

NOTICE OF MEETING

Licensing and Safety Committee

Thursday 4 January 2018, 7.30 pm

**Council Chamber, Fourth Floor, Easthampstead House, Town Square,
Bracknell - Easthampstead House, Town Square, Bracknell, RG12
1AQ**

To: The Licensing and Safety Committee

Councillor Allen (Chairman), Councillor Thompson (Vice-Chairman), Councillors Mrs Angell, Dr Barnard, G Birch, Brossard, Brunel-Walker, Finch, Finnie, Ms Gaw, Leake, Mrs McKenzie, Ms Miller, Porter and Tullett

ALISON SANDERS
Director of Resources

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If you require further information, please contact: Lizzie Rich
Telephone: 01344 352253
Email: lizzie.rich@bracknell-forest.gov.uk
Published: 18 December 2017



Licensing and Safety Committee
Thursday 4 January 2018, 7.30 pm
Council Chamber, Fourth Floor, Easthampstead House, Town Square, Bracknell - Easthampstead House, Town Square, Bracknell, RG12 1AQ

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

Page No

1. Apologies for Absence

To receive apologies for absence.

2. Declarations of Interest

Members are asked to declare any disclosable pecuniary or affected interests 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.

Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

3. Minutes

To approve as a correct record the minutes of the meeting held on 13 July 2017.

5 - 8

4. Urgent Items of Business

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

5. Notice of Public Speaking

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

- | | | |
|-----|--|---------|
| 6. | Practical Driving Assessments
To approve changes to the providers of practical driving assessments for new driver licence applicants. | 9 - 14 |
| 7. | Safeguarding Training for Licensed Drivers and Operators
To agree the process for selection of safeguarding training providers for licensed drivers and operators. | 15 - 22 |
| 8. | Review of Guidance Notes and Conditions
To approve the consultation on amendments and additions to the Council's Guidance Notes and Conditions document. | 23 - 28 |
| 9. | Licensing Fees and Charges 2018-2019
To review the Licensing fees and charges on behalf of the Council as part of the budget process. | 29 - 36 |
| 10. | Minutes of Licensing Panels
To note the minutes of Licensing Panels held on: <ul style="list-style-type: none">• 26 July 2017 - Shell, Sandhurst• 2 August 2017 - Co-Operative, Jennett's Park• 30 August 2017 - Fenwick, The Lexicon• 6 September 2017 - Star Kebabs• 29 November 2017 - B&B Plus | 37 - 52 |

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LICENSING AND SAFETY COMMITTEE
13 JULY 2017
7.30 - 9.00 PM



Present:

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, Brossard, Finch, Finnie, Ms Gaw, Leake, Mrs McKenzie and Porter

Apologies for Absence were received from:

Councillors Mrs Angell, G Birch, Brunel-Walker, Ms Miller and Tullett

1. Declarations of Interest

There were no declarations of interest.

2. Minutes

RESOLVED that the minutes of the meeting of the Committee held on 24 May 2017 and 5 January 2017 be approved as a correct record and signed by the Chairman.

3. Urgent Items of Business

There were no items of urgent business.

4. Notice of Public Speaking

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

5. Introduction to Joint Public Protection Arrangements

The Public Protection Manager briefed the Committee on progress with joint arrangements and made the following points:

- The joint partnership had now been in place since January 2017. The partnership was governed by the Joint Public Protection Committee which included six members, with two Members being drawn from each local authority. The Committee had its first meeting on 14 March 2017. All information on the Committee could be found online on any of the three Council websites.
- The Public Protection Manager's role included reporting into the management board, guiding, supporting, scrutinising and challenging.
- The Business Plan identified priorities of the joint partnership and it was important to note that none of the governance of the joint partnership strayed into the territory of each Council's respective Licensing Committees.
- Laura Driscoll would be the lead officer for Licensing Committee's across the three local authorities.

- The Public Protection manager would be undertaking preliminary work to get an understanding of what was important to each respective local authority and he would be moving around the Council offices of all three authorities.

6. **Minutes of Licensing Panels**

RESOLVED that the Committee noted the minutes of the Licensing Panels held on 8 February 2017 and 12 June 2017.

7. **Animal Boarding Establishments: Licence Conditions**

The Committee considered the adoption of the Model Licence Conditions for Boarding Establishments as published by the Chartered Institute of Environmental Health (CIEH) in 2013 (cats) and (2016) dogs. It was reported that one response had been received to the consultation exercise. This response asked that the model conditions were not imposed on every establishment in their entirety. This was accepted as the Council would be adopting these as a pool of model conditions, they may not apply in every case for every establishment.

It was reported that a record of the variations for each establishment would be logged.

It was reported that if there was a breach in conditions, officers would consider the harm caused and take action on that basis.

RESOLVED that the Committee approved the adoption of the Model Licence Conditions document at Annexes C and D as follows:

- i) With immediate effect for any new licences issued and
- ii) from 1 January 2018 for any existing licence holders.

8. **Safeguarding Training for Licensed Drivers and Operators**

The Committee considered a proposal to remove the formal test required on completion of this training. It was reported that trainers had asked that the test be removed on recommendation from Reading Borough's Safeguarding team, on the grounds that they did not require the inclusion of the test for any other groups like school staff, after school clubs and children's club organisers.

The Committee expressed concern at removing the test entirely and queried whether a verbal test could be used instead. The Committee also expressed concern that training sessions were being delivered with over 50 attendees. It was confirmed that locally training groups would consist of between 20-25.

The Committee were clear that there should be assurance that each driver has recorded that they have attended and understood the content of the training session. It was reported that one of the expectations on trainers was that they needed to identify to the Council any drivers who were struggling to understand.

The Committee noted that properly trained and informed licensed drivers put themselves in a better position to deal with any Child Sexual Exploitation issues, to protect both themselves and young people.

The Committee agreed that this item be deferred to allow further consideration. It was reported that there could be a proposed solution from the Public Protection Partnership for the whole area.

RESOLVED that the item be deferred to allow an opportunity to be considered further and brought back to the Committee.

9. **Street Trading - Bracknell Town Centre**

The Committee considered its position on street trading now that the town centre regeneration was nearing completion. It was reported that it was important that any street trading in the new town centre was appropriate and complemented the offer of the town centre.

It was reported that the revised fee detailed in paragraph 5.5 of the report would allow cost recovery. It was reported that the map contained in the agenda should be labelled as annex B.

RESOLVED that

- i) the Council's Street Trading Consent Conditions be updated as per Annex A with immediate effect for all future consents issued, and
- ii) the arrangements for the determination of applications for street trading consents on or within the roads and public areas of Bracknell Town Centre as defined in the plan at Annex B, including the proposed revised fee detailed in 5.5 be administered as set out in Annex C of the agenda papers.

10. **House of Lords Select Committee Review of Licensing Act 2003**

RESOLVED that the Committee noted the information report.

11. **Annual Report**

RESOLVED that the Committee noted the Annual Report.

CHAIRMAN

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**TO: LICENSING AND SAFETY COMMITTEE
4 JANUARY 2018**

PRACTICAL DRIVING ASSESSMENTS (Public Protection Manager)

1 PURPOSE OF REPORT

- 1.1 Since 1 February 2007, all new driver licence applicants have been required to pass a practical driving assessment specifically designed for hackney carriage and private hire drivers. This was implemented by the Committee with a view to ensuring a consistent standard of assessment of driver competency. The Council currently approves three specific providers of practical driving assessments, as per Annex A. This report seeks to add a fourth provider to the list, details of which can be found at Annex B.
- 1.2 In addition, this report seeks approval to maintain the list in agreement with the Chairman going forward, to ensure flexibility should there be any changes in the availability of providers currently on the list, or should any new suitable providers commence trading. The list and details contained therein will remain under regular review to ensure the information is accurate.

