

Notice of Meeting

Licensing and Safety Committee

Councillors Porter, Brossard, Allen, Atkinson, Dr Barnard, Brown, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake, Mrs McKenzie-Boyle and Tullett



Thursday 22 October 2020, 7.30 - 9.30 pm

Online Only - Zoom

Agenda

Item	Description	Page
1.	Election of Chair	
2.	Appointment of Vice-Chair	
3.	Apologies for Absence	
	To receive apologies for absence.	
4.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>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.</p>	
5.	Minutes	3 - 4
	To approve as a correct record the minutes of the meeting held on 6 February 2020.	
6.	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.	
7.	Notice of Public Speaking	
	To note those agenda items which have received an application for public	

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	speaking	
8.	Fees and Charges 2021/22 Reporting: Suzanne McLaughlin	5 - 26
9.	Annual Report 2019/20 Reporting: Suzanne McLaughlin	27 - 34
10.	Standards Taxi and Private Hire Vehicle Standards Reporting: Julia O'Brien	35 - 38
11.	Review of Statement of Licensing Policy Reporting: Julia O'Brien	39 - 68
12.	Taxi Liaison meeting update Reporting: Niamh Kelly	69 - 76
13.	Urgent delegated decisions	
	For the Chairman to update Members on an Urgent Decision taken between meetings to vary the licence condition for 6 monthly taxi vehicle inspections. Reporting: Councillor John Porter	
14.	Minutes of Licensing Panels Reporting: All to note BP Oil Limited – 28 January 2020 Private Hire Driver – 24 February 2020 Sandhurst Service Station – 10 March 2020 Hall & Woodhouse – 1 June 2020 King's Kebabs – 11 June 2020	77 – 80 81 83 – 86 87 – 89 91 - 94

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**LICENSING AND SAFETY COMMITTEE
6 FEBRUARY 2020
7.30 - 8.15 PM**

Present:

Councillors Porter (Chairman), Brossard (Vice-Chairman), Allen, Atkinson, Brunel-Walker, Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake and Tullett

Apologies for absence were received from:

Councillors Dr Barnard, Brown and Mrs McKenzie-Boyle

23. Declarations of Interest

There were no Declarations of Interest.

24. Minutes

The minutes of the meeting held on 24 October 2019 were approved as a correct record.

Arising from the minutes, the following updates were noted:

- Officers had made contact with Royal Military Academy Sandhurst to discuss the use of CCTV in private hire and hackney carriage vehicles on base.
- Bracknell town centre management had been invited to the next trade meeting on 26 February 2020.
- No further feedback had been received from the trade around fare rises.
- Officers had offered support to the trade around carrying disabled customers.
- No further updates had been received from the trade regarding the misuse of the taxi rank at Waitrose in the Lexicon.
- A list of wheelchair accessible hackney carriage vehicles was already available on the Council website. The numbers of other registered vehicles would be available in future, after a development to the IT system.
- The Committee discussed measures to be taken in future to encourage the use of electric and hybrid taxis to support the Council's pledge to be carbon neutral by 2050. It was also noted that the Government had set 2035 as the deadline to buy new petrol and diesel cars. Officers agreed to bring a report with proposals to the next meeting.

25. Urgent Items of Business

There was no Urgent Items of Business.

26. Notice of Public Speaking

There were no items of Public Speaking.

27. Private Hire and Hackney Carriage Fees Consultation Report

Suzanne McLaughlin presented the Private Hire and Hackney Carriage Fees Consultation report.

The consultation had been carried out on the fees proposed to Committee at their last meeting, in line with statutory requirements. The consultation had been held between December and January 2019/20 and had been advertised both through Bracknell News and by letters to all licensed drivers. One response had been received.

In response to questions, the following points were noted:

- Members expressed regret for the lack of response from the trade, and the Chairman agreed to raise their concern at the next trade meeting.
- It was noted that there had been similar responses in Wokingham and West Berkshire. In Wokingham, no responses had been received and in West Berkshire, 30 responses had been received from drivers of the same company.
- Members were reminded that even when a trade association had been in place the past, Bracknell Forest had historically had little consultation response from the trade.
- Officers were asked to consider using other communication methods such as Survey Monkey, however this would deviate from the Council's corporate consultation policy.
- There had been significant take up of the safeguarding training for licensed drivers.
- It was noted that there would be no further changes to the fees and charges in Annex B as these had been approved by the Committee.

CHAIRMAN

TO: LICENSING AND SAFETY COMMITTEE
DATE 22 October 2020

FEES AND CHARGES 2021/2022

Public Protection Manager

1 PURPOSE OF REPORT

- 1.1 This report sets out the Fees and Charges which have been proposed by the Joint Public Protection Committee on 28 September 2020.
- 1.2 Each Council is required to review the fees and charges on an annual basis/
Appendix C details the fees and charges for 2021/22 proposed for the Public Protection Service.

2 RECOMMENDATION

- 2.1 That the Committee considers the report, to note the proposals and **AGREES** these fees set out at **Appendix C** go forward for consideration as part of the Council fee setting process.
- 2.2 The Committee **AGREES** that the fees for Taxi and Private Hire Vehicles and Private Hire Operators are put forward for statutory consultation.
- 2.3 The Committee **AGREES** to the adjustments to the methodology at **Appendix B** for calculating fees for businesses licensed under Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 should be applied to 2020/21 and **AGREES** the recommendations of the Joint Management Board (endorsed by JPPPC) with respect to Houses of Multiple Occupation Licensing Fees also set out at **Appendix B**

3 REASONS FOR RECOMMENDATION

- 3.1. Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.

- 5.2 It is noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council.
- 5.3 As a matter of principle, all fees and charges should be set on the basis of full cost recovery. Also aligning fees across the 3 Local Authorities is proposed where appropriate.
- 5.4 In respect of all discretionary fees and the hourly rate, an inflationary 0.6 % rise has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise.
- 5.5 Fees and charges have also been reviewed and in accordance with the request of the JPPC in December 2017 work has been carried out to review and where appropriate to update the fees in accordance with the principle of full cost recovery agreed previously by the JPPC. An internal review of the generic hourly rate (following the agreed methodology of the PPP agreed by JPPC in 2017) has been undertaken and confirmed to be an increase from £57 per hour to £59 per hour. This has not been increased for 2 years having being held at £57 in 2019/2020 and 2020/2021.
- 5.6 The attached **Appendix A** gives more details with respect to fee setting and detail on the challenges being faced by licensed sectors. **Appendix B** gives an explanation of how the Animal Establishment fees proposals and the JMB review of HMO licensing fees. **Appendix C** sets out the proposed fees and charges for 2021/22
- 5.7 The Committee has discretion to round the proposed fees to the nearest whole pound should they so resolve.

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.

