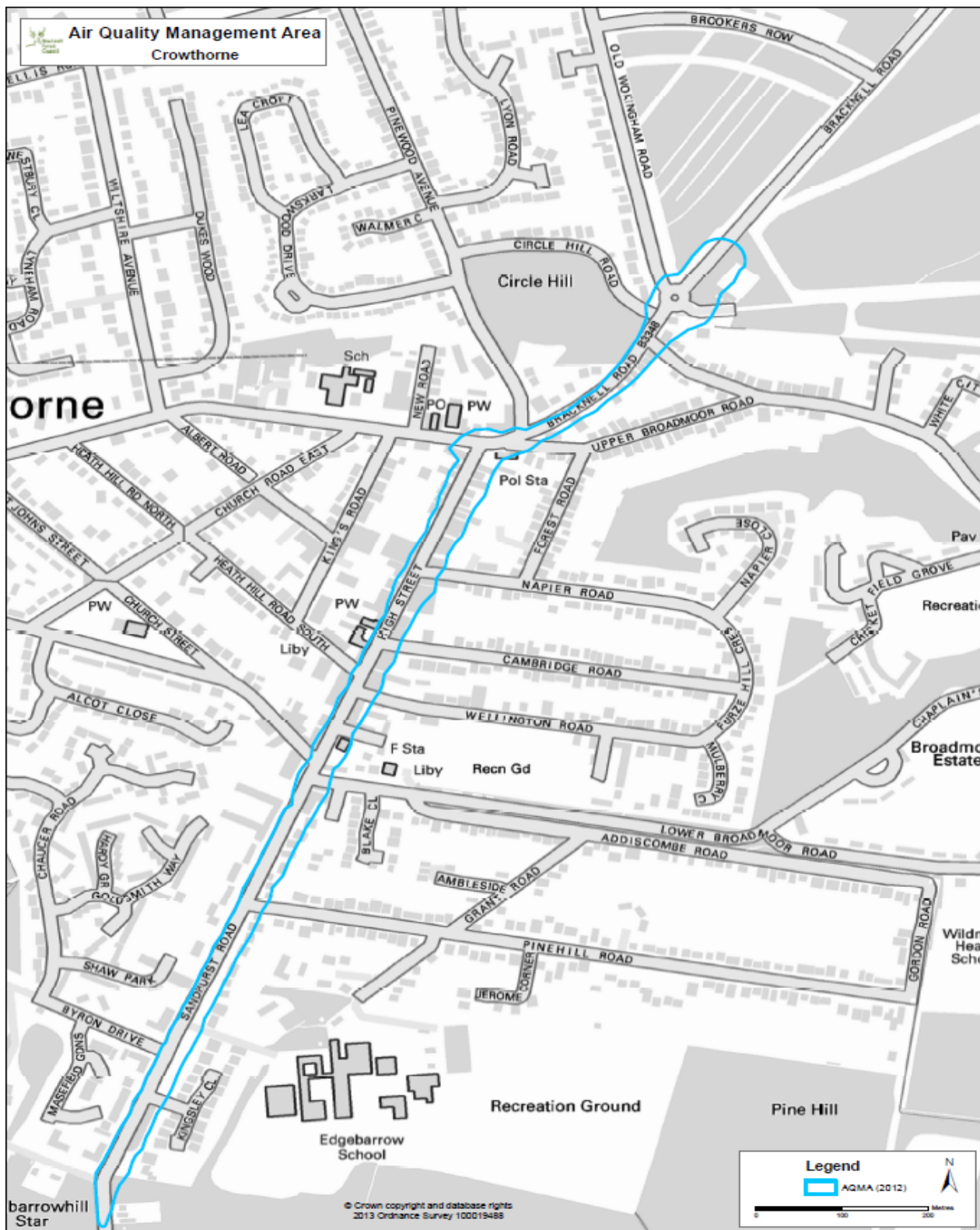
Delivery of Action Plan

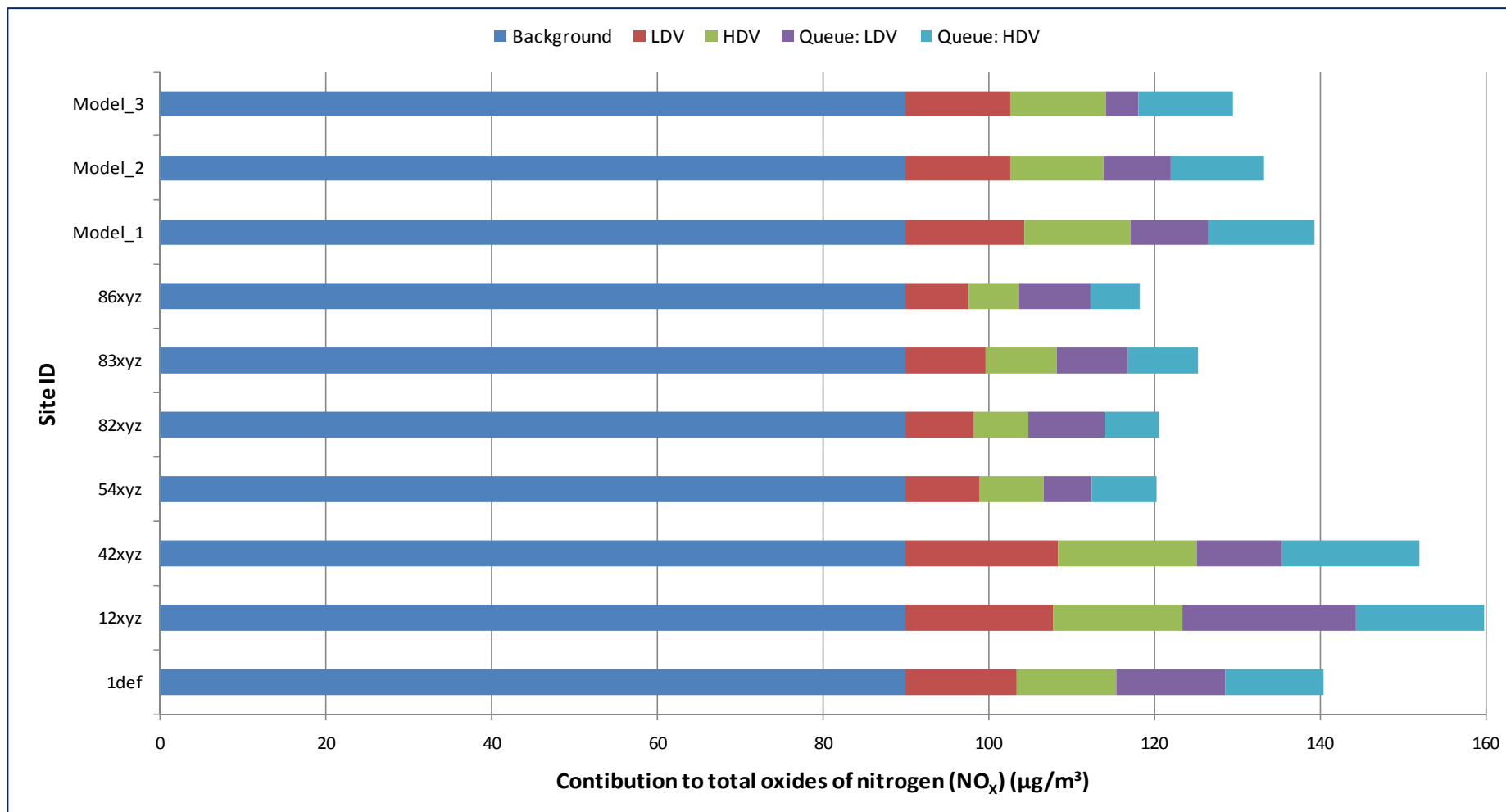
10.1 Following the determination of the AQMAs and rhw subsequent development of the AQAP an officer group has been set up and will meet regularly to ensure that the measures within this plan are implemented.