2 RECOMMENDATIONS

- 2.1 **That the Committee approves the addition of the provider detailed within Annex B to the Council's list of approved providers of practical driving assessments, and**
- 2.2 **That future changes to the list of approved providers at Annex A be agreed with the Chairman as and when required.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The addition of a new provider is with a view to ensuring minimal delay for new driver applicants to obtain a convenient practical driving assessment booking. As providers may cease trading, and indeed new providers may come to light as is the case with the new provider as per Annex B, it would be more time efficient for officers to contact the Chairman directly to approve any changes to the list of providers.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee could choose to retain the list of providers as is, and to continue to require the full Committee to approve any providers for practical driving assessments.

5 SUPPORTING INFORMATION

- 5.1 Applicants choose their provider from the list at Annex A. Each of the three providers issues a certificate either directly to the applicant or via email to the Council. They also give feedback at the time of the test to the applicant.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

- 6.2 There are no 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 None – officers feel that this decision simply allows the trade more choice when selecting a provider for their practical driving assessment.

Method of Consultation

- 7.2 As above.

Representations Received

- 7.3 As above.

Background Papers

None

Contact for further information

Laura Driscoll, Principal Licensing Officer - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Practical Assessments for Licensed Drivers and Applicants

The following providers have been approved to carry out a practical driving assessment for drivers applying for a Private Hire or Dual Private Hire and Hackney Carriage licence, or those upgrading from Private Hire to Dual.

Tests are booked directly with the provider, and any payment due is paid directly to the provider. You must use your own vehicle during the test. If you are taking the enhanced test or wheelchair upgrade, the vehicle must be wheelchair accessible.

Once you have made a booking online, you will be contacted by your nearest examiner and a mutually convenient date, time and meeting location will be agreed.



Name of Provider	Provides wheelchair assessment?	Cost		
		Standard test For Private Hire	Enhanced Test For Hackney Carriage	Wheelchair upgrade If you already passed the standard test
11				
Blue Lamp Trust	https://www.bluelamptrust.org.uk/Driver_Training/taxi_driver_assessment.php or call 03337 000157 (09:30 to 16:00)			
	No	£87.00	£117.00	£40.00
Diamond Advanced Motorists	http://www.advancedmotoring.co.uk/taxi-test			
	Yes	£78.00	£90.00	-
Green Penny	http://www.greenpenny.co.uk/taxi-driver-assessment			

	Yes	Weekdays: £80.00 Evenings/Weekends: £96.00	Weekdays: £92.00 Evenings/Weekends: £112.00	Weekdays: £26.00 Evenings/Weekends: £32.00
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Please be advised that these prices are not set by Bracknell Forest Council and are subject to change.



Driver ABC: Attitude, Behaviour, Competence

The Taxi Test is reflective of modern driving practises and the standard is set at a level suitable for the full driving licence holder. AA DriveTech has a long history of delivering driving assessments and training for those who drive for work purposes. This extensive experience has resulted in valuable insights into the needs of individual drivers and the risks associated with different professions and vehicle categories.

The aim of the taxi assessment is to assess the attitude, behaviour and competence of taxi drivers to ensure that they demonstrate a high degree of driving competence to maximise driver and passenger safety.

The assessment process assists local authorities with their obligations to health and safety compliance and professional taxi drivers themselves with their responsibility to ensure that their fare-paying passengers have a safe, comfortable and enjoyable journey.

Based on a report commissioned by AA DriveTech from Road Safety Analysis, some aspects of road risk, faced by those who drive taxis, is surprising. While certain results may be explained by known traffic patterns and working practices, others exhibit risk patterns unique to taxi drivers compared to the rest of the driving population. AA DriveTech invests in understanding these risks to maximise the relevance of assessments and training. For more information, see "Road Safety Analysis, How Taxi Drivers Contribute to Collisions"



Our team

All trainers must meet the requirements for our Fleet division

1. DVSA Approved Driving Instructor (ADI)
2. DVSA Fleet Registered
3. Relevant driving licence category
4. Advance Driving qualification (equivalent to the DVSA accredited AA Advanced Driving Diploma – 4 star minimum)



National
Coverage



09.00 - 16.30



1 driver
13 trainer



All taxi
drivers



Own vehicle
required



Booking options

Selected dates and times available in each authority area

Session 1: 09.00 - 10.00

Session 2: 10.15 - 11.15

Session 3: 11.30 - 12.30

Session 4: 13.00 - 14.00

Session 5: 14.15 - 15.15

Session 6: 15.30 - 16.30

Suitable for all taxi drivers

Dates, timings and venues by arrangement – location flexible Pre-course information resources provided

The candidate may present an un-plated ordinary privately owned car for the purpose of the assessment OR the vehicle may be plated 'Private Hire' or Hackney Carriage saloon. It must be fully insured and road legal for the purpose of the assessment.

Payment

£86.40 including VAT (20%) to be payable on booking via credit or debit card



For more information

Call: 01256 495732 or
email: tellmemore@AAdrivetech.com

**TO: LICENSING AND SAFETY COMMITTEE
4 JANUARY 2018**

SAFEGUARDING TRAINING FOR LICENSED DRIVERS AND OPERATORS (Public Protection Manager)

1 PURPOSE OF REPORT

- 1.1 The Committee previously agreed to introduce a licence condition requiring mandatory safeguarding training for licensed drivers and operators. One of the elements of the decision was that the drivers would have to pass a test at the training course. At the last meeting in July 2017, the trainers chosen to provide the course asked that the test element be removed. There was concern expressed in respect of this proposal, and therefore the item was deferred to allow for further consideration.
- 1.2 The original contact for the training within Bracknell Forest Council has now left the Council's employment. As a result, officers have been looking for alternative providers for safeguarding training for licensed drivers.

2 RECOMMENDATION

- 2.1 **That subject to any procurement requirements for the Public Protection Partnership, an alternative provider for safeguarding training which meets the original specification of the Committee be selected in liaison with the Chairman.**

3 REASONS FOR RECOMMENDATION

- 3.1 As the original contact for the training has left the Council's employment, officers are required to find an alternative provider for safeguarding training for licensed drivers, operators and new licence applicants. Subject to any procurement rules, officers would like to be in a position to commence the roll out of training for all current drivers and operators, and all new applicants, as soon as possible.
- 3.2 Consultation is currently in progress for the other two Councils within the Public Protection Partnership (PPP). Using one provider across the PPP area, and potentially across the majority of the Berkshire and Buckinghamshire areas, would provide maximum flexibility for drivers to attend training in a convenient location.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There is no alternative option as the original trainers have left the Council's employment, and the recommendation recognises a preference for the provider to work across the area of the PPP to ensure cost efficiency.

5 SUPPORTING INFORMATION

- 5.1 One particular provider gave a presentation at the recent Berkshire Licensing Liaison Group, and sample slides are attached at Annex A. This provider is happy to include a test requirement, and supports the view that a test helps to focus the mind of attendees. In addition they would be able to adapt the training to cover disability awareness training.

- 5.2 Once the provider has been engaged by the PPP, all existing drivers and operators must complete the training prior to the next renewal of their licence and all new applicants must complete the training prior to the issue of their licence. In addition, the course must be retaken every three years. Any fees charged will be based on cost recovery only and this has currently been set at £20 per attendee. The fee will be kept under review to ensure it covers the costs of the training.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

- 6.2 Applicants will either pay the provider direct, or any costs incurred by the PPP will be recharged to those booking places on the training.