Background Papers

Unrestricted

The report of the Joint Public Protection Committee can be found here:

<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=5718&Ver=4>

Contact for further information

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Appendix A

Public Protection Fees and Charges - Supporting Information

1. Introduction/Background

- 1.1. The net revenue budget for 2021/22 has been calculated taking into account:
- The annual cost of living rise (£65.25K)
 - Incremental rises effective from the 1st April 2021 (£36.7K)
 - Minor NI Changes
 - Increase in pension contributions notified to the host authority
 - No inflationary rise has been applied to supplies and services or contractual payments

This gives a total net revenue budget for 2021/22 of **£3.876M**

- 1.2. The split between the authorities proposed by the JPPC is as follows:

Authority	21/22 Percentage	Net Budget Allocation	Increase om 1920/21
Bracknell Forest	25.83	£1,001,000	£43.6K
West Berkshire	39.96	£1,549,110	£54K
Wokingham	34.21	£1,326,470	£63.1K

2. The Impact of Covid19 – Loss of Income

- 2.1. Very few areas of local authority budget setting has not been impacted by the Covid19 pandemic. The services provided by the partnership are no different and have been impacted in a number of different ways an including Loss of Income

In the period April 2020 - August 2020 it is anticipated that the total income lost due to licence surrender, non-renewal etc. is around £85K.

Income continues to fall as licences come up for renewal or licences are surrendered. We have seen reductions in the taxi and private hire trade whose revenue is intrinsically linked to the hospitality and business sectors as well as airport and holiday fares. All of these revenue streams are under pressure and without significant recovery it is likely many more drivers and vehicles licences will not be renewed in due course.

The effects on hospitality are significant. A number of restaurant chains have announced closures and these include premises within the PPP area. The number of public houses continues to decline and at this time it is not known

how many what the effects will be as we move through autumn and into winter and the use of outdoor spaces is no longer viable. There are then also potential implications for recent regulatory changes such as the 10pm curfew on licenced premises, hotels and takeaways. In the last few days further announcements have been made that could have implications for these sectors should we move to tier two or three.

Gambling establishments in the form of betting shops were already closing following the capping of stakes on ‘fixed odds terminals’. A number that closed due to lockdown business restrictions have not re-opened.

There has been also a significant reduction in licenced events although the number of events licenced and unlicensed is now picking up and because of the Councils responsibility under the Coronavirus regulations granting local powers to control events the service has a significant increase in workload. An event for which a £21 TEN fee (set by law) may be payable can create many hours of work.

Animal establishments have all faced significant financial challenges to a lesser or greater degree. Almost certainly the most challenged aspect of the sector is animal boarding establishments who rely on either caring for people’s pets whilst they are away from home or face other personal challenges or who provide day care for people’s dogs whilst they are at work. Like taxis and private hire they face the collateral impact of changes in other sectors.

All in all it is not known what the licensing income base will be in 2021/22. We will keep the Committee and the Councils informed of emerging trends and budget variances. In the meantime we continue to mitigate and manage risk by keeping posts vacant and using temporary staff where expedient. It goes without saying that the higher the loss the more difficult this will be to manage without more fundamental structural change as critical mass is lost.

By way of illustration the number of taxi and private licenses surrendered or not renewed between January and September was as follows:

Area/Type	Chauffeur Driver	Hackney Driver	Dual Driver	Hackney Carriage Vehicle Licence	Private Hire Driver Licence	Private Hire Operator Licence	Private Hire Vehicle Licence	PH Vehicle Dispensation	Home to School (community) Transport Driver	Home to School Transport Vehicle
Bracknell										
Decrease*	12	0	16	18	8	5	43	3	6 (increase)	7

3. Supporting Information – Fees and Charges

- 3.1. At the meeting of the Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 a generic hourly rate for the service

was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for 2020/21. For 2021/22 the full cost of the service, including internal support service re-charges (as per Council budget build processes) and the current establishment lists were updated which resulted in a new rate of £59 p/h. This is the figure used for fee setting for 2021/22, unless specified.

- 3.2. In calculating this fee a range of factors have been considered including the wide variety of council overheads each of the partners must contribute to, the levels of staffing, their costs, contracts and the necessary training to maintain a competent workforce.
- 3.3. All fees considered by this Committees will go forward to full Council as part of the budget setting process. Statutory consultations for taxi and private hire vehicles and private hire operator fees would of course be conducted as a matter of course. If other consultation / notification is felt appropriate the Committee have the ability to ask for this.

3.4. **Animal Welfare Establishments**

A new licensing regime for Animal Welfare Establishments e.g. pet shops, animal boarding, riding establishments etc. entered into force in October 2018.

For 2019/20 the fees were capped to the levels for 2018/19. This gave the service and the licence holders' time to adjust to the new and significantly more detailed and comprehensive licensing regime.

The fees set for 2020/21 gave rise to a significant level of concern being raised by those involved in Home Boarding (Day Care) for dogs. These concerns have been looked at in detail and a proposal on a new methodology can be found at **Appendix B** to this report. This is based on the principle that there is basic fee for compliant businesses and non-compliant businesses will pay a higher fee where, for example, additional visits of chasing of information is needed.

It is worth noting that the new regime is risk based. In Wokingham and West Berkshire those with the highest standards of compliance who were granted a three year licence have seen on marginal increases under the existing methodology. They will see a reduction under the new methodology compared to 2019/20.

The whole basis of the Regulations is improved standards. It is hoped that we can work with licence holders to get to the stage that they all meet the criteria to be classed as low risk and can achieve the granting of a three year licence.

3.5. **Houses in Multiple Occupation (HMO)**

There have been a series of exchanges with interested parties in relation to the fees set for issuing 5 year HMO licences. This focussed on compliance

with the Services Directive and the level of transparency regarding the formation of the hourly rate that applied. In response to this question a review was carried out by the Joint Management Board and the findings are detailed in **Appendix C**.

3.6. Fees for Licenses Granted for 2 or more years

There are a number of licence fees proposed which run for 2 or more years. Given the uncertainty faced by many sectors it is proposed that in such cases the fee can be paid in equal annual instalments over the period of the licence.

APPENDIX B - Proposals for fees - Animal Welfare Regulations 2018 and Housing Act 2004

Animal Welfare Key Issues:

1. This is new legislation and the PPP have reviewed the impact of the changes over the last 12mths. There is a better understanding of the risks posed by this area of business.
2. The new legislation was brought in to improve animal welfare.
3. The governments assessment of impact on both local authorities and businesses was defined by the level of compliance expected i.e. there will be a reduced financial burden on both if business comply with the new model conditions.
4. The PPP has reviewed its hourly rate this year and at £59 per hr compares favourably with other LA's.

1. Background

- 1.1. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 sets out the duties of local authorities in England to license activities involving animals and the relevant establishments relating to this. The implementation of this new regime by the PPP has happened incrementally over the last 2 years and we have worked with licensees taking a light touch approach to support them in reaching compliance.
- 1.2. The aim of the Animal Welfare Act is to improve the welfare of animals, promote greater responsibility of their carers and provide greater investigation and entry powers for police and local authority to deal with offences. These aims were supported by the introduction of a legal requirement for the PPP to carry out 2 inspections during the lifetime of the licence.
- 1.3. In the governments assessment of why the law needed to change it was noted in their explanatory memorandum that there was a strong public expectation that animal welfare standards would be robustly enforced by local authorities. The changes were supported by the vast majority of respondents to the public consultation and it was fully acknowledged that small businesses would be affected but through 'earned recognition' fees could be set in a way that reflected risk.