Action taken/ planned	Date implemented / planned	Impact following works on Air quality	Policy / strategy reference
Improvements to Horse and Groom Roundabout to increase capacity – reducing queuing on approach roads	2012	Reduction in queues – awaiting analysis of monitoring data	LTP3 Policy TP13 Implementation Plan Scheme 58
Improvements to Sports Centre Roundabout to widen carriageway and improve flow of traffic Phase III	2014	Reduction in queues – awaiting analysis of monitoring data	LTP3 Policy TP13 Implementation Plan Scheme 85
Capacity and safety improvements at Twin Bridges Roundabout and the extension of the widening of Downshire Way from Horse and Groom roundabout.	2013/14/15	Improved movement along Bagshot road and Downshire way for peak hour Traffic. The improvement in flow should reduce the stop/start of the traffic and therefore reduce the amount of NO _x emitted.	LTP3 Policy TP13 Implementation Plan Scheme 78 IDP Post Submission SADPD (October 2012) Table 6.1 ref. 3
Capacity and Safety improvements at junction with B3348 Dukes Ride and A321 Wokingham Road	2014/15	Improved traffic movement through junction in peak hour.	LTP3 Policy TP13
Crowthorne High Street improvements – speed cushions replacing flat top humps	2012	This should reduce the stop/start of the traffic and help maintain an even speed through the high street thus reducing the NO _x	LTP3 Policy TP12
Improvements to bus stops to aid flow of traffic and reduce queuing	2015	This should reduce the traffic queuing behind the bus stop and/or accelerating quickly to over take.	LTP3 Policy TP3 & TP6
Improvements to Dukes Ride/Bracknell Road junction	2015	Reduction in queues – awaiting analysis of monitoring data	LTP3 Policy TP13 Implementation Plan Scheme 87
Provision of rear service yard facilities in Crowthorne High Street to reduce number of delivery vehicles unloading	This is on-going as plans are submitted to the Council	This measure aims to reduce the need for on street loading/unloading of goods to the north Eastern part of the highway by 50 %	
Provision of real time information at all road side displays (currently only 1 route)	2012	Encourage people to use the bus thus reducing the amount of vehicles on the road	LTP3 Policy TP13 Travel in Bracknell 2009

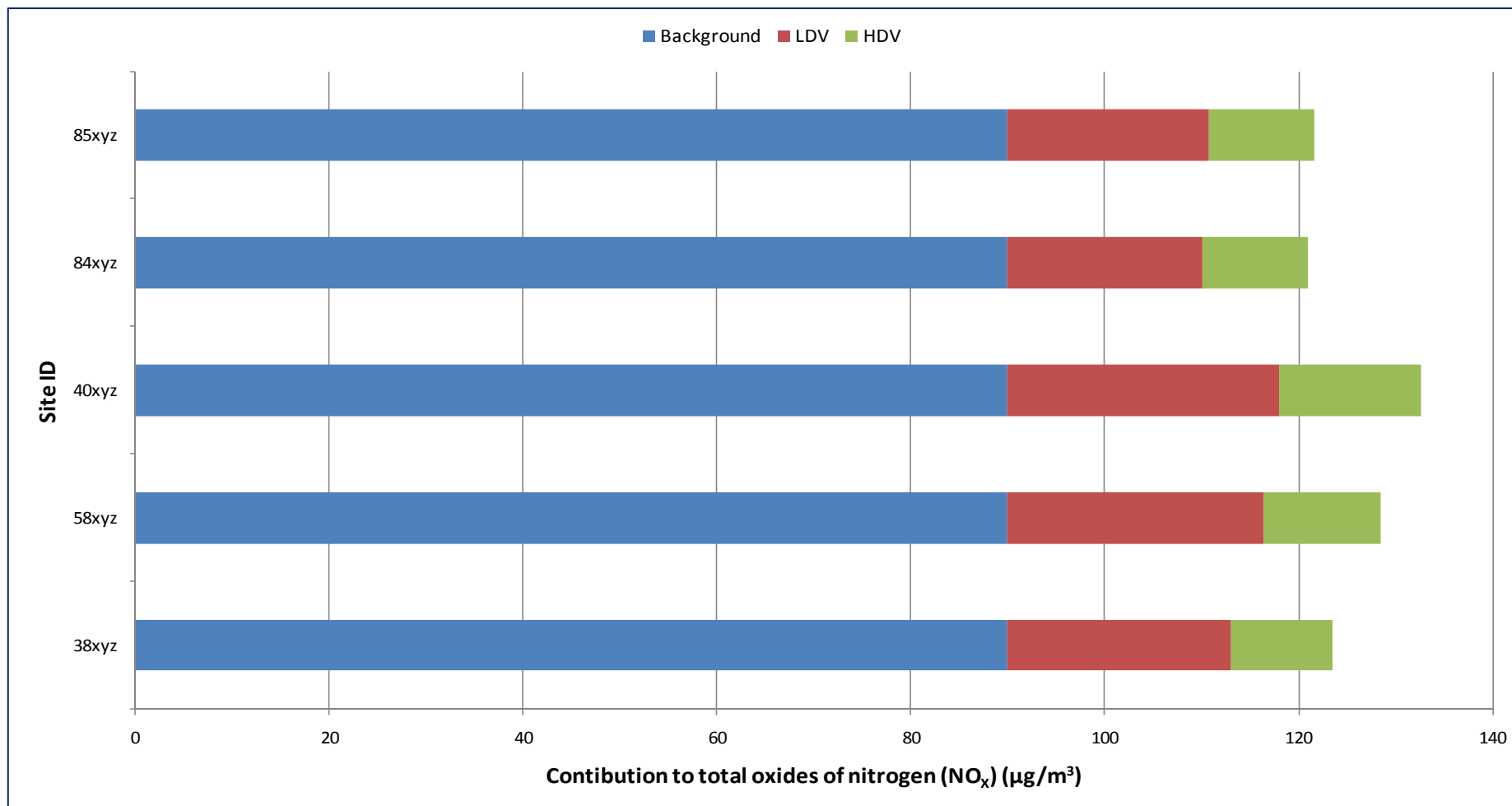
Action taken/ planned	Date implemented / planned	Impact following works on Air quality	Policy / strategy reference
Updating the Council's website to include rail and bus times in real time	2014	More journeys undertaken by public transport	LTP3 Policy TP6, TP7, TP13 & TP18
Commissioning further work with Government funding into smart ticketing	2014/15		LTP3 Policy TP4 Travel in Bracknell 2009
Improved signage along certain key cycle routes including Bagshot Road within the AQMA	2014	If people are made more aware and cycle paths are made safe and inviting the usage will increase	LTP3 Policy TP7 & TP8 Travel in Bracknell 2009
Undertaking targeted marketing to households and businesses within 150m of the key routes to encourage cycling and walking	2014	Cycling increased by 57% along the 'red route' which runs alongside Bagshot Road within the AQMA	LTP3 Policy TP8 Travel in Bracknell 2009
Through the programme of replacement ensure that fleet vehicles continue to comply with current emission levels	ongoing	Reducing the amount of high emitting NO _x vehicles	LTP3 Policy TP15
Consider introducing electric cars as pool cars.	2013	Will reduce the amount of NO _x producing vehicles	LTP3 Policy TP11
Secured funding from two major housing developments to provide bus services as part of travel plan for development	ongoing	Residents will have an alternative form of transportation to the retail sector and other amenities other than their own vehicle.	LTP3 Policy TP6 Core Strategy Development plan document 2008: <i>CS1 Sustainable Development Principles</i>
Development of travel plans by schools within the Borough	ongoing	Reduce the number of car journeys undertaken by parents to drop their children at school.	LTP3 Policy TP7, TP9 & TP10
Development of two programmes of personal travel planning to encourage more sustainable travel; one programme will be set in a residential area, and the other at large employer sites	ongoing		LTP3 Policy TP1 & TP14