Equalities Impact Assessment

- 6.3 The training provided will help suppliers of taxi services to understand potential issues with vulnerable groups including children and adults.

Strategic Risk Management Issues

- 6.4 A failure to take action to protect children and enable the taxi trade to identify and report issues such as CSE would leave children and the Council at risk.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Consultation with the trade was taken into consideration when the original decision was made, and there are no changes proposed to the original decision other than the provider of the training.

Method of Consultation

- 7.2 As above.

Representations Received

- 7.3 As above.

Background Papers

None

Contact for further information

Laura Driscoll, Principal Licensing Officer - 01344 352517

laura.driscoll@bracknell-forest.gov.uk



Safeguarding Awareness Training

Working in Partnership with the Taxi/Private Hire Trade



What's Involved?

Video



Training



Scenarios



Short Assessment



NSPCC

19

There are currently over
57,000
children identified as
needing protection from
abuse in the UK.
(Child protection)

Your Responsibilities

#Trust2Ride

Duty of care
to make sure
vulnerable people
are safe

To treat all
passengers with
**dignity and
respect**

Duty to **pass on
information** if you
have **ANY**
concerns

Whistle-blowing
(Other drivers
/Operators)



20

Scenario 1

You are aware that one of your colleagues regularly picks up a 12 year old girl from a children's home and takes her to a local hotel.

What type of abuse could be occurring?

What makes you think this?

What would you do?



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**TO: LICENSING AND SAFETY COMMITTEE
4 JANUARY 2018**

**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS
Public Protection Manager**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval to go out to consultation on amendments and additions to the Council's Guidance Notes and Conditions document.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) approves the amendments and additions to the Guidance Notes and Conditions document set out at Annex A for consultation, and
- ii) in the event that any comments are received, requires officers to liaise with the Chairman to determine whether a further report is required to consider those comments, or whether the document can be republished with approval of the Chairman in respect of any further amendments.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Members may choose to vary the document at this stage prior to the consultation.

5 SUPPORTING INFORMATION

- 5.1 Attached at Annex A are the proposed additions and amendments to the Guidance Notes for 2018. In addition to updating dates, the material changes to the document are as follows:
- Amending guidance to provide clarity in respect of the criteria for vehicle licensing, both in respect of wheelchair accessibility and executive/dispensation/prestige vehicles, and
 - Clarifying that once a decision has been made by an officer under delegated powers, a Panel of the Council cannot hear an appeal against that decision. This does not prevent the referral of applications to Panels for decision where the applicant does not fall within the policy, such as new driver applications where the applicant has a relevant unspent conviction.
- 5.2 The consultation will run from 8 January 2018 to 2 March 2018 inclusive.

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 All licence holders and members of the public may comment on the consultation.

Method of Consultation

- 7.2 The consultation will take place via the Council's public consultation portal. Details of the consultation will be sent to all licence holders who have provided an email address to the Licensing team.

Representations Received

- 7.3 Not applicable at this stage.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (January 2017)

Contact for further information

Laura Driscoll, Licensing Team Leader, 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Amendments to Guidance Notes and Conditions

Amendments to existing conditions

5.13 All new applicants for driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers.

amend to:

5.13 All new applicants for driver licences must take and pass the appropriate practical driving assessment(s) from the Council's list of approved providers. The assessment certificate will only be valid for the application process for a period of 36 months from its date of issue.

[This proposed change is due to the new data protection regulations which are likely to result in the test providers only retaining details of assessments for a 3 year period].

10.2 A prestige vehicle (as defined in Appendix G) may be submitted for initial licensing if it is less than 9 years old provided that it meets the "exceptional condition" criteria detailed in Appendix G and has travelled less than 150,000 miles.

amend to:

10.2 A vehicle which meets the criteria to be licensed with a dispensation may be submitted for initial licensing if it is less than 9 years old, provided that it meets the "exceptional condition" criteria detailed in Appendix G and has travelled less than 150,000 miles.

AND

20.3 From 1 April 2014, new dispensations shall only be issued to vehicles of the following Euro NCAP categories: (i) Executive
(ii) Large Off Road 4x4

Any vehicles which do not fall within these categories will be considered for dispensation on a case by case basis, in particular those vehicles meeting the definition of a 'prestige vehicle' as defined in Appendix G. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team.

amend to:

20.3 From 1 April 2014, new dispensations shall only be issued to vehicles of the following Euro NCAP categories: (i) Executive
(ii) Large Off Road 4x4

Any vehicles which do not fall within these categories will be considered for dispensation on a case by case basis. It is recommended that prior to purchasing any such vehicle advice be sought from the Licensing Team, but as a basic guide, officers will look for the following criteria to be met:

- The vehicle interior and exterior shall be of the highest quality in design and use of materials available
- The vehicle should carry no more than:
 - (a) one passenger in the front, and
 - (b) three passengers in the rear unless it is specifically designed or adapted to do so;
- Must have sufficient space for passengers as follows:
 - (a) rear height (seat to roof, measured from point of contact between seat cushion and back of seat) - 36" (91cm)
 - (b) depth of seat - 20" (51cm)
 - (c) knee space - (back of seat squab) with front seats fully back – 29" (73.5cm)
 - (d) seat width for each passenger - at least 19" (48.2cm).

[The proposed changes to 10.2 and 20.3 are intended to simplify the definition of 'executive/prestige/ dispensation' vehicles, to avoid confusion for applicants].

Amendments to Guidance Notes and Conditions

11.1 All replacement Hackney Carriages must be wheelchair accessible. Vehicles with twin telescopic wheelchair ramps must also have a winch fitted to assist entry/exit.

amend to:

11.1 All hackney carriages must be wheelchair accessible, i.e. capable of accommodating a disabled person in a DfT reference wheelchair in the passenger compartment.

AND

11.2 All Wheelchair Accessible Vehicles must have a national or single type approval certificate incorporating the modification.

amend to:

11.2 All vehicles that are designed to accommodate wheelchair users must have all modifications and adaptations, including all seats, seat belts and anchorages, retested to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval in the M1 category (evidence of this must be produced). Those vehicles which have not been “type approved” to the M1 category (e.g. conversions) must be presented with approved certification that the specific vehicle meets the requirements of that category. Vehicles may be inspected for suitability by an officer. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.

[The proposed changes to 11.1 and 11.2 are intended to provide more clarity to persons buying new vehicles intended for use as hackney carriages].

13.2 Insurance cover must be for a minimum period of four weeks. A cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

amend to:

13.2 Insurance cover must be continuously maintained. A cover note or certificate of insurance must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate.

[To clarify as it is not viable to require a vehicle to maintain insurance for at least four weeks – it is simply a requirement that they do not let the insurance lapse at all].

13.4 A valid MOT certificate must be submitted with each application for a vehicle licence, or at the request of an authorised officer. Please note that the vehicle inspection carried out by the authorised garages include the elements of an MOT.

amend to:

13.4 A valid MOT certificate must be submitted at the request of an authorised officer. Please note that the vehicle inspection carried out by the authorised garages include the elements of an MOT.

[An MOT itself is not required in addition to the Council’s vehicle inspection, which includes all elements of the MOT, and would therefore only be requested in exceptional cases].

Amendments to Guidance Notes and Conditions

14.4 A reminder will be sent in writing one month prior to the month in which an inspection is due. It is then the responsibility of the owner to make the necessary arrangements directly with one of the authorised garages to ensure the inspection is carried out. If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.

amend to:

14.4 Any vehicle licence issued contains the date when the next inspection is due. It is then the responsibility of the owner to make the necessary arrangements directly with one of the authorised garages to ensure the inspection is carried out. If an inspection is not carried out by the due date, the licence will be suspended until such a test has been passed.