2. Setting of Fees

- 2.1. PPP discretionary fees are based on a full cost recovery model. This has been agreed by all committees covering the Public Protection Partnership.
- 2.2. The fees for 2020/21 were also agreed by the full council. Regard was had to [Open for business: LGA guidance on locally set licence fees](#), the guidance for the Regulations also advises having regard to BEIS Guidance for Business on the Provision of Services Regulations, however this is now withdrawn.

2.3. Regulation 13 of the Regulations set out what a local authority may charge fees for:

- a) The costs of consideration of an application, including any inspection relating to that consideration;
- b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

3. Previous Committee Considerations

3.1. [Annex D](#) of Joint Public Protection Committee 7th November 2019 report on Fees and Charges set out how the Animal Welfare fees were calculated and set out an example using Dog Boarding fees.

3.2. The new regulations contain more detailed requirements than those under the previous licensing regime and the licensing parameters are substantial. The 2018 regulations require premises to be awarded star ratings in much the same way as food premises are risk assessed. Those premises deemed as low risk being awarded a higher star rating resulting in a longer term licence being issued.

4. Relevant Factors for Setting a Fee

4.1. Last year (2020/21) the fee of £570 was based on an overall time taken of 10 hour at £57 hourly rate. This was based on a data that was available at the time.

4.1.1. Administration - checking of applications, data imputing, liaising with internal/external officers, preparation of the licence for issue, renewal notifications, maintenance of data base, processing appeals where applicable. **2 hours** of officer time has been allowed for this work.

4.1.2. Inspections – these include pre visit checks - licence holders compliance history/previous inspection report/complaints prior to new/renewal. Inspections (x2 announced and unannounced, including time for aborted unannounced visits), travel time (x 2 announced and unannounced) on site premise inspection (x 2 announced and unannounced), report preparation, risk rating score determination, ongoing compliance costs. **8 hours** of officer's time had been allowed for this work in 2019/20.

4.2. We have reviewed our time recording and have determined that for 2021/22 a reduction of 2 hours per licence can be provided for all animal welfare

licences where 2 inspections by a competent officer is required (with a minimum of 2 hours for any licence). This is now appropriate as efficiencies have been developed in the last year with processing of licences, understanding and building relationships with existing premises and a greater understanding by all involved in the application of the regulations.

- 4.3. The regulations allow for the Licensing Authority to include reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and the reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State. Officer's chargeable hourly rate has been set at **£59.00ph** for 2021/2022 (as detailed in the main report). It is appropriate to use this figure as it already takes into account that during the issuing of a licence or permit a number of levels of staff are involved from administrative, professional and management. The fee has been divided into two categories application and grant fee this decision came about because there are two areas of licensing work involved that of administration and inspections/compliance and complaint work.
- 4.4. A licensing regime is not allowed to generate a surplus and the PPP discretionary fees are therefore based on a cost recovery basis. The fee set is for the period of the licence so a licence holder who satisfies all the requirements of the highest standard will be able to obtain a 3 year licence.
- 4.5. Where other local authorities have stated their hourly rate the PPP compares favourably (ranges between £100 and £60 on a recent google search for 20/21 published fees and charges).

5. Financial Impact of the Legislative Changes

- 5.1. When implementing significant legislative changes that impact on business costs it is common to receive a level of negative response. The COVID-19 incident has placed significant pressures on a variety of businesses and this is clearly impacting on the businesses operating in this sector. The PPP has no desire to create further financial hardship but must operate in a way that avoids any legitimate business costs being covered by the general taxpayer. Where inspections haven't been able to be carried out we have extended existing licences for three months and we have been happy to discuss phased payment options with any licence holders' on a case by case basis.
- 5.2. Fees set for 2020/21 did lead to an increase in costs for Home Boarders. It should be noted that many businesses required multiple visits, repeated advice and support to adapt to the new framework and these costs needed to be recovered. This is all legitimate work to be incorporated in the costs of compliance as per the Local Government Associations guidance and findings from relevant case law.
- 5.3. The most affected were businesses operating within the Bracknell Forest Council area who were previously paying an initial fee of £142 then an annual

renewal of £119 (£380 over 3 years). These fees were not set on a cost recovery basis.

5.4. Based on the PPP's current assessment of time and resources spent managing this process it has been possible, through a number of efficiencies (generally as a result of improved familiarity with the legislation by both the businesses and the PPP), to reduce the overall amount of time required to manage the system.

5.5. This review has led to the reduction of 17% from 20/21 fees. The vast majority of businesses will benefit from these changes.

5.6. To quantify the worst case scenario for business (those operating in the Bracknell Forest Council area) this means that a business classed as low risk will see an increase of 24%. The proposed fee of £472 would provide a 3 year licence (annual cost of £157.30p).

5.7. There is generally a high level of compliance of businesses within the PPP area and a commitment to animal welfare. Currently the risk profile is as follows:

Current licences issued within the PPP (at September 2020)

Bracknell	Licence Length				Total
Type	1yr (1 or 2 star)	2yr (3 or 4 star)	3yr (5 stars)	6yr (Zoo licence)	
Animal Boarding	11	1	2		14
Home Boarding	13	23	7		43
Performing Animals			3		3
Selling Animals as Pets	1	4	2		7
Riding Establishment		3	2		5
Grand Total	25	31	16	0	72
% of total in Star Categories	35%	43%	22%	0%	

PPP Service	Licence Length				Total
Type	1yr (1 or 2 star)	2yr (3 or 4 star)	3yr (5 stars)	6yr (Zoo licence)	
Total	63	98	49	1	211
% in each licence length/Star rating group	30%	46%	23%	0%	

6. Penalties for Non-Compliance

6.1. In part 3 Regulation 20 of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 it sets out the following:

'(1) It is an offence for a person, without lawful authority or excuse—

- (a) to breach a licence condition;
 - (b) to fail to comply with regulation 7 or 19.
- (2) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.'

6.2. The procedural guidance note for local authorities identifies the offence for anyone who carries on any of the licensable activities without a licence:

'is liable to imprisonment for a term of up to six months, a fine or both, section 30 of the Animal Welfare Act 2006 allows for local authorities to prosecute for any offences under that Act.'

6.3. Section 32 of the Animal Welfare Act also identifies that the fine is not to exceed level 5 on the standard scale i.e. up to £5,000.