Source apportionment (contribution to total NO_x), Bracknell AQMA



Source apportionment (contribution to total NO_x), Crowthorne AQMA

Results of nitrogen dioxide diffusion tubes (bias adjusted) – Borough wide

Site ID	Location	Which AQMA?	Annual mean concentrations ($\mu\text{g}/\text{m}^3$)						Projected Annual Mean ($\mu\text{g}/\text{m}^3$)		
			2007	2008	2009	2010	2011	2012	2013	2014	2015
1def	Bagshot Road	Bracknell (Area 1)	42.2	53	47.6	46.6	40.2	42.2	38.5	35.8	33.1
1xyz	Rectory Lane	Bracknell (Area 1)	23.3	27	29.1	33.1	23.1	24.1			
3	3 Broadway	N				19.6	19.1	16.5			
12xyz	Downshire Way	Bracknell (Area 1)	53.1	71	74.7	55.3	58.9	57.0	45.7	42.5	39.3
17/18/19	Fox Hill School (Background)	N	17.7	19.5	19.4	21.4	18.2	17.8*			
27x	3M R/about	N	36.7	47.9	53.9	52.5	42.7	38.4			
29x	Clintons Close	N	23.5	38.4	38.7	24.8	28.9	28.6			
32xyz	8 Old Bracknell Close	N	24.1	29.8	30.4	28.4	25.6	25.7			
39xyz	Bracknell Road	Crowthorne (Area 2)	32.8	47.9	50.4	43.9	38.2	41.7			
40xyz	Crowthorne High Street	Crowthorne (Area 2)	28.2	33.5	34	38.2	25.7	29.8			
41xyz	3M R/about	N	-	-	-	31.9	34.4	22.8			
42xyz	Bagshot Road receptor	Bracknell (Area 1)	38.4	54	54.3	39.1	42.0	50.3*			
54xyz	Elizabeth Close	Bracknell (Area 1)	28.5	30.3	35.1	29.7	29.2	28.9			
58xyz	Bracknell Rd receptor	Crowthorne (Area 2)	34.8	40	42.2	39.7	37.0	41.5			
65x	Binfield Road	N	-	-	-	29.6	30.6	27.2			
76xyz	Dukes Ride	Crowthorne (Area 2)	-	27.4	34.9	31.5	29.4	31.5			
77x	London Road	N	-	-	-	26.9	27.4	27.1			
78x	John Nike Way	N	-	-	-	32.7	30.3	27.6			
79x	Park Road (Celsius) receptor	N	-	-	-	29.7	34.3	31.8			
80xyz	Ring Road	N	-	-	-	27.0	29.0	-			
81xyz	Market Street	N	-	-	-	24.9	21.7	-			
82xyz	Downshire Way (Boxford) receptor	Bracknell (Area 1)	-	-	39.5	35.6	34.8	34.1			
83xyz	Bagshot Road (Glebewood) receptor	Bracknell (Area 1)	-	-	23.8	25.1	18.5	21.4			
84xyz	Dukes Ride (Playhouse) receptor	Crowthorne (Area 2)			27.1	27.6	27.3	26.1			

Annex 1

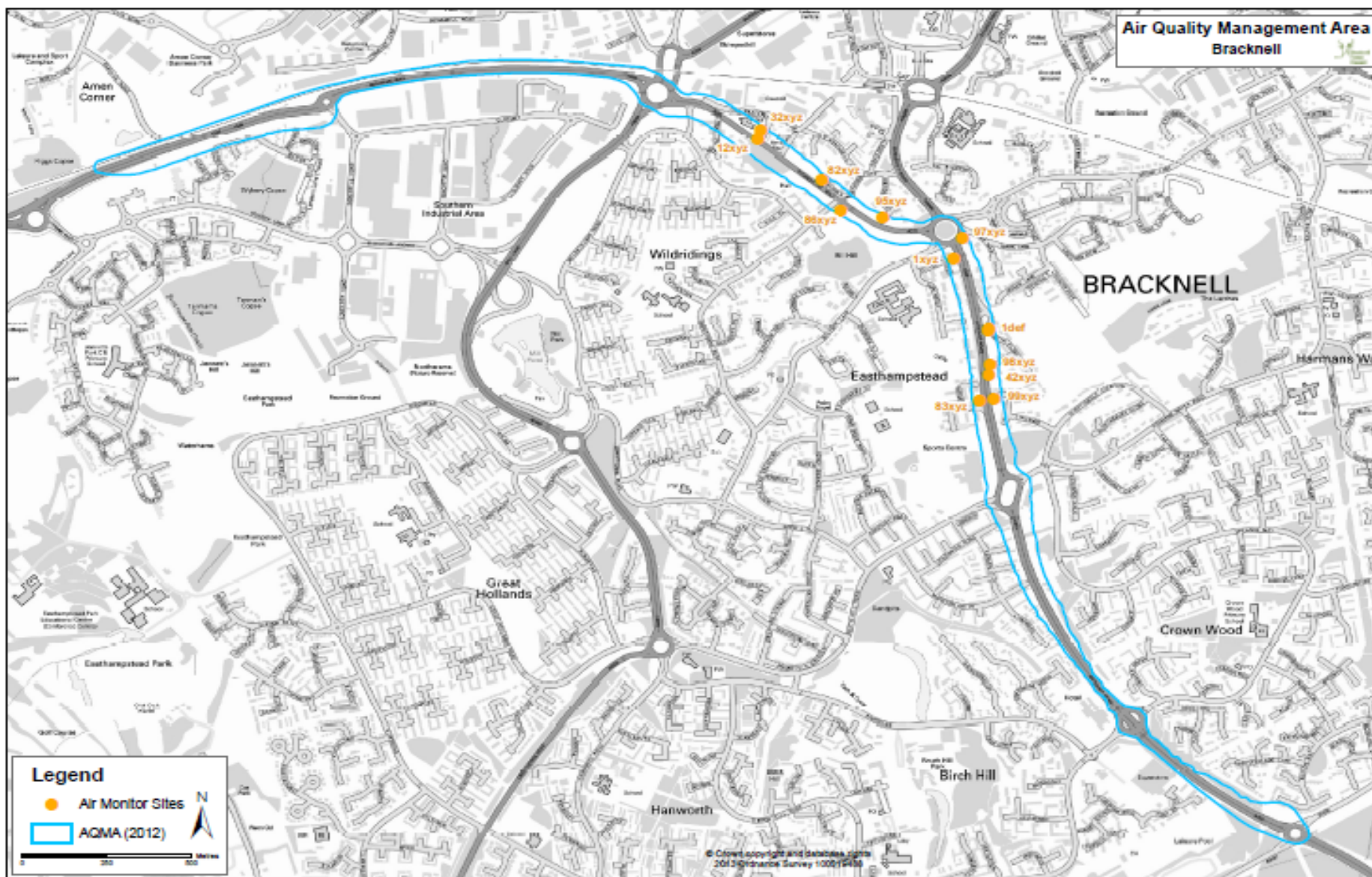
Site ID	Location	Which AQMA?	Annual mean concentrations ($\mu\text{g}/\text{m}^3$)						Projected Annual Mean ($\mu\text{g}/\text{m}^3$)		
			2007	2008	2009	2010	2011	2012	2013	2014	2015
85xyz	High Street Crowthorne receptor	Crowthorne (Area 2)			26.6	28.4	19.6	24.3			
86xyz	Downshire Way monitor	Bracknell (Area 1)				45.6*	41.6	44.3	37.7	35	32.4
90xyz	Past and present	Crowthorne (Area 2)				-	26.1	29.1			
91xyz	The Mount receptor	Crowthorne (Area 2)				-	30.3	30.2			
93xyz	The Prince Alfred	Crowthorne (Area 2)				-	20.3	27.6			
95xyz	3 Leverkusen Way (receptor)	Bracknell (Area 1)				-	21.6	23.1			
96xyz	Trotters Folly	Bracknell (Area 1)				-	25.2	23.7			
97xyz	Linden House	Bracknell (Area 1)				-	28.1	31.8			
98xyz	67 Elizabeth Close (receptor)	Bracknell (Area 1)				-	23.6	26.9			
99xyz	16 Firlands (receptor)	Bracknell (Area 1)				-	27.5	28.6			
100xyz	Continuous monitor Crowthorne	Crowthorne (Area 2)				-	21.2	26.0			
101xyz	14 Ambassador	N				-	-	21.4*			
102xyz	128 Southwold	N				-	-	22.8			
103xyz	43 Avebury	N				-	-	23.2			
104xyz	53 Neuman Crescent	N				-	-	22.7			
105xyz	69 Quintiles	N				-	-	28.8			
106 Road	19 Yorktown	N				-	-	32.6*			
107 Road	42 Yorktown	N				-	-	26.3*			