[As the template for the vehicle licence pulls the date of the next inspection due from the database, it is felt that further written reminders are unnecessary and incur avoidable costs].

23.5 A temporary replacement vehicle will only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

amend to:

23.5 A temporary replacement vehicle will usually only be licensed under the original vehicle licence for a maximum of 2 months, to allow for repairs to be carried out on the original vehicle as mentioned previously in this section. The usual application process applies.

[This allows for flexibility in cases where repairs required take longer than the 2 month deadline. Officers would look for evidence that repairs are in progress to extend the licence further].

33.2 The applicant/licence holder may also within 21 days make an application to appeal to the Council's Licensing Appeals and Representations Panel. Upon receipt of an application, the Chief Officer: Environment and Public Protection will decide if the matter is to be referred to the Panel. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

amend to:

33.2 Where officers are minded to refuse a new licence application, the applicant will be offered the opportunity for the matter to be determined by a Panel of members drawn from the Licensing and Safety Committee. If referred, the applicant will be informed in writing of the date and time, and will receive information on their rights and the process of the hearing.

[This is to cater for changes in management of the service, and to clarify that once a decision has been made by an officer of the Council under the scheme of delegations, there is no right of appeal other than to the relevant Court in accordance with the legislation].

Amendments to Guidance Notes and Conditions**General**

Section 7 in respect of Driving Disqualifications will be moved to within Appendix A – the Hackney Carriage and Private Hire Licensing Criminal Convictions Policy.

Section 27 - Guide and Assistance Dogs and Section 28 - Carrying Disabled Passengers – references to the Disability Discrimination Act will be updated with references to the Equality Act as required.

Appendix D – Recording of Contraventions amended to replace references to the 'Chief Officer: Environment and Public Protection' with 'Public Protection Manager'.

Appendix G – Remove references to 'prestige vehicle' as this would be covered by the amended 10.2 and 20.3, and amend point 3 under 'Abnormally Low Mileage' to read: 'A private hire vehicle with a dispensation, with a mileage in excess of 300,000 miles'.

**TO: LICENSING AND SAFETY COMMITTEE
4 JANUARY 2018**

FEES AND CHARGES 2018-2019 (Public Protection Manager)

1 PURPOSE OF REPORT

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex A details the licensing fees and charges for the current year, alongside proposed changes for 2018/19.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

2 RECOMMENDATIONS

- 2.1 **That, save for the vehicle and private hire operator licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation, and**
- 2.2 **That the Committee agrees that the proposed charges for operators and vehicle licence fees are:**
 - a) **advertised;**
 - b) **if no objections are received, implemented for any licences commencing from 1 April 2017; or**
 - c) **if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2017.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations recognise restrictions in legislation and guidance, and the possible impact upon local businesses of licence fees. The recommendations reflect, in the officer view, the best compromise given the parameters in place.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 There are a number of alternative options to consider, ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non-chargeable through the provision of a licence. In drawing up these proposed fees, officers have done so with consideration of the legal constraints in place.

5 SUPPORTING INFORMATION

- 5.1 The Council has given guidance that fees and charges should be increased on average by 3% which takes account of inflationary pressures and staff costs. A significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 5.2 Recent Court decisions have made it clear that the Council when setting the level of fees may set them at cost recovery but it must not set them to make a profit. In

addition if there are any surpluses or deficits from fees levied in the previous years these must be taken into account when setting any new fees. Officers can confirm that overall the Licensing service is recovering the cost of processing applications and monitoring compliance with conditions.

- 5.3 Any increase in fees charged for the licensing of vehicles and private hire operators are required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised, and any objections received must be considered by the Council. It is recommended that in the event of any objections being received, they be considered by the Chairman, who will then set those specific fees having taken account of the objections.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

- 6.2 It has been assumed that income from fees and charges will increase in line with the Council's general inflation forecasts i.e. averaging 3%. Where appropriate this has been applied with a few exceptions as noted in Annex A.

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 There are certain legal provisions requiring consultation on the vehicle and operator fees and charges which will be conducted after this meeting. The remaining fees and charges will be subject to the Council's usual budget consultation process.

Method of Consultation

- 7.2 Advert in a local newspaper and a public notice at the Council's offices.

Representations Received

- 7.3 No process undertaken at the time of writing the report

Background Papers

None

Contact for further information

Laura Driscoll, Principal Licensing Officer - 01344 352517

laura.driscoll@bracknell-forest.gov.uk

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
2018/19 PROPOSED FEES & CHARGES**

Service : Licensing

Purpose of the Charge: To recover the cost of processing applications and monitoring compliance with conditions

	2017/18 Budget £'000	Proposed 2018/19 Budget £'000
Income the proposed fees will generate:	285	286

Are concessions available? No

LICENSING ACT 2003

The fees for all Licensing Act 2003 permissions are statutory fees set by central government

Fees for new and variation applications for premises licences and club premises certificates are based on the rateable value of the premises and are as set out below:

Description	Current Fee (Inc VAT)	Current Fee (Exc VAT)	Proposed Fee (Inc VAT)	Proposed Fee (Exc VAT)	Increase
	£.p	£.p	£.p	£.p	%
Rateable value band					
A		Set by Statute		Set by Statute	
B		Set by Statute		Set by Statute	
C		Set by Statute		Set by Statute	
D		Set by Statute		Set by Statute	
E		Set by Statute		Set by Statute	

The fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on the premises are as set out below:

Rateable value band					
D		Set by Statute		Set by Statute	
E		Set by Statute		Set by Statute	

Also, new or variation applications for premises licences and club premises where capacity will exceed 5000, are subject to an additional fee as set out below:

Number of people in attendance at any one time					
5,000 - 9,999		Set by Statute		Set by Statute	
10,000 - 14,999		Set by Statute		Set by Statute	
15,000 - 19,999		Set by Statute		Set by Statute	
20,000 - 29,999		Set by Statute		Set by Statute	
30,000 - 39,999		Set by Statute		Set by Statute	
40,000 - 49,999		Set by Statute		Set by Statute	
50,000 - 59,999		Set by Statute		Set by Statute	
60,000 - 69,999		Set by Statute		Set by Statute	
70,000 - 79,999		Set by Statute		Set by Statute	
80,000 - 89,999		Set by Statute		Set by Statute	
90,000 and over		Set by Statute		Set by Statute	

Premises licences sought for community centres and some schools that permit regulated entertainment but which do not permit the supply of alcohol and/or the provision of late night refreshment will not incur a fee

OTHER FEES

There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:

Personal Licence Application		Set by Statute		Set by Statute	
Supply of copies of information contained in register		Set by Statute		Set by Statute	
Application for copy of licence or summary on theft, loss etc. of premises licence or summary		Set by Statute		Set by Statute	
Notification of change of name or address (holder of premises licence)		Set by Statute		Set by Statute	
Application to vary licence to specify an individual as designated premises supervisor		Set by Statute		Set by Statute	
Interim Authority Notice		Set by Statute		Set by Statute	
Application to transfer premises licence		Set by Statute		Set by Statute	
Application for making a provisional statement		Set by Statute		Set by Statute	
Application for copy of certificate or summary on theft, loss etc. of certificate summary		Set by Statute		Set by Statute	
Notification of change of name or alteration of club rules		Set by Statute		Set by Statute	
Change of relevant registered address of club		Set by Statute		Set by Statute	
Temporary Event Notices		Set by Statute		Set by Statute	
Application for copy of notice on theft, loss etc. of temporary event notice		Set by Statute		Set by Statute	
Application for copy of licence on theft, loss etc. of personal licence		Set by Statute		Set by Statute	
Notification of change of name or address (personal licence)		Set by Statute		Set by Statute	
Notice of interest in any premises		Set by Statute		Set by Statute	
Minor Variation		Set by Statute		Set by Statute	
Removal of DPS Condition		Set by Statute		Set by Statute	