7. Options for Animal Welfare Fees and Charges

7.1. There are 3 options for fees in 2021/22:

7.1.1. Option 1: Do nothing other than add the CPI of 0.6% to last year's fee.
Home Boarding Fee = £456

7.1.2. Option 2: Use the generic hourly rate and not include the additional work identified as part of the review. Home Boarding Fee = £478 (rounded up)

7.1.3. Option 3: implement the fees as per the briefing note for public questions i.e. breakdown each activity following the LGA Guidance, reflect the different rates and add it all together. Home Boarding Fee = £685 (round up)

8. Recommendation for Animal Welfare Fees and Charges

8.1. **Option 2** is recommended by officers as it reflects the greater understanding of risk, with more data to refer to in the overall impact of managing the system. It also reduces the overall costs to the majority of licensees if they operate a compliant business.

9. Options for Houses in Multiple Occupation

9.1. There are 3 options:

9.1.1. **Option 1:** Do nothing other than add the CPI of 0.6% to last year's fee.
HMO Licence Fee = £1,197

9.1.2. **Option 2:** Apply the new generic hourly rate and stick to the original time allocation. HMO Licence Fee = £1,204

9.1.3. **Option 3:** Implement the fees as per the briefing note for public questions i.e. breakdown each activity following the LGA Guidance,

reflect the different rates and add it all together. HMO Licence Fee = £1,098

10. Recommendation for Houses in Multiple Occupation

10.1. **Option 3** is recommended by officers as it reflects the greater understanding of risk, with more data to refer to in the overall impact of managing the system.

Note 1

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

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Description		Wokingham / West Berks / Bracknell 2020/2021 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2021/2022 (Excluding VAT) + 0.6 % (CPI 30 June 2020 rate)	Wokingham / West Berks / Bracknell 2021/2022 (Excluding VAT) Fees Rounded Off	%increase/decrease for committee	Notes
Hourly Rate for PPP		£57.00	£59.00	£59.00	4%	Hourly rate revised calculation carried out September 2020 - to be used instead of 0.6% increase
Public Protection Partnership						
Environmental Protection						
Prevention of Damage by Pests						
Pest Site survey		N/A				Hourly rate as part of cost recovery where WID only
Rat treatment		N/A				Hourly rate as part of cost recovery where WID only
Any other Pest treatment		N/A				Hourly rate as part of cost recovery where WID only
Dog Warden Services						
Stray Dogs - Not taken to Kennel		£73.00	£73.44	£73.00	0%	Amalgamate. Vet fees separate as applicable
Stray Dogs - Taken to Kennel		Fees based on charges & cost recovery. Vet fees separate as applicable	Fees based on charges & cost recovery. Vet fees separate as applicable	Fees based on charges & cost recovery. Vet fees separate as applicable		Fees based on charges & cost recovery. Vet fees separate as applicable
Dog Fouling fixed penalty charge		£75.00		£75.00		Set in FPN policy
Misc stray dog activities ie taxi, relocating, microchipping etc		£57.00	£59.00	£59.00	4%	Plus cost recovery on charges.
Abandoned Vehicles						
Removal (prescribed fee)	Less than 3.5 tonnes	£150.00	£150.00	£150.00		Set by statute
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20.00	£20.00	£20.00		Set by statute
Enforcement disposal costs (prescribed fee)	Less than 3.5 tonnes	£75.00	£75.00	£75.00		Set by statute
Fixed penalty notice	Reduced to £120 if paid within 7 days	£200.00	£200.00	£200.00		Set by statute
Enforcement invoice costs		£77.00	£77.00	£77.00		Set by statute
Trading Standards						
Weights and Measures Fees (per hour)		£64.00	£64.38	£64.00	0%	Discretionary, includes the cost of maintaining calibration of equipment annually
Explosives Licenses / Registrations - set by statute						
NEC = Net Explosive Content						
New licence for explosives below 250Kg NEC	1 year	£109.00		£109.00		Set by statute
	2 years	£141.00		£141.00		Set by statute
	3 years	£173.00		£173.00		Set by statute
	4 years	£206.00		£206.00		Set by statute
	5 years	£238.00		£238.00		Set by statute
Renewal licence for explosives below 250Kg NEC	1 year	£54.00		£54.00		Set by statute
	2 years	£86.00		£86.00		Set by statute
	3 years	£120.00		£120.00		Set by statute
	4 years	£152.00		£152.00		Set by statute
	5 years	£185.00		£185.00		Set by statute
New licence for explosives above 250Kg NEC	1 year	£185.00		£185.00		Set by statute
	2 years	£243.00		£243.00		Set by statute
	3 years	£304.00		£304.00		Set by statute
	4 years	£374.00		£374.00		Set by statute
	5 years	£423.00		£423.00		Set by statute
Renewal licence for explosives below 250Kg NEC	1 year	£86.00		£86.00		Set by statute
	2 years	£147.00		£147.00		Set by statute
	3 years	£206.00		£206.00		Set by statute
	4 years	£266.00		£266.00		Set by statute
	5 years	£326.00		£326.00		Set by statute
Varying the name of licensee or address of site		£36.00		£36.00		Set by statute
Any other kind of variation		£40.00		£40.00		Set by statute
Transfer of licence		£36.00		£36.00		Set by statute
Replacement licence		£36.00		£36.00		Set by statute
Full year registration for fireworks		£515.00		£515.00		Set by statute
Petroleum Licensing - set by statute						
Petroleum Licensing Fees	not exceeding 2,500 litres	£44.00		£44.00		Set by statute
Petroleum Licensing Fees	not exceeding 50,000 litres	£60.00		£60.00		Set by statute
Petroleum Licensing Fees	exceeding 50,000 litres	£125.00		£125.00		Set by statute
Primary Authority						
Primary Authority Work hourly chargeable rate		£57.00	£59.00	£59.00	4%	
Annual charge - previous year usage 10 hours or less		£513.00	£516.08	£516.00	1%	
Annual charge - previous year usage 20 hours		£1,025.00	£1,031.15	£1,031.00	1%	
Anything likely to be in excess of 20 hours		CR				Individually assessed
Support with Confidence						
Application fee	1-5 employees	£59.00	£59.35	£59.00	0%	All disbursements charged at cost
	6-20 employees	£119.00	£119.71	£120.00	1%	As above except fee reduced to £50 if registered with confidence
	21+ employees	£298.00	£299.79	£300.00	1%	As above except fee reduced to £50 if registered with confidence
Buy with Confidence						
Not Statutory but agreed fee - no % increase						
Members from 2017/18 Application Fee	1-5 employees	£128.00	£125.00	£125.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder as varied from time to time
	6-20 employees	£170.00	£167.00	£167.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees	£212.00	£208.00	£208.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder
Annual Fee	1-5 employees	£255.00	£250.00	£250.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder
	6-20 employees	£383.00	£375.00	£375.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder
	21-49 employees	£510.00	£500.00	£500.00	-2%	Nationally agreed with 'Buy with Confidence' scheme holder
	50+		POA	POA		Nationally agreed with 'Buy with Confidence' scheme holder
Members before 2017/18 Annual Fee	1-5 employees	£125.00	£125.00	£125.00	0%	Applicable only to legacy Bracknell members
	6-20 employees	£189.00	£189.00	£189.00	0%	Applicable only to legacy Bracknell members
	21+ employees	£252.00	£252.00	£252.00	0%	Applicable only to legacy Bracknell members
Commercial						
Food Export Certificates		£57.00	£59.00	£59.00	4%	Full cost recovery based on officer hourly rate