*Concentrations adjusted to represent an annual mean.

Results of nitrogen dioxide diffusion tubes (bias adjusted) – Area 1

Site ID	Location	Annual mean concentrations ($\mu\text{g}/\text{m}^3$)						Projected Annual Mean ($\mu\text{g}/\text{m}^3$)		
		2007	2008	2009	2010	2011	2012	2013	2014	2015
1def	Bagshot Road	42.2	53	47.6	46.6	40.2	42.2	38.5	35.8	33.1
1xyz	Rectory Lane	23.3	27	29.1	33.1	23.1	24.1			
12xyz	Downshire Way	53.1	71	74.7	55.3	58.9	57.0	45.7	42.5	39.3
42xyz	Bagshot Road receptor	38.4	54	54.3	39.1	42.0	50.3*			
54xyz	Elizabeth Close	28.5	30.3	35.1	29.7	29.2	28.9			
82xyz	Downshire Way (Boxford) receptor	-	-	39.5	35.6	34.8	34.1			
83xyz	Bagshot Road (Glebewood) receptor	-	-	23.8	25.1	18.5	21.4			
86xyz	Downshire Way monitor				45.6*	41.6	44.3	37.7	35	32.4
95xyz	3 Leverkusen Way (receptor)				-	21.6	23.1			
96xyz	Trotters Folly				-	25.2	23.7			
97xyz	Linden House				-	28.1	31.8			
98xyz	67 Elizabeth Close (receptor)				-	23.6	26.9			
99xyz	16 Firlands (receptor)				-	27.5	28.6			
17/18/19	Fox Hill School (Background)	17.7	19.5	19.4	21.4	18.2	17.8*			

*Concentrations adjusted to represent an annual mean.