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
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Income the proposed fees will generate:	285	286

Are concessions available? No

Description	Current Fee (Inc VAT)	Current Fee (Exc VAT)	Proposed Fee (Inc VAT)	Proposed Fee (Exc VAT)	Increase
	£.p	£.p	£.p	£.p	%
ANNUAL FEES					
Where premises licences and club premises certificates are issued, the holder shall pay an annual fee as set out below:					
Rateable value band					
A		Set by Statute		Set by Statute	
B		Set by Statute		Set by Statute	
C		Set by Statute		Set by Statute	
D		Set by Statute		Set by Statute	
E		Set by Statute		Set by Statute	
Where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:					
Rateable value band					
D		Set by Statute		Set by Statute	
E		Set by Statute		Set by Statute	
Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:					
Number of people in attendance at any one time					
5,000 - 9,999		Set by Statute		Set by Statute	
10,000 - 14,999		Set by Statute		Set by Statute	
15,000 - 19,999		Set by Statute		Set by Statute	
20,000 - 29,999		Set by Statute		Set by Statute	
30,000 - 39,999		Set by Statute		Set by Statute	
40,000 - 49,999		Set by Statute		Set by Statute	
50,000 - 59,999		Set by Statute		Set by Statute	
60,000 - 69,999		Set by Statute		Set by Statute	
70,000 - 79,999		Set by Statute		Set by Statute	
80,000 - 89,999		Set by Statute		Set by Statute	
90,000 and over		Set by Statute		Set by Statute	
OTHER PREMISES LICENSING					
Sex Establishment: Annual Licence					
Premises - Initial		2,542.00		2,617.00	3.0
Premises - Renewal		1,349.00		1,389.00	3.0
Street Trading Consents					
Week (minimum charge)		128.00		132.00	3.1
1 month		344.00		354.00	2.9
3 months		809.00		833.00	3.0
6 months		1,323.00		1,362.00	2.9
6 months max trading 2 events per week including Fri,Sat,or Sun 40% reduction		748.00		818.00	9.4
6 months max trading 2 events per week Monday to Thursday 60% reduction		498.00		545.00	9.4
Street Trading Consent variation fee		84.00		86.00	2.4
Ice Cream van 1 month (per van)		172.00		177.00	2.9
Ice Cream van 6 months (per van)		662.00		682.00	3.0
Scrap Metal Dealers: Three Year Licence					
Site Licence New		462.00		476.00	3.0
Site Licence Renewal		401.00		413.00	3.0
Mobile Collector New		247.00		254.00	2.8
Mobile Collector Renewal		226.00		233.00	3.1
Variation of licence		340.00		350.00	2.9
Change of site manager		63.00		65.00	3.2
Copy Licence		11.00		11.00	0.0
Change of name		33.00		34.00	3.0

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Are concessions available? No

Description	Current Fee (Inc VAT)	Current Fee (Exc VAT)	Proposed Fee (Inc VAT)	Proposed Fee (Exc VAT)	Increase
	£.p	£.p	£.p	£.p	%
Caravan Sites					
New licence		406.00		418.00	3.0
New licence per pitch		16.00		16.00	0.0
Transfer of licence		172.00		177.00	2.9
Alteration of conditions		315.00		324.00	2.9
Annual fee per pitch		13.48		14.00	3.9
Enforcement action - per hour		48.00		55.00	14.6
Deposit, vary or delete site rules		108.00		111.00	2.8
Dangerous Wild Animal: Annual Licence					
Premises - Initial		451.00		464.00	2.9
Premises - Renewal		261.00		269.00	3.1
Riding Establishment: Annual Licence					
Premises - Initial		487.00		501.00	2.9
Premises - Renewal		253.00		261.00	3.2
Provisional - Initial		284.00		292.00	2.8
Provisional - Renewal		145.00		149.00	2.8
Animal Boarding Establishment: Annual Licence					
1 - 30 animals Initial		384.00		395.00	2.9
Renewal		225.00		232.00	3.1
31 - 60 animals Initial		453.00		466.00	2.9
Renewal		244.00		251.00	2.9
61 (or more) animals Initial		552.00		568.00	2.9
Renewal		298.00		307.00	3.0
Home Boarding of Dogs: Annual Licence					
Initial		138.00		142.00	2.9
Renewal		116.00		119.00	2.6
Dog Breeders: Annual Licence					
Initial		463.00		477.00	3.0
Renewal		209.00		215.00	2.9
Pet Shops: Annual Licence					
Initial		463.00		477.00	3.0
Renewal		209.00		215.00	2.9
Performing Animals: Single Payment					
Registration		94.00		96.00	2.1
Zoo: Annual Licence					
Initial/Renewal		463.00		477.00	3.0
Hairstresser: Single Payment					
Premises		40.00		41.00	2.5

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
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	£.p	£.p	£.p	£.p	%
HACKNEY CARRIAGES					
Hackney Carriages Vehicle: Annual Fee					
Licensing (annual fee)		268.00		276.00	3.0
Private Hire Vehicle: Annual Fee					
Licensing (annual fee)		268.00		276.00	3.0
Home to School (annual fee)		136.00		140.00	2.9
Operator Licence: Annual Fee					
1 vehicle		174.00		179.00	2.9
2 - 5 vehicles		301.00		310.00	3.0
6 - 10 vehicles		505.00		520.00	3.0
11 - 15 vehicles		699.00		720.00	3.0
16 - 20 vehicles		947.00		975.00	3.0
more than 20 vehicles		1,141.00		1,175.00	3.0
Operator Licence: 3 year Licences					
1 vehicle		416.00		428.00	2.9
2 - 5 vehicles		731.00		753.00	3.0
6 - 10 vehicles		1,212.00		1,248.00	3.0
11 - 15 vehicles		1,680.00		1,730.00	3.0
16 - 20 vehicles		2,273.00		2,341.00	3.0
more than 20 vehicles		2,738.00		2,819.00	3.0
Operator Licence: 5 year Licences					
1 vehicle		652.00		671.00	2.9
2 - 5 vehicles		1,150.00		1,184.00	3.0
6 - 10 vehicles		1,900.00		1,956.00	2.9
11 - 15 vehicles		2,634.00		2,712.00	3.0
16 - 20 vehicles		3,564.00		3,670.00	3.0
more than 20 vehicles		4,292.00		4,419.00	3.0
Driver Licences					
New 1 year (all driver licence types)		139.00		143.00	2.9
Renewal 1 year		106.00		109.00	2.8
New 3 years		245.00		252.00	2.9
Renewal (3 years- 33% discount on annual fee)		212.00		218.00	2.8
Home to school renewal only		86.00		89.00	3.5
Home to school 3 years		172.00		177.00	2.9
Other Charges					
Transfer of vehicle to new owner		46.00		47.00	2.2
Conversion of driver licence to another type		74.00		76.00	2.7
Change of vehicle		69.00		71.00	2.9
Transfer of operator licence		46.00		47.00	2.2
Meter Test - Retest after failure		30.00		31.00	3.3
Knowledge Test		30.00		31.00	3.3
First Aid Training for drivers		26.00		27.00	3.8
DBS Check		At cost		At cost	
Administrative charge for DBS check		12.00		12.00	0.0
Replacement documents		22.00		23.00	4.5
Advertising on Hackney Carriages (Initial)		36.00		37.00	2.8
Advertising on Hackney Carriages (Renewal)		25.00		26.00	4.0
Replacement Badge		21.00		22.00	4.8
Replacement plate		25.00		26.00	4.0
Replacement backing plate		20.00		21.00	5.0
Medical exemption from carrying assistance dog		20.00		21.00	5.0
Refund processing fee		25.00		26.00	4.0
Change of vehicle registration		47.00		49.00	4.3
Safeguarding Training		20.00		20.00	0.0