Description		Wokingham / West Berks / Bracknell 2020/2021 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2021/2022 (Excluding VAT) + 0.6 % (CPI 30 June 2020 rate)	Wokingham / West Berks / Bracknell 2021/2022 (Excluding VAT) Fees Rounded Off	%increase/decrease for committee	Notes
Food Hygiene Rating Scheme rescore	2 hours	£114.00	£118.00	£118.00	4%	New - agreed dec 2019
Anti-Social Behaviour Act:						
High Hedges Fee (Class A – Fee Discretionary)		£1,199.00	£1,206.19	£1,206.00	1%	Cost recovery for consultant
Licences, Registrations and Similar Consents						
<i>Licensing Act 2003:</i>						
Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)						
Band A – RV up to 4300		£100.00		£100.00		Statutory -no increase.
Band B – RV 4300 to 33000		£190.00		£190.00		Statutory -no increase.
Band C – RV 33001 to 87000		£315.00		£315.00		Statutory -no increase.
Band D – RV 87001 to 125000		£450.00		£450.00		Statutory -no increase.
Band E – RV 125001 and above		£635.00		£635.00		Statutory -no increase.
Pre-Application Advice, Hourly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Premises Licence – Annual Fee (Class B – Statutory Fee)						
Band A		£70.00		£70.00		Statutory -no increase.
Band B		£180.00		£180.00		Statutory -no increase.
Band C		£295.00		£295.00		Statutory -no increase.
Band D		£320.00		£320.00		Statutory -no increase.
Band E		£350.00		£350.00		Statutory -no increase.
Personal Licence - (Class B – Statutory Fee)						
Personal Licence - (Class B – Statutory Fee)		£37.00		£37.00		Statutory -no increase.
Temporary Event Notices (TEN'S) - (Class B – Statutory Fee)		£21.00		£21.00		Statutory -no increase.
Application for copy licence, change address or club rules		£10.50		£10.50		Statutory -no increase.
Application to vary DPS/transfer licence/interim notice		£23.00		£23.00		Statutory -no increase.
Application for making a provisional statement		£315.00		£315.00		Statutory -no increase.
Minor variation		£89.00		£89.00		Statutory -no increase.
Application to disapply mandatory DPS condition		£23.00		£23.00		Statutory -no increase.
Pre-Application Advice, hrlly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Gambling Licenses						
Casinos (regional)	New Application	£15,000.00		£15,000.00		100% of Statutory Maximum
	Provisional Statement	£15,000.00		£15,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£8,000.00		£8,000.00		100% of Statutory Maximum
	Variation	£7,500.00		£7,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	£6,500.00		£6,500.00		100% of Statutory Maximum
Casinos (large)	Annual Fee	£15,000.00		£15,000.00		100% of Statutory Maximum
	New Application	£10,000.00		£10,000.00		100% of Statutory Maximum
	Provisional Statement	£10,000.00		£10,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£5,000.00		£5,000.00		100% of Statutory Maximum
	Variation	£5,000.00		£5,000.00		100% of Statutory Maximum
Casinos (small)	Transfer/Reinstatement	£2,150.00		£2,150.00		100% of Statutory Maximum
	Annual Fee	£10,000.00		£10,000.00		100% of Statutory Maximum
	New Application	£8,000.00		£8,000.00		100% of Statutory Maximum
	Provisional Statement	£8,000.00		£8,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£3,000.00		£3,000.00		100% of Statutory Maximum
Bingo Clubs	Variation	£4,000.00		£4,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£1,800.00		£1,800.00		100% of Statutory Maximum
	Annual Fee	£5,000.00		£5,000.00		100% of Statutory Maximum
	New Application	£3,500.00		£3,500.00		100% of Statutory Maximum
	Provisional Statement	£3,500.00		£3,500.00		100% of Statutory Maximum
Betting Premises	Application with Provisional Statement	£1,200.00		£1,200.00		100% of Statutory Maximum
	Variation	£1,750.00		£1,750.00		100% of Statutory Maximum
	Transfer/Reinstatement	£1,200.00		£1,200.00		100% of Statutory Maximum
	Annual Fee	£1,000.00		£1,000.00		100% of Statutory Maximum
	New Application	£3,000.00		£3,000.00		100% of Statutory Maximum
Tracks	Provisional Statement	£3,000.00		£3,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£1,200.00		£1,200.00		100% of Statutory Maximum
	Variation	£1,500.00		£1,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	£1,200.00		£1,200.00		100% of Statutory Maximum
	Annual Fee	£600.00		£600.00		100% of Statutory Maximum
Family Entertainment Centres	New Application	£2,500.00		£2,500.00		100% of Statutory Maximum
	Provisional Statement	£2,500.00		£2,500.00		100% of Statutory Maximum
	Application with Provisional Statement	£950.00		£950.00		100% of Statutory Maximum
	Variation	£1,250.00		£1,250.00		100% of Statutory Maximum
	Transfer/Reinstatement	£950.00		£950.00		100% of Statutory Maximum
Adult Gaming Centres	Annual Fee	£1,000.00		£1,000.00		100% of Statutory Maximum
	New Application	£2,000.00		£2,000.00		100% of Statutory Maximum
	Provisional Statement	£2,000.00		£2,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£950.00		£950.00		100% of Statutory Maximum
	Variation	£1,000.00		£1,000.00		100% of Statutory Maximum
Lotteries and Amusements	Transfer/Reinstatement	£1,200.00		£1,200.00		100% of Statutory Maximum
	Annual Fee	£1,000.00		£1,000.00		100% of Statutory Maximum
	New Application	£2,000.00		£2,000.00		100% of Statutory Maximum
	Provisional Statement	£2,000.00		£2,000.00		100% of Statutory Maximum
	Application with Provisional Statement	£1,200.00		£1,200.00		100% of Statutory Maximum
All Licences	Notification of change	£50.00		£50.00		100% of Statutory Maximum