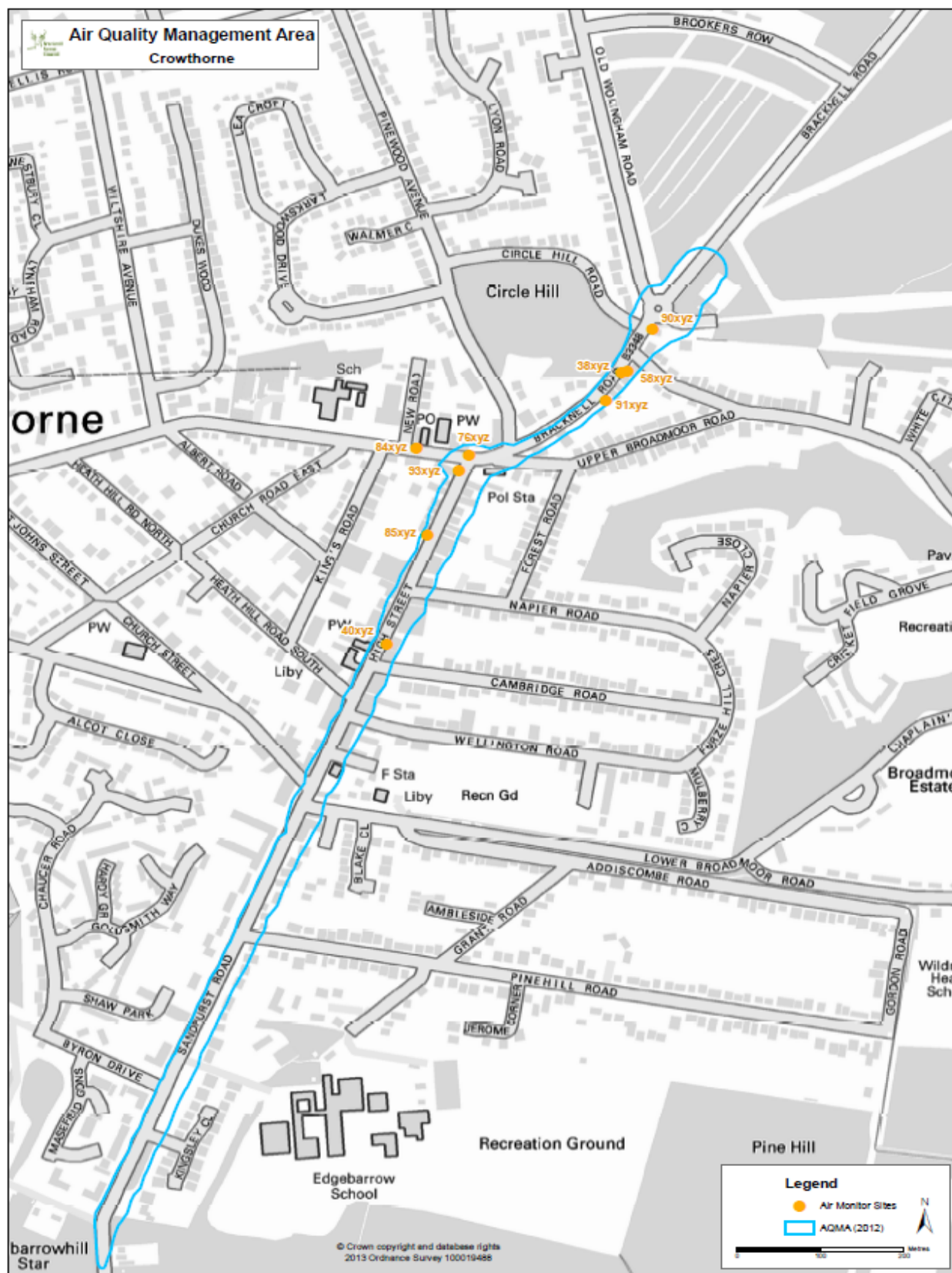


Monitoring Site locations in Bracknell

Results of nitrogen dioxide diffusion tubes (bias adjusted) – Area 2

Site ID	Location	Annual mean concentrations ($\mu\text{g}/\text{m}^3$)					
		2007	2008	2009	2010	2011	2012
38xyz	Bracknell Road	32.8	47.9	50.4	43.9	38.2	41.7
40xyz	Crowthorne High Street	28.2	33.5	34	38.2	25.7	29.8
58xyz	Bracknell Rd (receptor)	34.8	40	42.2	39.7	37.0	41.5
76xyz	Dukes Ride	-	27.4	34.9	31.5	29.4	31.5
84xyz	Dukes Ride (Playhouse) receptor			27.1	27.6	27.3	26.1
85xyz	High Street Crowthorne (receptor)			26.6	28.4	19.6	24.3
90xyz	Past and present				-	26.1	29.1
91xyz	The Mount (receptor)				-	30.3	30.2
93xyz	The Prince Alfred				-	20.3	27.6
100xyz	Continuous monitor Crowthorne				-	21.2	26.0
17/18/19	Fox Hill School (Background)	17.7	19.5	19.4	21.4	18.2	17.8*

*Concentrations adjusted to represent an annual mean.



Monitoring site locations, Crowthorne

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Air Quality Management Area Crowthorne

Annex 2



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2012 Ordnance Survey 100019488

117
Edgebarrow Woods

Legend

AQMA (2012)

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0 125 250

Metres

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Air Quality Management Area Bracknell



Annex 2b

BRACKNELL



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**LICENSING PANEL
16 JANUARY 2014
10.00 AM - 12.30 PM**

Present:

Councillors Allen (Chairman), Finnie and Mrs Temperton

In Attendance:

Simon Bull, Legal Adviser to the Panel
Amanda Roden, Democratic Services Officer
Richard Sherwin, Environmental Health Officer
Sue Walker, Licensing Officer

4. Declarations of Interest

There were no declarations of interest.

5. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

6. Application for Variation of Premises Licence - The Wellington Arms, 203 Yorktown Road, Sandhurst. GU47 9BN

The Panel's decision was that the application for the variation of a premises licence in respect of The Wellington Arms, 203 Yorktown Road, Sandhurst. GU47 9BN shall be granted subject to additional conditions.

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

- the Licensing Officer who outlined the issues;
- the applicant Mr Demko;
- the interested parties (1) and Richard Sherwin, Environmental Health Officer who submitted oral and written representations, and one other written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, 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 a representation made by Environmental Protection and that none of the other responsible authorities had objected.

The Panel noted that the sole concern was the noise of customers leaving the premises at the end of licensable activities late at night which had a detrimental impact on people living nearby, particularly next to or opposite the premises.

Previous monitoring of the premises in 2005 was undertaken in the short term but did not continue in the long term. It was alleged that customers from the premises would congregate outside after closing time and be noisy, for example, talking loudly and slamming car doors. The noise was said to be worse during fine weather, particularly during the summer months. However, noise did not occur on a nightly basis and otherwise the pub was said to be well run.

Some people living near to the premises were not aware of the application for a variation of the premises licence but it was confirmed that notification of the application had been displayed at the premises correctly. There was no requirement for neighbour notification under council legislation but in accordance with the Council's policy, the Licensing Team had written to neighbours adjacent or directly opposite the premises.

The Panel noted the reason for the application for variation of the premises licence which was that patrons of The Wellington Arms had requested longer opening hours at the premises as The Wellington Arms was well liked by local residents and some wished to remain longer rather than migrating to another licensed premises nearby at closing time. The noise of people migrating to another licensed premise (also in Sandhurst) which had a later terminal hour, could in itself be contributing to the noise experienced by neighbours and may lessen with longer opening hours at The Wellington Arms.

Extra staff were employed at the premises on Friday and Saturday nights to cope with the extra demand and customers were asked to leave quietly at closing time but the response to date by the applicant had been reactive. The central concern of the Panel was that the reactive approach meant that steps to stop noise nuisance would only be likely to occur once the noise was detected at which point those sleeping in the vicinity would be woken or disturbed. The Panel were keen to ensure that the applicant moved to a more proactive response which would require the applicant or his staff to monitor and patrol externally rather than monitor from the inside.

The Panel were unanimously concerned that the applicant's approach to monitoring noise nuisance was reactive. They wanted the applicant to be proactive in the future with much more external rather than just internal monitoring and sought to impose a condition to ensure that the applicant was more proactive in his noise reduction strategy.

The Panel noted that the interpretation of 'monitoring' as mentioned in the proposed licensing conditions could not be left solely to the discretion of the applicant and that additional conditions 29 to 31 were needed to clarify this further. External monitoring was felt to be needed at busy times such as Friday and Saturday nights, on special licensed occasions and during the summer months when patrons may linger and congregate either in the car park or on the grass verge, but on quieter evenings internal monitoring would be acceptable as customers left the premises at the conclusion of licensable activities. Monitoring should be undertaken by a minimum of one person and include external patrolling.

The Panel decided that granting the variation of the premises licence subject to the additional conditions would promote the four licensing objectives, and noted that the proposed licensing conditions addressed some of the concerns of local residents with regard to noise nuisance.

The Panel had to consider on the one hand the applicant's right to run his business free of unnecessary restrictions but that had to be balanced against the rights of those who live in the vicinity not to be woken or disturbed by the applicant's patrons when they leave the premises late at night. The Panel believed that the condition that they imposed would serve to ensure that the applicant was proactive in his noise management, whilst being granted the right to extend his licensable hours of opening and develop his business. At the same time it sought to provide a degree of protection for the interested parties to ensure that they are not disturbed by noise nuisance generally or have their sleep disturbed. If noise nuisance were to occur in the future the interested parties could seek a review of the licence and it could be varied.

Therefore the variation to the licence was granted subject to the additional conditions 29 to 31 below and the previously agreed conditions 32 to 35 below:

29) At the conclusion of licensable activities the external areas of the premises shall be monitored for 60 minutes by a suitable number of staff to ensure customers disperse quietly from the premises.

30) On Friday and Saturday and when there are any extended hours or when there is a risk of noise nuisance from customers, external monitoring shall be conducted by staff patrolling all external areas of the premises to ensure customers disperse quietly from the premises.

31) All monitoring of the external areas shall be recorded and made available to authorised officers of Bracknell Forest Council or Thames Valley Police on request.

32) There shall be no recorded music in the external areas after 21:00 on any day. The type and location of any speaker installed in the external areas is to be approved by an Environmental Health Officer.

33) All windows and doors to the public access areas shall remain closed, other than for access or egress, with the exception of the windows facing onto Yorktown Road, which shall be closed by 23:00.

34) The outside areas at the premises shall be closed to customers by 00:30 on Fridays and Saturdays and 00:00 at all other times, with the exception of the external smoking area which shall be open to smokers. This area shall be monitored by the DPS or a suitable member of staff to ensure noise is kept to a minimum so as not to cause nuisance to residents. Any incidents occurring in or around the premises during this time shall be recorded and made available to authorised officers of Bracknell Forest Council or Thames Valley Police on request.

35) External regulated entertainment shall only take place between the hours of 10:00 and 21:00.