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT
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	£.p	£.p	£.p	£.p	%
GAMBLING ACT 2005					
Bingo Club					
New Application		Set by Statute		Set by Statute	
Variation		Set by Statute		Set by Statute	
Transfer/Reinstatement		Set by Statute		Set by Statute	
Application with Prov Statement		Set by Statute		Set by Statute	
Prov Statement		Set by Statute		Set by Statute	
Notification of Change		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	
Copy Licence		Set by Statute		Set by Statute	
Adult Gaming Centre					
New Application		Set by Statute		Set by Statute	
Variation		Set by Statute		Set by Statute	
Transfer/Reinstatement		Set by Statute		Set by Statute	
Application with Prov Statement		Set by Statute		Set by Statute	
Prov Statement		Set by Statute		Set by Statute	
Notification of Change		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	
Copy Licence		Set by Statute		Set by Statute	
Betting (Other)					
New Application		Set by Statute		Set by Statute	
Variation		Set by Statute		Set by Statute	
Transfer/Reinstatement		Set by Statute		Set by Statute	
Application with Prov Statement		Set by Statute		Set by Statute	
Prov Statement		Set by Statute		Set by Statute	
Notification of Change		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	
Copy Licence		Set by Statute		Set by Statute	
* Licensed Premises Gaming Machine Permit					
New		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	
Variation		Set by Statute		Set by Statute	
Transfer		Set by Statute		Set by Statute	
Copy Permit		Set by Statute		Set by Statute	
Change Name		Set by Statute		Set by Statute	
**Club Gaming/Permit/Club Machine Permit					
New		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	
Renewal		Set by Statute		Set by Statute	
Variation		Set by Statute		Set by Statute	
Copy Permit		Set by Statute		Set by Statute	
Notification of 2 or less gaming machines					
		Set by Statute		Set by Statute	
Registration of non-commercial lottery					
Initial Fee		Set by Statute		Set by Statute	
Annual Fee		Set by Statute		Set by Statute	

* Where the applicant for a LPGMP is the holder of a s.34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.

** Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s.72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.

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**LICENSING PANEL
26 JULY 2017
2.00 - 3.30 PM**



Present:

Councillors Leake (Chairman), Ms Gaw, and Thompson

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted.

3. Application for a variation of Premises Licence for Shell Filling Station, 102 Yorktown Road, Sandhurst, GU47 9BH

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

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Interested Parties;

together with reference to the appropriate Licensing objectives, the Council's own Licensing Policy and the Secretary of State's guidance. The panel particularly considered the sections of the policy that the applicant referred the panel to in his submissions. At the conclusion of the proceedings, all participants present confirmed that they had been given the opportunity to say all they wished to say. It was acknowledged at the commencement of the panel hearing that everyone present had all the relevant documentation before them and had an opportunity to read the material. During the panel, reference was made to the plan and where the interested parties' houses were in relation to the premises.

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

The Panel decided that granting the licence would have an adverse impact on the promotion of the licensing objective of preventing public nuisance and particularly noise nuisance. The panel determined that the licence for the supply of alcohol 24 hours a day, seven days a week **should not be granted**.

The Panel agreed that the licence to sell Late Night Refreshment restricted to hot drinks only **should be granted**, as it was understood that the purchase of hot drinks would be an adjunct to the purchase of petrol, rather than the standalone purchase of alcohol. The Panel agreed with the suggestion made on the application form that this licence should be for drinks only.

Reasons

The Panel heard the account of residents and objectors, and were absolutely convinced that there was an existing, current and ongoing noise nuisance caused by the premises' 24 hour opening times which had been exercised for the previous two months. The panel assessed the demeanour of the presentation of those making representations both for the applicant and the interested parties (objectors) and believed that both parties were honest, gave accurate evidence and their evidence was cogent.

They believed that the representative for the garage would go back and try and introduce some changes to working practices that will be designed to reduce the level of noise nuisance. However, the panel believed that the operating model at the garage at night with lone worker cashiers using a tannoy to communicate with customers would be difficult to reduce noise nuisance because of the requirements associated with the sale of petroleum. The panel determined, on the balance of probabilities as a matter of fact, that the garage operations at night time are currently posing a noise nuisance to residents in the vicinity of the licensed premises. The panel concluded that the noise was in part attributable to the operation of the garage as vendors of petroleum which falls outside of its remit as licensing panel.

The panel then went on to look at whether there would be noise associated with the sale of alcohol. The Panel determined that given the existence of current noise together with evidence of anti social behaviour, anyone buying alcohol during the hours of 11am and 6pm would be more likely to be associated with anti social behaviour and noise nuisance, and the current working arrangements at the licensed premises during the hours of 11pm and 6pm would not be able to mitigate against noise and public nuisance.

The panel went on to consider late night refreshment and felt very clearly that people would only come to the premises for a hot drink as an ancillary act to purchasing petroleum. Based on the submissions considered, the panel were persuaded that people would come to the licenced premises at night just to purchase alcohol, and would bring with them the high probability of noise nuisance and anti social behaviour that would disturb the sleeping patterns of the interested parties. The panel heard submissions from the interested parties both in written and oral form that the interested parties were experiencing anti social behaviour in the form of people urinating in the gardens which the panel accept occurred. The Panel believed that the sale of alcohol at night time would considerably add to the anti-social behaviour. It was not thought that the purchase of hot drinks would encourage additional customers and rather would be an ancillary purchase to that of petrol, so the Late Night Refreshment licence was agreed to be granted.

The panel are aware that a decision of this nature may not be one that is agreed by all and another panel may come to another decision. However, the panel carefully considered the material before them as they are required to do. They applied that material to the decision making process and were minded to do the minimum required to achieve the promotion of the licensing objective, namely avoidance of noise nuisance and prevention of public nuisance. In coming to this decision, they had to separate out the noise associated with the operation of the garage selling petroleum throughout the night which is outside the panel's jurisdiction, and the impact on noise nuisance and public nuisance related to the sale of alcohol which is within their remit. The panel concluded on the material before them that there was clear evidence of an existing noise nuisance associated with the sale of petrol and that there would, as a finding of fact on the material before them, be nuisance and

public nuisance associated with the sale of alcohol through out the night. The panel concluded that the current and proposed working practice of sole night time workers is not able to control or mitigate noise nuisance associated with petroleum sales, so would not be able to control noise and public nuisance associated with the sale of alcohol throughout the night as the same operational approach would be applied to both sales and licensed regimes. If that operational approach does not work for mitigating noise and public nuisance for one type of sale (sale of petroleum), it cannot mitigate noise and public nuisance for the sale of alcohol which the Panel believed between the hours of 11pm and 6 pm would be more challenging to control and would as a consequence not promote the licensing objective of avoiding noise and public nuisance. Whilst the panel accepted the applicant's agent has offered to work with objectors and residents to try and prevent disturbances like sweeping the forecourt in the early hours, the principle operating arrangements are not going to change and the panel were not satisfied that the lone worker operating arrangements between 11pm and 6pm would be sufficient at this site to control noise and public nuisance to those living in the vicinity of the licensed premises. Under the current arrangements at the hearing, the overall operating arrangements at the site did not allow the applicant to reduce noise nuisance or public nuisance associated with either the sale of petroleum which is outside our jurisdiction or the sale of alcohol, which is within our jurisdiction during the night and late evening. Residents are entitled to an undisturbed late evening and nights sleep.