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Animal Licences						
	Copy of Licence	£25.00		£25.00		100% of Statutory Maximum
Pre-Application Advice, hrly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Club Gaming Machines						
Club Gaming or Machine Permit	New Application	£200.00		£200.00		Statutory-no increase
Club Gaming or Machine Permit	Existing holder	£100.00		£100.00		Statutory-no increase
Club Gaming or Machine Permit	Renewal	£200.00		£200.00		Statutory-no increase
Club Gaming or Machine Permit	Annual Fee	£50.00		£50.00		Statutory-no increase
Club Gaming or Machine Permit	Variation	£100.00		£100.00		Statutory-no increase
Club Gaming or Machine Permit	Copy of Licence	£15.00		£15.00		Statutory-no increase
Club Gaming or Machine Permit (holds a Club Premises Certificate under Licensing Act 2003)	New Application	£100.00		£100.00		Statutory-no increase
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	Renewal	£100.00		£100.00		Statutory-no increase
Licensed Premises Notifications						
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	Notification of intention	£50.00		£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Application (existing holder)	£100.00		£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	New Application	£150.00		£150.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Annual Fee	£50.00		£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Annual Fee (payable within 30 days of date permit takes effect)	£50.00		£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Variation	£100.00		£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Transfer	£25.00		£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Change of Name	£25.00		£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Copy of Permit	£15.00		£15.00		Statutory-no increase
Pre-Application Advice, hrly charge	Min 1Hr	£57.00	£59.00	£59.00	4%	
Sex Establishments – (Class A – Fee Discretionary)						
Cinema		min £3,100 to max £5,150	min £3,100 to max £5,150	min £3,100 to max £5,150		No change
Shop		min £3,100 to max £5,150	min £3,100 to max £5,150	min £3,100 to max £5,150		No change
Entertainment Venue		min £3,100 to max £5,150	min £3,100 to max £5,150	min £3,100 to max £5,150		No change
Pre-Application Advice, hrly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Street Trading Consents – (Class A – Fee Discretionary)						
Application / Renewal	1 week	£138.00	£138.83	£139.00	1%	Bracknell only
	Monthly Rate	£370.00	£372.22	£372.00	1%	Bracknell only
	Monthly Rate	£227.00	£228.36	£228.00	0%	WB & WOK only
	3 months	£871.00	£876.23	£876.00	1%	Bracknell only
	6 months	£1,424.00	£1,432.54	£1,433.00	1%	Bracknell only
	6 months	£800.00	£804.80	£805.00	1%	WB & WOK only
	Annual Fee	£1,370.00	£1,378.22	£1,378.00	1%	WB & WOK only
	6 months max 2 trading days a week incl Fri, Sat or Sun	£854.00	£859.12	£859.00	1%	Bracknell only
6 months max 2 trading days a week Mon to Thurs only	£569.00	£572.41	£572.00	1%	Bracknell only	
Ice Cream Van 1 month (per van) application / renewal	1 month	£185.00	£186.11	£186.00	1%	Bracknell only
Ice Cream Van 6 months (per van) application / renewal	6 months	£713.00	£717.28	£717.00	1%	Bracknell only
Variation fee		£90.00	£90.54	£91.00	1%	
Community Events				£0.00		50% reduction of appropriate fee for non profit making events
Refund for Street Traders	If application withdrawn	£115.00	£115.69	£116.00	1%	WB & WOK only
Pre-Application Advice, hrly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Skin Piercing Registrations (one off registration) – (Class A – Fee Discretionary)						
Individual		£179.00	£180.07	£180.00	1%	Cost recovery
Premises		£280.00	£281.68	£282.00	1%	Cost recovery
Joint Application		£448.00	£450.69	£451.00	1%	Cost recovery
Pre-Application Advice, hrly charge	Min 1 Hr	£56.00	£59.00	£59.00	5%	
NEW or RENEWAL 2020/2021						
Animal Licences – (Class A – Fee Discretionary) * +vet fee where applicable						
Licenses issued form 1-3 years depending on inspection rating						
Animal Boarding Establishment - combined (dogs and cats)	New Application	£684.00	£590.00	£590.00	-14%	Application Fee - 4 hours and Grant Fee 6 hours = 10 hrs total
	Renewal Fee		£531.00	£531.00		
Animal Boarding Establishment - single species (dogs or cats)	New Application	£570.00	£472.00	£472.00	-17%	Application Fee - 3 hours and Grant Fee 5 hours = 8 hrs total
	Renewal Fee		£413.00	£413.00		
Home boarder	New Application	£570.00	£472.00	£472.00	-17%	Application Fee - 3 hours and Grant Fee 5 hours = 8 hrs total
	Renewal Fee		£413.00	£413.00		
Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	New Application	£228.00	£206.50	£207.00	-9%	Application Fee - 2.5 hours and Grant Fee 1 hours = 3.5 hrs total
	Renewal Fee		£177.00	£177.00		
Home Boarder - Assessment of hobby host as part of a franchisee licence	New Application	£112.00	£118.00	£118.00	5%	2hrs minimum
	Renewal Fee		£118.00	£118.00		
Dog Day Care	New Application	£684.00	£590.00	£590.00	-14%	Application Fee - 4 hours and Grant Fee 6 hours = 10 hrs total
	Renewal Fee		£531.00	£531.00		
Dog Breeding Establishment (excluding vet fee)	New Application	£684.00	£590.00	£590.00	-14%	Application Fee - 4 hours and Grant Fee 6 hours = 10 hrs total
	Renewal Fee		£531.00	£531.00		
Dog Breeding Establishment (in domestic dwelling)	New Application	£570.00	£472.00	£472.00	-17%	Application Fee - 3 hours and Grant Fee 5 hours = 8 hrs total