The Panel were of the opinion based on the evidence advanced by both the applicant and the objectors that the four licensing objectives, specifically the avoidance of noise nuisance would be promoted by the granting of this licence, particularly as the licensing conditions accepted by the applicant would promote and safeguard the licensing objectives.

In summary, the Panel decided to agree the variation to the premises licence subject to the proposed licensing conditions 29 to 35 above.

CHAIRMAN

**LICENSING PANEL
25 MARCH 2014
2.05 - 3.45 PM**



Present:

Councillors Thompson (Chairman), Allen and Brossard

In Attendance:

Simon Bull, Legal Adviser to the Panel

Laura Driscoll, Licensing Team Leader

Amanda Roden, Democratic Services Officer

7. Declarations of Interest

There were no declarations of interest.

8. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

9. Application for New Premises Licence - McDonalds, Wildridings Road, Bracknell, Berkshire RG12 7WT

The Panel's decision was that the application for a new premises licence in respect of McDonalds, Wildridings Road, Bracknell, Berkshire RG12 7WT shall not be granted.

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

- the Licensing Team Leader who outlined the issues;
- the applicant's representatives Ms Annabel Graham-Paul, Barrister and Mr Andy Holtorp, Operations Consultant; for McDonalds
- the interested parties (1), Mrs Emma Barnard, who submitted oral and written representations on behalf of her constituents, Bracknell Town Councillor Mr Chris Turrell who submitted an oral representation, and written representations on behalf of Bracknell Town Council and from 12 other interested parties.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance.

At the conclusion of the licensing panel hearing all participants present confirmed that they had been given the opportunity to say all they wished to say. In the interest of the equality of arms the panel restricted the number of objectors who were allowed to address the panel orally to three as set out above. Although not timed, McDonalds'

legal representative spoke approximately for an equal amount of time as the three objectors.

The Panel noted that none of the responsible authorities had made representations.

However, the experienced panel members were also aware that the police locally only made representations when there had been serious or major incidents at a licensed premises. Since the Licensing Act came into force the police had only made representations in a handful of cases, whereas Bracknell Forest Council had held many licensing panels. However, the panel still gave credit to McDonalds for the absence of representations by the statutory bodies.

The Panel noted the concerns of the representatives which included the following:

Parking

People using McDonalds in Wildridings Road, parking on grass verges, in the road and in residents' parking spaces. The Panel disregarded the allegation of cars queuing on the highway to enter McDonalds as they did not feel that would occur during the extended hours. That was only relevant to the current operating times which were not under consideration by the panel.

Rubbish

Rubbish deposited in people's gardens, private bins, garage areas, the Mill Pond, and residential parking bays; and risks of vermin and reports of vermin from the abandoned McDonalds food particles.

Cars and Lorries

Cars revving engines, racing in the car park when it was empty, playing loud music from cars, the slamming of car doors and parking causing obstruction; HGV parking, littering and blocking the road and parking bays causing obstruction and general noise from cars.

Migration and foot patrons

People migrating to and from the McDonalds restaurant through largely residential areas, particularly through the Great Hollands estate; anti-social behaviour and noise nuisance. It was the view of the panel that this went on during the opening hours up until 23:00 and the panel were certain that if the noise could not be contained within those hours it was not going to be containable within the extended hours, when people in a predominantly residential area were trying to sleep.

The panel found that the above on the balance of probabilities, occurred with a regular frequency and were attributable directly to McDonalds operations alone at Wildridings Road.

Whilst people generally did not have an issue with McDonalds as a restaurant, the main concern was the issues arising from this particular McDonalds restaurant being located in a residential area as opposed to a commercial area. This was an issue that McDonalds would always have to contend with at this particular outlet having chosen to site their business in the heart of a residential area.

Noise nuisance and the impact of noise nuisance on disturbance to residents sleep patterns

The issues concerning noise were said to be worse when the restaurant was busy Friday evenings through to Sunday evenings, and particularly during the summer months. A barrier had been erected at The Lakes car park near to Mill Pond to prevent use of this car park by people frequenting the McDonalds restaurant in Wildridings Road, however, it was said that people could still gain access to this car park. Despite there being no intention to erect signs directing people to McDonalds from major roads and motorways, the restaurants' address and opening hours could be found easily on the internet, which would be accessed from people's mobile phones, for instance. The fact that McDonalds was reasonably accessible from major roads and being the only 24 hour food outlet in the area, it would attract people to use the outlet through out the night bringing traffic and noise to a residential area. Even if the patron numbers were limited to the relatively modest numbers, set out by the McDonalds legal representative, this would be too many and would regularly disturb the sleep patterns of the people living in the immediate vicinity of the area which was a residential area.

Although the restaurant was not located on a major traffic route, residents were concerned that the overnight hours proposed at McDonalds in Wildridings Road could encourage people to use it as an overnight stop, similar to a service stop on a motorway. Due to the depressed siting of the restaurant and the track leading to it, larger vehicles such as lorries would park in nearby roads when visiting it, causing problems for residents. As the traffic on nearby roads became less at night, noise would be heightened and would have a detrimental effect on the sleep of residents living nearby. It was envisaged that the noise and nuisance currently experienced by residents would continue through the night if this McDonalds restaurant was open 24 hours a day. It was the incidence of noise nuisance, which together with the cumulative concerns set out above, that tipped the balance and led the panel to decide to refuse the application.

Letters had been sent to residents, for example, living adjacent to the restaurant on both sides, opposite the restaurant and in areas bordering outside areas of the restaurant, in line with the neighbour notification policy of the Licensing Team at the Borough Council. The Panel noted that mediation had been suggested by the Licensing Team but that there had been no response from Shoosmiths, representing McDonalds, regarding this. The Panel found it regrettable for what ever reason that McDonalds had not entered into mediation. However, the Panel believed that even if they had mediated, the problem McDonalds faced with this outlet was that it was the only outlet operating in the area and the problems were associated with entering and leaving McDonalds and off site consumption in the vicinity, rather than those sitting in the restaurant to eat. This fact was relevant because very often it was not always easy to identify whether the public nuisance, particularly noise nuisance, was attributable to the particular unit in this case. However, because it was the only outlet it was possible to determine with a high degree of certainty that the public nuisance, particularly noise, was definitely attributable to McDonalds.

The issue of noise nuisance was also attributable to people patronising the establishment on foot and walking into the estates. The Panel found, on balance of probabilities that the current noise nuisance from patrons on foot currently occurred up until and immediately after 23:00 when McDonalds closed. Were the outlet licensed to open later the Panel were of the clear view that the noise would persist at least between 23:00 and 01:00 to 02:00 and the Panel found that to be an unacceptable state of affairs for those living in a residential area. The Panel did not believe that residents should face noise associated with this establishment at that

hour of the night. This was not a matter on which the Panel felt there was any uncertainty.

The Panel were addressed on the fact, that maybe was not the test, and that the presumption was in favour of granting the licence and the review process being triggered as the appropriate remedy if the situation did not work as smoothly as the applicant suggested. Having considered all the evidence and weighed it very carefully, the Panel concluded that there was currently noise up until and immediately after 23:00 and that with a high degree of certainty it would continue up until and immediately after how ever late McDonalds were allowed to operate at this outlet. The Panel did not accept the representations made on behalf of McDonalds that this outlet would function on a 24 hour basis without significantly disturbing the local residents. Whilst the Panel would accept the residents would have to tolerate low levels of irregular noise nuisance, they were of the opinion having heard the evidence that the noise levels were currently unacceptable up until and immediately after 23:00. They would continue to be so into the night, if the premises was granted later opening hours. This was not a case where the Panel felt that a later licence should be granted and the review process triggered if it did not work. The Panel were of the clear view based on the evidence, presented orally and in writing that noise would occur beyond 23:00 from day one if a later terminal hour was granted.