The Panel reminded residents of their ability to raise other matters with the premises such as noise and light pollution with Environmental Health and the Police if they remained an issue.

The Panel found compelling evidence in the written submissions by the interested parties to suggest that incidents of noise nuisance and public nuisance would increase as a result of the premises licence being amended to sell alcohol throughout the extended hours applied for. No representations had been received by the Police with regards to this or any of the four licensing objective.

In summary, the Panel were convinced that an existing noise nuisance and public nuisance problem would be exacerbated by the provision of alcohol from the Shell Filling Station, Yorktown Road, however the licence for Late Night Refreshment was not anticipated to generate additional traffic and customers as hot drinks would be an ancillary purchase to petrol.

The Panel also agreed the updated premises plan put before them by the Licensing Authority.

The applicant was reminded that the Panel's decision was binding upon applicant and the Licensing Authority, and that any appeals should be made to Reading Magistrates Court who process all applications for the East Berkshire area.

CHAIRMAN

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**LICENSING PANEL
2 AUGUST 2017
2.00 - 2.33 PM**



Present:

Councillors Allen (Chairman), Thompson and Tullett

1. Declarations of Interest

There were no declarations of interest.

2. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted.

3. Application for a new Premises Licence for Co-operative, Sparrowhawk Way, Jennett's Park, Bracknell

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

- the Licensing Officer who outlined the issues;
- the Applicant,

Whilst the Interested Parties did not attend to give oral evidence, the panel read the submissions and gave consideration to them as part of their decision making. No adverse inference was drawn from the interested parties' non attendance.

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

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities. The Panel bore in mind the promotion of the four licensing objective: promotion of public safety, prevention of noise nuisance, protection of children from harm and prevention of crime and disorder. In this particular case they gave particular attention to the objectives of crime and disorder, public nuisance and noise as they were set out in the interested parties' representations as their key objections.

The Panel decided that granting the licence would not have an adverse impact on the promotion of the four licensing objectives, and agreed to grant the Licence with no additional conditions. The Licensing Section will send you a copy of the Licence in due course.

Reasons

While the Panel noted the possibility of crime, disorder and public nuisance, there was no evidence to suggest that this was an existing issue as the premises had not

yet opened and the Panel were not convinced that this would be a problem in the future. The Panel wished to remind objectors of the robust review process under the Licensing Act, which could be brought into effect through the Council's Licensing Team should a problem arise concerning the licensing objectives listed above namely crime, public nuisance or noise.

The Panel recognised that a previous licensing application for the same premises had been granted on similar terms, although this had since been surrendered.

The Panel noted residents' concerns regarding the increase in traffic and health concerns, however they were reminded that these concerns did not come under the licensable objectives and were considerations for the Council's Highways and Planning teams.

The Panel noted that the Jennett's Park community was in desperate need of a shop, and the applicant commented that of the predicted turnover for this unit, 85% was expected to be grocery sales with only 15% predicted alcohol sales. The applicant was keen to explain that the premises was not a dedicated off-licence, but did wish to sell all its products to customers at all opening hours.

The Panel were also informed that the proposed opening and licensing hours were in line with that of other community convenience stores in Bracknell, which had raised no notable issues.

The Panel were satisfied by the robust training provision from the Co-Operative group, including the Challenge 25 procedure, alcohol sales training and exams for all staff and the provision of three staff members trained as enhanced licence holders. All staff trained to sell alcohol would be held on 'lock down' until they had satisfied the store manager of their confidence and ability to fulfil the alcohol sales procedures.

In summary, the Panel granted the new premises licence for the sale of alcohol between the hours of 06:00 and 23:00 Monday to Sunday, and suggested that any subsequent issues relating to the licensing objectives should be raised with the Licensing Authority. The Licensing Act regime on the factual circumstances of this application pointed to issuing the licence as requested. The possibility of the concerns advanced by the objectors requires the licence to be granted, as a review procedure can be triggered if their concerns ever come about.

The Panel's decision is binding upon you and the Licensing Authority.

CHAIRMAN

**LICENSING PANEL
30 AUGUST 2017
10.00 - 11.09 AM**



Present:

Councillors Allen (Chairman), Brossard and Mrs McKenzie

Also present:

Lizzie Rich, Clerk

Donald Adams, Legal Advisor

Laura Driscoll, Licensing Officer

Gail Siddall, Environmental Health representative

Craig Strugnall, Fenwick Bracknell representative

Jon Wallsgrove, Applicant's agent

4. Declarations of Interest

In the interests of openness, the chairman declared that all members of the Council had been offered a discount at Fenwick's opening event.

There were no other declarations of interest.

5. The Procedure for Hearings at Licensing Panels

All parties noted the procedure for hearings at Licensing Panels.

6. Application for a new premises licence for Fenwicks, The Avenue, Bracknell

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

- the Licensing Officer who outlined the issues;
- the Applicant,
- the Environmental Health Officer;

together with reference to the appropriate Licensing objectives, the Council's own Statement of Licensing Policy and the Home Office's April 2017 revised guidance issued under section 182 of the Licensing Act 2003. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

The Panel noted that there had been no representations made by the Police, or any of the other Responsible Authorities. The Panel bore in mind the promotion of the four licensing objectives under the Licensing Act 2003, the relevant objective in this case being the prevention of public nuisance, with particular concern to the potential for noise nuisance.

The Panel decided that granting the licence would not have an adverse impact on the promotion of the four licensing objectives, and agreed to grant the Licence, with additional conditions relating to the outdoor terrace. The Panel agreed that the

outdoor roof terrace should only be available to customers until 23:00, Monday to Sunday, and that noise and vibration resulting from outdoor dining should be monitored by the applicant.

Reasons

The Panel took no issue with the granting of the alcohol licence for the premises, and discussed only the conditions to mediate against noise nuisance arising from the rooftop terrace of the restaurant.

The Panel found no evidence to suggest that the applicant's proposal of terrace opening time until 23:00 Monday to Sunday (as opposed to it closing any earlier on those days as proposed by Environmental Health) would result in noise nuisance, and noted that, with a new night time economy due to open in the town, there was likely to be more ambient noise in the evening in Bracknell town centre to a certain degree in any event. Whilst the Panel recognised concerns from Environmental Health regarding a likely change from the historic lower ambient noise during the evening in Bracknell as a result of the opening of the new town centre on the 7th September 2017, they did not consider that in itself would be reason to refuse the licence application.

In reaching its decision, the Panel was mindful to strike a balance between the legitimate business interests of the applicant retailer in wishing to operate licensable activity in a town centre environment, with the interest and rights of inhabitants of nearby residential premises not to have to endure noise nuisance caused by such activity.

The Panel took into consideration the proposed layout of the terrace, and noted that the restaurant was unlikely to attract large, rowdy groups of people to what appeared to be an upmarket eatery with seated table service only.

The Panel also took into account the applicant's stated intention to have a glass balustrade surrounding the terrace restaurant, with planters positioned on the terrace and a canvas canopy hung above customer's heads, all of which were hoped to shield the terrace from view of nearby inhabitants of residential properties and also serve to help reduce potential for noise nuisance emanating from the premises.

The Panel accepted the applicant's proposal that waiting staff would be constantly monitoring the outdoor space by nature of table service, and the Panel wished to remind the applicant of the duty on table staff to remind customers of the need to respect neighbours if any rowdy behaviour was witnessed.