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Dog Breeding Establishment (in domestic dwelling)	Renewal Fee		£413.00	£413.00		
Pet Vending / Sale of pets	New Application	£570.00	£472.00	£472.00	-17%	Application Fee - 3 hours and Grant Fee 5 hours = 8 hrs total
	Renewal Fee		£413.00	£413.00		
Animal for Exhibition	New Application	£684.00	£590.00	£590.00	-14%	Application Fee - 4 hours and Grant Fee 6 hours = 10 hrs total
	Renewal Fee		£531.00	£531.00		
Riding Establishment (excluding vet fee)*						
Main inspection fee, plus fee per horse	New Application	£570.00	£472.00	£472.00	-17%	Application Fee - 3 hours and Grant Fee 5 hours = 8 hrs total
	Renewal Fee		£413.00	£413.00		
Fee per horse, for the first 10 horses		£15.00	£15.00	£15.00	0%	
Fee per horse, for next 11-50 horses		£10.00	£10.00	£10.00	0%	
Fee per horse, for every horse 51 & over		£8.00	£8.00	£8.00	0%	
* Inspections are carried out annually, regardless of the star rating or length of licence, by a vet and officer. Vets fees will be recharged separately.						
Example of charge per horse in a yard with 60 horses						
1- 10 horses @ £15 = £150.00						
horses 11-50 @ £10 = £400.00						
horses 51 - 60 @ £8 = £80.00						
Other fees 2020/2021						
Variation to the licence fee (inclusive of one visit)		£224.00		£224.00		
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£56.00		£56.00		
Re-evaluation of star rating (inclusive of one visit)		£112.00		£112.00		
Transfer due to death of licensee		£56.00		£56.00		
Dangerous Wild Animal Consent*						
Dangerous Wild Animal Consent - 2 years		£457.00	£459.74	£460.00	1%	WB & WOK only Cost recovery
Dangerous Wild Animal Consent - New* 2 years		£486.00	£488.92	£489.00	1%	Bracknell only Cost recovery
Dangerous Wild Animal Consent - Renewal* 2 years		£282.00	£283.69	£284.00	1%	Bracknell only Cost recovery
Zoo Licenses (new and renewals)* Up to 6 Years		£2,054.00	£2,066.32	£2,066.00	1%	Cost recovery
Hairdresser Registration						
		£43.00	£43.26	£43.00	0%	Bracknell only
Scrap Metal						
Scrap Metal Site - New 3 Years		£498.00	£500.99	£501.00	1%	Discretionary
Scrap Metal Site - Renewal 3 Years		£498.00	£500.99	£501.00	1%	Cost recovery
Scrap Metal Mobile Collector - New 3 Years		£265.00	£266.59	£267.00	1%	Cost recovery
Scrap Metal Mobile Collector - Renewal 3 Years		£265.00	£266.59	£267.00	1%	Cost recovery
Scrap Metal -Variation of Licence		£366.00	£368.20	£368.00	1%	Cost recovery
Scrap Metal-Change of Site Manager		£68.00	£68.41	£68.00	0%	Cost recovery
Scrap Metal- Copy of licence		£11.00	£11.07	£11.00	0%	Cost recovery
Scrap Metal- Change of Name		£36.00	£36.22	£36.00	0%	Cost recovery
Pre-Application Advice, hrly charge		£57.00	£59.00	£59.00	4%	
Private Water Supplies (Statutory Maximums stated)						
Risk Assessment	Carried out every 5 years	£57.00	£59.00	£59.00	4%	Minimum charge 1 Hr, simple risk assessment and report typically 5 hours
Sampling		£57.00	£59.00	£59.00	4%	Cost recovery charge for a visit, taking a sample and delivering it to the laboratory. Typically 2.5 hours
Private water and pool samples	includes cost of testing	£60.00	£60.36	£60.00	0%	
Investigation		£108.00	£108.65	£109.00	1%	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.
Analysis - Regulation 10		£28.00	£28.17	£28.00	0%	Where a supply provides <10m ³ /day or serves <50 people and is used for domestic purposes
Analysis of Group A Parameters						Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.
Analysis of Group B Parameters						Additional parameters sampled less often to ensure the water complies with all safety standards - Hrly rate applies
Environmental Permitting (Eng&W) Regulations 2016						
Scheduled Processes - (Class B – Statutory Fee)						
Standard Process		£1,650.00		£1,650.00		Statutory-no increase
Service Stations (PVI & PVII)		£257.00		£257.00		Statutory-no increase
Dry Cleaners		£155.00		£155.00		Statutory-no increase
Vehicle Refinishers		£362.00		£362.00		Statutory-no increase
Mobile screening & crushing plant		£1,650.00		£1,650.00		Statutory-no increase
for the third to seventh applications		£985.00		£985.00		Statutory-no increase
for the eighth and subsequent applications		£498.00		£498.00		Statutory-no increase
Substantial Changes						
Standard Process		£1,050.00		£1,050.00		Statutory-no increase
Reduced Activities		£102.00		£102.00		Statutory-no increase
Annual Substance Charge						
Standard Process	LOW	£772.00		£772.00		Statutory-no increase
	MEDIUM	£1,161.00		£1,161.00		Statutory-no increase
	HIGH	£1,747.00		£1,747.00		Statutory-no increase
Service Stations PVR2	LOW	£113.00		£113.00		Statutory-no increase
	MEDIUM	£226.00		£226.00		Statutory-no increase
	HIGH	£341.00		£341.00		Statutory-no increase
VRs and other reduced fees	LOW	£228.00		£228.00		Statutory-no increase
	MEDIUM	£365.00		£365.00		Statutory-no increase
	HIGH	£548.00		£548.00		Statutory-no increase

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Dry Cleaners /PVR1	LOW	£79.00		£79.00		Statutory-no increase
	MEDIUM	£158.00		£158.00		Statutory-no increase
	HIGH	£237.00		£237.00		Statutory-no increase
Mobile Screening & Crushing Plant	LOW	£646.00		£646.00		Statutory-no increase
	MEDIUM	£1,034.00		£1,034.00		Statutory-no increase
	HIGH	£1,506.00		£1,506.00		Statutory-no increase
For the second permit	LOW	£646.00		£646.00		Statutory-no increase
	MEDIUM	£1,034.00		£1,034.00		Statutory-no increase
	HIGH	£1,506.00		£1,506.00		Statutory-no increase
For the third to seventh permit	LOW	£385.00		£385.00		Statutory-no increase
	MEDIUM	£617.00		£617.00		Statutory-no increase
	HIGH	£924.00		£924.00		Statutory-no increase
For the eighth & subsequent applications	LOW	£198.00		£198.00		Statutory-no increase
	MEDIUM	£316.00		£316.00		Statutory-no increase
	HIGH	£473.00		£473.00		Statutory-no increase
Late payment charge	When invoice issued & not paid in 8 weeks	£52.00		£52.00		Statutory-no increase
Transfer & Surrender						
Transfer		£169.00		£169.00		Statutory-no increase
Partial Transfer		£497.00		£497.00		Statutory-no increase
Surrender		£0.00		£0.00		Statutory-no increase
Transfer Reduced fees		£0.00		£0.00		Statutory-no increase
Partial Transfer Reduced fees		£47.00		£47.00		Statutory-no increase
Private Sector Housing						
Inspection of housing premises for immigration purposes (Class A - Fee Discretionary)		£400.00	£402.40	£402.00	0%	
Enforcement Notices served under Housing Act 2004		£115.00	£115.69	£116.00	1%	Activities as prescribed
HMO Licence NEW - assisted application		£1,197.00	£1,204.18	£1,204.00	1%	
HMO Licence RENEWAL		£800.00	£804.80	£805.00	1%	
Civil Penalties housing offences						Up to £30,000.00
Caravan Site Licence						(Option 2 of DCLG Guide for Charging)
Site licence new		£437.00	£439.62	£440.00	1%	
New licence per pitch		£16.00	£16.10	£16.00	0%	
Transfer of licence		£185.00	£186.11	£186.00	1%	
Alteration of conditions		£339.00	£341.03	£341.00	1%	
Annual fee per pitch		£14.00	£14.08	£14.00	0%	
Enforcement action -per hour		£57.00	£59.00	£59.00	4%	Hourly rate as for activity as prescribed.
Deposit, vary or deleting site rules		£116.00	£116.70	£117.00	1%	
Variation of licence		£115.00	£115.69	£116.00	1%	
Other Fees						Hourly rate applies minimum for 2 hours
Environmental Info Individual or Non Commercial		£115.00	£118.00	£118.00	3%	Cost recovery
Environmental Info Commercial and Government		£115.00	£118.00	£118.00	3%	Cost recovery
Civil Actions (Class A - Fee Discretionary)		£115.00	£118.00	£118.00	3%	Cost recovery
Safety Certification and administration	Minimum 2 hours	£115.00	£118.00	£118.00	3%	Cost recovery
Pre-Application Advice, hourly charge		£57.00	£59.00	£59.00	4%	
Resident and Business Advice						Hourly rate applies
General Business Advice (non-primary authority)	Per hour - free for first 30 minutes	£57.00	£59.00	£59.00	4%	
Request for Advice		£57.00	£59.00	£59.00	4%	
Hackney Carriage / Private Hire Licensing						
Vehicle Licences						
Hackney Carriage Vehicle New / Renewal		£288.00	£289.73	£290.00	1%	cost recovery
Private Hire Vehicle New / Renewal		£288.00	£289.73	£290.00	1%	cost recovery
Home to School New / Renewal		£147.00	£147.88	£148.00	1%	Bracknell only
Private Hire Vehicle with Dispensation		£288.00	£289.73	£290.00	1%	Included in operator fees
Temporary Vehicle licence	Issue up to 3 months maximum	£231.00	£232.39	£232.00	0%	cost recovery
Private Hire Operators - NEW						NEW from 2020-2021 LICENCE FEE SCHEDULE BASED ON PER VEHICLE for 5 YEARS: per vehicle calculation of 4 hours at hourly rate plus an hour per year (for years 2-5) for first vehicle, plus 15 minutes per additional vehicle per year (years 1-5) up to a maximum of 20 vehicles (2021-2022 hourly rate £59.00)
1 vehicle		£456.00	£472.00	£472.00	4%	
2 vehicles		£527.25	£545.75	£545.75	4%	
3 vehicles		£598.50	£619.50	£619.50	4%	
4 vehicles		£669.75	£693.25	£693.25	4%	
5 vehicles		£741.00	£767.00	£767.00	4%	
6 vehicles		£812.25	£840.75	£840.75	4%	
7 vehicles		£883.50	£914.50	£914.50	4%	
8 vehicles		£954.75	£988.25	£988.25	4%	
9 vehicles		£1,026.00	£1,062.00	£1,062.00	4%	
10 vehicles		£1,097.25	£1,135.75	£1,135.75	4%	
11 vehicles		£1,168.50	£1,209.50	£1,209.50	4%	
12 vehicles		£1,239.75	£1,283.25	£1,283.25	4%	
13 vehicles		£1,311.00	£1,357.00	£1,357.00	4%	
14 vehicles		£1,382.25	£1,430.75	£1,430.75	4%	
15 vehicles		£1,453.50	£1,504.50	£1,504.50	4%	
16 vehicles		£1,524.75	£1,578.25	£1,578.25	4%	
17 vehicles		£1,596.00	£1,652.00	£1,652.00	4%	
18 vehicles		£1,667.25	£1,725.75	£1,725.75	4%	
19 vehicles		£1,738.50	£1,799.50	£1,799.50	4%	
20 vehicles		£1,809.75	£1,873.25	£1,873.25	4%	
20+ vehicles		£1,809.75	£1,873.25	£1,873.25	4%	