The Panel noted the reason for the application for a new premises licence in that as a successful restaurant, McDonalds envisaged that its customers would welcome the availability of food and hot drinks during the night, particularly for people on shift work or commuting to and from work. The Panel considered this evidence and weighed it in the balance but still felt that for the reasons set out above, the 24 hour licence should not be granted.

McDonalds undertook litter picks of all litter in the vicinity of the restaurant three times a day, including residential streets such as Arncliffe, and could possibly undertake an early morning litter pick as well. The representatives for McDonalds did not believe that the extended hours proposed during the night would exacerbate the noise or issues reported, as it was thought that less people would frequent the restaurant during the hours of 23:00 and 05:00, and that these were likely to be night workers rather than young people causing noise nuisance. The Panel considered this and considered that the noise levels would be intolerable on the sleep patterns of the residents.

McDonalds' representatives offered to erect signs in the car park asking customers to be courteous when arriving and leaving the restaurant, and confirmed that there would be between five and eight people working in the restaurant during the hours of 23:00 and 05:00, all with security training. The current delivery time for this restaurant was 06:00 and drivers had a specific time period in which to make deliveries; there were no plans to change this or to have overnight deliveries to the restaurant.

The Panel's findings on this were that it accepted without reservation that McDonalds ran an orderly house when people were eating their food inside the premises. However, that was not the issue. The problem was the noise nuisance and associated problems set out above which occurred when patrons entered and exited McDonalds. It was associated with the driving and parking of their cars and lorries, and patrons eating their food in the bays outside and being rude to residents when challenged that they should not park in the residents parking bays. It was associated with the debris left when patrons had finished their food and with people buying food to eat away from the premises on foot, the noise associated with that and depositing their McDonalds debris in the road, peoples' private gardens, bins and garage areas. The incident, although probably isolated, of sauce and mayonnaise smeared on cars,

and the revving of engines, slamming of car doors and cars being driven around the car park. These were all directly attributable to operation of the McDonalds outlet being situated and operational in the heart of a residential area.

The Panel unanimously decided that granting the premises licence would not promote the licensing objective, Prevention of Public Nuisance, particularly in relation to noise nuisance. The Panel unanimously decided not to grant the new premises licence.

CHAIRMAN

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**LICENSING PANEL
2 APRIL 2014
2.00 - 2.15 PM**



Present:

Councillors Allen (Chairman), Baily and Davison

In Attendance:

Simon Bull, Legal Adviser to the Panel

Laura Driscoll, Licensing Team Leader

Amanda Roden, Democratic Services Officer

10. Declarations of Interest

There were no declarations of interest.

11. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

12. Application for Variation of Premises Licence - Sandhurst Social Club, Wellington Road, Sandhurst. GU47 9AW

The Panel's decision was that the application for the variation of a premises licence in respect of Sandhurst Social Club, Wellington Road, Sandhurst, Berkshire. GU47 9AW shall be granted.

The basis of the decision, the evidence considered and the panel's reasons are set out below:

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

- the Licensing Team Leader who outlined the issues;
- the applicant's written representation;
- the interested party, who submitted a written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance. It should be noted that only the Licensing Officer attended the hearing. The applicant and the objector did not attend. The written evidence of both the applicant and objector was considered carefully by the panel.

The Panel noted that none of the responsible authorities had objected.

The Panel noted that main concern of the representation by the objector was noise arising from people smoking outside the premises late at night and the continuation of

this noise, should the application for variation be granted adding an additional 30 minutes to the time which people could smoke outside the premises.

The Panel noted that the applicant had met with the Licensing Team Leader and Environmental Health to agree conditions in relation to the variation of the premises licence and to remove any duplicated conditions now covered by other legislation. Since the introduction of the Licensing Act, conditions that were applicable at that time are often now redundant because of changes in legislation and regulations and it is common for licences on a variation to tidy up the conditions so they reflect the current law and operations at the premises.

The representative had made a number of complaints regarding noise at the premises; three to four complaints a year prior to 2011, and two in 2011. All complaints about the premises received by the Licensing Team had been made by this single objector and there had been no complaint lodged since 2011 some 3 years ago. However, when the representative had complained they had declined to keep and complete diary sheets suggested by the Licensing Team documenting his specific issues with the premises and the effects of these upon him.

There had been no complaints from other residents regarding noise from this premises since July 2007. A licensing officer had visited the premises during busier times, such as Friday evening and on the weekend, and had not observed unusually loud noise from the premises.

Ms Bartlett, the Club Secretary, had confirmed prior to the hearing that she was happy for a decision to be made by the panel on the papers and her written representation as she was unable to attend the hearing in person. Ms Bartlett had confirmed to the Licensing Team Leader that CCTV had been installed at the premises, which included a view of the smoking area and which the person behind the bar could see at all times. Regular monitoring of the outside area of the premises was included in the proposed conditions, at page 39 of the agenda papers. Monitoring logs could be checked at the premises, but would usually only be checked after complaints had been received.

The Panel were of the opinion based on the evidence advanced by both the applicant and the objector that the four licensing objectives, specifically the avoidance of noise nuisance would be promoted by the granting of this licence, particularly as the proposed licensing conditions, at Annex F of the agenda papers, accepted by the applicant would promote and safeguard the licensing objectives.

The Panel were of the opinion that there were not sufficient grounds upon which to refuse the application for variation of the premises licence and the conditions proposed supported this. Any street could experience noise on an irregular basis during the year. The total number of complaints about noise were only a few in total and none had been received recently. The lateness of the terminal hour proposed of 11pm was quite modest and reasonable and granting it promoted the licensing objectives. The variation of the licence conditions were appropriate as set out above and were not considered to be an issue.

In summary, the Panel decided to agree the variation to the premises licence subject to the proposed licensing conditions, at Annex F of the agenda papers.

CHAIRMAN

**LICENSING PANEL
30 APRIL 2014
10.00 - 10.51 AM**



Present:

Councillors Thompson (Chairman), Brossard and Finnie

In Attendance:

Simon Bull, Legal Adviser to the Panel

Mr E, Appellant

Niamh Kelly, Licensing Officer

Bobby Mulheir, Chief Officer Customer Services

Amanda Roden, Democratic Services Officer

13. Declarations of Interest

There were no declarations of interest.

14. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

15. Exclusion of Public and Press

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 involves the likely disclosure of exempt information under the following category of Schedule 12A of that Act:

(1) Information relating to any individual (Item 16).

16. Report on Licensed Dual Driver

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr E and Miss Kelly, Licensing Officer. Bobby Mulheir, Chief Officer Customer Services, was also present at the hearing.

Having considered all the evidence, the Panel decided that Mr E's hackney carriage vehicle licence should be granted, subject to the vehicle satisfying requirements other than age.

The Panel noted that Mr E had placed telephone calls to Customer Services at Bracknell Forest Council on 12, 13 and 14 March 2014 with queries in relation to the purchase of a different vehicle for the purpose of being used as a hackney carriage. The Panel noted in particular the call placed on 12 March 2014, in which Mr E

queried what age the vehicle needed to be and Mr E was advised by Customer Services that the vehicle needed to be less than 5 years old.