The Panel took into account the applicant's agreement to engage with and work alongside the Council and its Environmental Health Officers in the future in order to address any issues that may arise following receipt of complaint or otherwise as to noise nuisance emanating from the licensed premises in question, albeit the Panel was aware that no representations from residents, expressing any such potential concerns, had been received as at the time of the Hearing.

The Panel also recognised the power of the licensing authority to be able to review the granted licence and/or its conditions should any issue arise at the premises in connection with any of the licensing objectives or if otherwise requested to do so by the Police, Magistrates' Court or other responsible authority.

In conclusion, the Panel granted the licensing application with the following conditions, in addition to the mandatory conditions under the licence:

- The terrace shall not be used by customers from 23:00 until the closure of the premises on Monday to Sunday.
- Signage shall be displayed asking customers to keep noise to a minimum to ensure no disturbance to the inhabitants of nearby residential properties
- Noise and vibration shall not be permitted to emanate from the premises to such an extent that it would cause a nuisance to the inhabitants of nearby residential properties.

The Panel's decision is binding upon the applicant and the Licensing Authority.

CHAIRMAN

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**LICENSING PANEL
6 SEPTEMBER 2017
2.00 - 4.10 PM**



Present:

Councillors Brossard (Chairman), Ms Gaw and Mrs McKenzie

Also Present:

Hannah Stevenson, Clerk

Simon Bull, Legal Advisor

Charlie Fletcher, Licensing Officer

Steve Loudon, Chief Officer: Environment & Public Protection

Edip Kozluca, Applicant

John Payne, Applicant's agent

7. Declarations of Interest

There were no declarations of interest.

8. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted.

9. Application to Review Street Trading Consent for Star Kebabs

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

- the Licensing Officer and the Chief Officer: Environment & Public Protection who outlined the issues;
- the Applicant,

together with reference to the appropriate Street Trading Consent objectives, the Council's own Policy for Determination of Street Trading Consents. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

After careful consideration of all the information presented, the Panel came to the decision that the application to renew street trading consent for Star Kebab be granted for six months starting from the 1 August 2017 to the 31 January 2018. A further application would then need to be submitted to apply for street trading consent past 31 January 2018. The Panel agreed that the fee for the renewal of the street trading consent would remain at £1323.00 as the application had been submitted on the 12 July 2017, prior to the revision of the fees and policy for determination of street trading consents, which had been agreed by Bracknell Forest Councils Licensing and Safety Committee on the 13 July 2017.

Reasons

The reasons for the decision are that the Panel found no evidence in the written and oral submissions from the Licensing Officer and the Chief Officer: Environment & Public Protection to suggest that if Star Kebab continued to trade in its current location, that this would have an adverse effect on the parking provision in Market Street and the Town Centre. The Panel felt that by renewing Star Kebab street trading consent for six months this would allow for the impact of the parking in the town centre, following the opening of the Lexicon on the 7 September 2017, to be monitored as parking issues were currently unknown after 5pm and were based on assumptions with no evidence being provided to back this up.

Panel Members noted that the Licensing Authority had notified you three years ago of the significant changes that were occurring to the residential, retail and food provision within the Town Centre due to the regeneration and opening of the Lexicon. Due to these changes the Licensing Authority had advised you that a new location would need to be sought for Star Kebab and a planning permission application would need to be applied for. By renewing your Street Trading Consent until the 31 January 2018 this would allow more time for a new site to be sought for Star Kebab by yourself. However, if in the interim no legitimate parking issues arise, then you can make a fresh application for the current pitch and it will be decided on the facts and in accordance with policy that prevail at that time .

The Panel Members also noted and recognised the many letters of support that Star Kebab had received from members of the public and felt that this was testament to the high standard of service and quality that Star Kebab provided and felt that this was an asset to Bracknell Town Centre.

The Panel's decision is binding upon you and the Licensing Authority.

CHAIRMAN

**LICENSING PANEL
29 NOVEMBER 2017
2.00 - 4:10PM**



Present:

Councillors Leake (Chair), Ms Gaw and Thompson

Also Present:

Simon Bull, Legal Adviser
Charlie Fletcher, Licensing Officer
Wayne Scott, Traffic Manager
Lizzie Rich, Clerk

10. Declarations of Interest

There were no declarations of interest.

11. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted.

12. Application for new street trading consent for Mrs Hatice Anil Bunker, B&B Plus, Crowthorne Road North

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

- the Licensing Officer;
- the Traffic Manager;
- Ward Councillors for Wildridings and Central (Councillors Skinner and Mrs Hamilton);
- the Applicant,

together with reference to the Council's own Policy for Determination of Street Trading Consents. At the conclusion of the proceedings all participants present confirmed that they had been given the opportunity to say all they wished to say.

After careful consideration of all the information presented, the Panel came to the decision to grant a Street Trading Consent to the applicant on Crowthorne Road North for B&B Plus.

This decision was given with the proviso that the Licensing Officer, in consultation with the Traffic Manager, should agree a suitable location for the unit within the Crowthorne Road North area which was obscured as much as possible from the A3095 Bagshot Road. This was intended to prevent dangerous driving and illegal stopping on the clearway Bagshot Road by those who may see the van and miss the turning. The Panel were very cautious about going against the concerns of the Traffic Manager, as he raised apparent points about road safety that may arise from the granting of the Consent and the situation of the van within the sight line of the Bagshot Road.

If an appropriate site, obscured from drivers on the Bagshot Road, could not be agreed within 7 days of the date of the decision letter, the consent would lapse and the matter would be returned to the same Licensing Panel for further consideration. It was suggested that Mrs Bunker's van currently used at another site could be used as the model for determining the site allocation of the van, as during the panel hearing Mrs Bunker indicated it would be a similar van to the one she currently uses that will be used at this pitch.

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Reasons

The Panel found no evidence in the written and oral submissions from the Licensing Officer, Traffic Manager and Ward Councillors to suggest that the principle of street trading on Crowthorne Road North was contested. There was also no reason to suggest that the hours of operation should be altered from the proposed 16:00 to 23:00, seven days a week.

The Panel agreed that as Crowthorne Road North was accessible by a turning off Bagshot Road, it was possible that a street trader unit which was visible from the main road may lead to dangerous driving in order to access it. The panel has set out above what it wishes done to make the pitch safe. It was also noted that a street trading unit visible from the main road may encourage drivers to illegally stop on Bagshot Road, which was a clearly designated clearway. For this reason, the Panel were satisfied to allow street trading on Crowthorne Road North if the unit was not visible and attracting trade from the A3095 Bagshot Road. This could be by locating the unit further down the road than originally proposed, or by situating on the other side of the road. It was hoped that this would go some way to alleviate the concerns of the Traffic Manager and Ward Councillors.

The Panel did not feel that any comparison could be drawn to any other street trader unit or premises licence, as each case was unique to the location and must be determined on its own facts and merit. They accepted the advice of the legal advisor that evidence of people driving and parking recklessly in one area could just as easily be reproduced in another area where Mrs Bunkers van would be situated as the evidence was based on human nature so in terms of cogency must be treated as little more than a generalisation that could act both for and against the applicant's case. The key issue in this case resolved around the Traffic Manager's concerns in his last bullet point on page 25 of the Licensing Panel papers concerning the action of cars on the Bagshot Road. The Panel were satisfied that the applicant had been treated fairly and without discrimination by the Council.

The Panel's decision is binding upon you and the Licensing Authority. There is no onward appeal against the decision of the pane

CHAIRMAN

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