Licensing Officers attempted to contact Mr E by telephone on 14 March 2014 and left a message on Mr E's voicemail advising Mr E to check the guidance notes for hackney carriage drivers in relation to purchasing another vehicle. The Licensing Section confirmed by letters dated 18 and 25 March 2014 that Mr E had been given incorrect advice from Customer Services, which was in relation to private hire vehicles, and that Mr E's vehicle needed to be less than 4 years old. Mr E had been advised by the garage that the vehicle Mr E purchased had previously been used as a hackney carriage in Weston-Super-Mare. However, the Panel also noted that Mr E had approximately 15 years experience of being a hackney carriage driver and that Mr E should be familiar with the guidance notes for hackney carriage drivers.

The Panel took into consideration the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' dated January 2013, applied and issued by Bracknell Forest Council (BFC), which was applicable at the time when Mr E purchased a different vehicle and included how to contact the Licensing Section at BFC on page 38.

The Panel decided to grant the hackney carriage vehicle licence to Mr E only, because and only because the guidance notes held out that Customer Services would offer definitive guidance, as given to Mr E, and this decision was not to be taken as a precedent for the future.

The Panel recommended that page 39 of the current 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' dated April 2014, be revised to reflect that matters in relation to the granting and renewal of licences be referred to a licensing officer to respond, rather than Customer Services. This was no criticism of Customer Services who acted in good faith, or of the initial decision made.

However, after taking all the circumstances into account, including the proof of purchase of the vehicle in question which was shown to the Panel, the Licensing Officer and the Legal Adviser, showing that the vehicle order was placed on 14 March 2014, after Mr E had spoken to Customer Services, the Panel decided to grant the hackney carriage vehicle licence, subject to the vehicle satisfying requirements other than age. The Panel thought that this was a fair and equitable decision. It was important that Mr E complied with the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' at all times in the future.

CHAIRMAN

**LICENSING PANEL
1 MAY 2014
2.00 - 3.48 PM**



Present:

Councillors Brunel-Walker (Chairman), Brossard and Mrs Temperton

In Attendance:

Anthony Igbiniyesu, Legal Adviser to the Panel
Amanda Roden, Democratic Services Officer
Sue Walker, Licensing Officer

17. Declarations of Interest

There were no declarations of interest.

18. The Procedure for Hearings at Licensing Panels

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

19. Application for Variation of Premises Licence - Waitrose-Shell, Bagshot Road, Bracknell, Berkshire. RG12 9SE

The Panel's decision was that the application for a variation of the premises licence in respect of Waitrose-Shell, Bagshot Road, Bracknell, Berkshire. RG12 9SE shall be granted, subject to the amended proposals from the mediation and the amended conditions at Annex G.

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

- the Licensing Officer who outlined the issues;
- the applicant's representatives Mr Jon Wallsgrove, Mr Ken Williams and Ms Janette Clark; for Waitrose
- the interested parties, (1) who submitted oral and written representations, and one other written representation.

together with reference to the appropriate Licensing Objective: The Prevention of Public Nuisance, particularly noise nuisance, the Council's own Licensing Policy and the Secretary of State's guidance.

At the conclusion of the licensing panel hearing all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that none of the responsible authorities had made representations. The Panel were advised that Environmental Protection had considered the application for variation of the premises licence for Waitrose-Shell and found no

history of complaints in relation to the site going back at least two years. It was clarified that complaints needed to be made via relevant channels to Bracknell Forest Council.

The Panel noted the concerns of the representatives which included the following:

Noise: late night facilities encouraging noise nuisance and anti-social behaviour whilst people are trying to sleep, such as shouting and arguing. Also, representations mentioned engine noise and motorbikes racing on the roads nearby.

Litter: an increase in the volume of litter in the nearby vicinity.

Sale of alcohol to drivers, in light of the government drink driving campaign, possibly leading to further drink driving offences and a detrimental effect on public safety. Alcohol could be purchased from supermarkets until a late hour and Waitrose-Shell was a convenience shop. Sale of alcohol until such a late hour was felt to further encourage drunken behaviour.

Route: Bagshot Road, Downshire Way, and Berkshire Way were used as link roads from the M3 and M4 motorways by heavy goods vehicles causing vibrations to homes nearby in a predominantly residential area and potentially causing an increase in traffic pollution.

Safety: the health and safety of residents in the area, particularly the subway for children. The interested party at the hearing commented that all these problems were related and asked for them to be addressed in a holistic manner.

The interested party at the hearing commented that she felt more residents should have been notified of the proposed variation to Waitrose-Shell and that people may not check the Borough Council's website for details in relation to new or variations to premises licences in their area. However, the Panel were satisfied that notification of the proposed variation in relation to Waitrose-Shell was undertaken in keeping with the statutory requirements under the Licensing Act 2003 via public notice at the premises, an advertisement in a local newspaper, advertisement on the Bracknell Forest Council website, and written notification to ten households adjacent or opposite the premises.

It was confirmed that the trading of the Waitrose-Shell site was presently in 24-hour operation for the sale of petrol and provisions and would remain in 24-hour operation. The variation of the premises licence was purely to extend the period of time for the sale of alcohol and the Panel considered the variation of the existing premises licence only.

The applicant's representative confirmed that the Waitrose-Shell site was not a restaurant; CCTV operation had been added as a condition in the variation application so the site would be highly regulated; Waitrose staff would ensure that the site was kept tidy; notices would be erected to encourage people to be respectful and quiet for residents nearby; Waitrose staff would ensure that engines were not kept running for longer than necessary; at 23:00 the doors to the site would be closed for security purposes and transactions after this time would be through the hatch at the site; after 23:00 items could only be purchased that could fit through the hatch. The aim was to provide additional facilities for existing customers and the applicant did not expect to attract large numbers of new customers. It was expected that late night purchases would mainly be for fuel.

When looking at the site, the hours of operation had been discussed with the police in relation to possible anti-social behaviour, amongst other issues, and no representation had been made from the police. The applicant was interested in being a good neighbour to residents in the area and was not aware of any issues relating to anti-social behaviour or litter at the site. The applicant would litter pick any litter in the vicinity of the site and not just litter of Waitrose-Shell, and offered to discuss reciprocating litter picking with KFC if needed.

The Panel noted that as a result of mediation with the applicant and the interested parties, two representations had been withdrawn, annexes C and D of the agenda papers but two representations remained at annexes E and F of the agenda papers. The applicant had offered to change the terminal hour from 02:00 to 00:00 and this was agreed at mediation. The applicant hoped that assurances given at mediation had relieved residents' concerns somewhat.

The proposed conditions, 8 & 9, at Annex G of the agenda papers were amended. Additional steps (licensee) intends to take in order to promote the licensing objectives:

- (8) The only ID accepted, will be that detailed in Waitrose's Company Policy
- (9) A challenge 25 Policy will be adopted.

The Panel confirmed with the applicant that Waitrose's Company Policy was robust, and it allowed Waitrose to revise its policy in relation to acceptable forms of ID. It was noted that it only applied to Waitrose, so should another company take over the site, this condition could be amended. Trading Standards were satisfied that the revised conditions met with the mandatory conditions. Other Waitrose sites had extended their retail hours and there had been no issues at these sites.

The Panel decided that granting the variation to the premises licence, as amended by mediation and the amended licensing conditions at Annex G, would promote the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, and Protection of Children from Harm. The Panel found no evidence to justify refusing the application for variation. If in the future there were any concerns which would have an adverse effect on the Licensing Objectives, the case could be reviewed by a Licensing Panel.

CHAIRMAN

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