Description		Wokingham / West Berks / Bracknell 2020/2021 (Excluding VAT)	Proposed Wokingham/West Berkshire/Bracknell 2021/2022 (Excluding VAT) + 0.6 % (CPI 30 June 2020 rate)	Wokingham / West Berks / Bracknell 2021/2022 (Excluding VAT) Fees Rounded Off	%increase/decrease for committee	Notes
Private Hire Operators - RENEWAL						NEW from 2020-2021 LICENCE FEE SCHEDULE BASED ON PER VEHICLE for 5 YEARS: per vehicle calculation of 2 hours at hourly rate plus an hour per year (for years 2-5) for first vehicle, plus 15 minutes per additional vehicle per year (years 1-5) up to a maximum of 20 vehicles (2020-2021 hourly rate £59.00)
1 vehicle		£342.00	£354.00	£354.00	4%	
2 vehicles		£413.25	£427.75	£427.75	4%	
3 vehicles		£484.50	£501.50	£501.50	4%	
4 vehicles		£555.75	£575.25	£575.25	4%	
5 vehicles		£627.00	£649.00	£649.00	4%	
6 vehicles		£698.25	£722.75	£722.75	4%	
7 vehicles		£769.50	£796.50	£796.50	4%	
8 vehicles		£840.75	£870.25	£870.25	4%	
9 vehicles		£912.00	£944.00	£944.00	4%	
10 vehicles		£983.25	£1,017.75	£1,017.75	4%	
11 vehicles		£1,054.50	£1,091.50	£1,091.50	4%	
12 vehicles		£1,125.75	£1,165.25	£1,165.25	4%	
13 vehicles		£1,197.00	£1,239.00	£1,239.00	4%	
14 vehicles		£1,268.25	£1,312.75	£1,312.75	4%	
15 vehicles		£1,339.50	£1,386.50	£1,386.50	4%	
16 vehicles		£1,410.75	£1,460.25	£1,460.25	4%	
17 vehicles		£1,482.00	£1,534.00	£1,534.00	4%	
18 vehicles		£1,553.25	£1,607.75	£1,607.75	4%	
19 vehicles		£1,624.50	£1,681.50	£1,681.50	4%	
20 vehicles		£1,695.75	£1,755.25	£1,755.25	4%	
20+ vehicles		£1,695.75	£1,755.25	£1,755.25	4%	
Variation to licence		£57.00	£59.00	£59.00	4%	to include reissue of licence with additional vehicle registration added plus extra fees for these for length of licence
Driver Licences						
Driver – New / Renewal	3 years	£269.00	£270.61	£271.00	1%	
Home to School New / Renewal	3 years	£185.00	£186.11	£186.00	1%	Bracknell only
Conversion of driver licence to another type		£80.00	£80.48	£80.00	0%	
Other Private Hire and Hackney Carriage Charges						
Transfer of vehicle to new owner		£114.00	£118.00	£118.00	4%	2 hours
Change of vehicle		£74.00	£74.44	£74.00	0%	
Replacement licence		£41.00	£41.25	£41.00	0%	
Replacement badge		£41.00	£41.25	£41.00	0%	
Replacement vehicle licence plate		£57.00	£59.00	£59.00	4%	
Meter test - retest after failure	Bracknell Forest and Wokingham	£32.00	£32.19	£32.00	0%	Not West Berks
Knowledge Test		£74.00	£74.44	£74.00	0%	
Missed Appointment		£37.00	£37.22	£37.00	0%	
Disclosure and Barring Service Check (DBS)	Bracknell Forest	£67.00	£67.40	£67.00	0%	
Disclosure and Barring Service Check (DBS)	West Berkshire and Wokingham	£92.50	£93.50	£94.00	2%	Capita cost + half an hour at hourly charge (£64+£29.50)
Advertising on a Hackney Carriage Initial	Bracknell Forest and Wokingham	£47.00	£47.28	£47.00	0%	Not West Berks
Advertising on a Hackney Carriage Renewal	Bracknell Forest	£32.00	£32.19	£32.00	0%	Bracknell only
Change of Address (PH & HC)		£14.00	£14.08	£14.00	0%	
Backing Plate		£26.00	£26.16	£26.00	0%	
Medical Exemption from carrying assistant dog		£22.00	£22.13	£22.00	0%	
Refund processing fee		£57.00	£59.00	£59.00	4%	
Change of vehicle registration		£57.00	£57.34	£57.00	0%	
Pre-Application Advice, hourly charge	Min 1 Hr	£57.00	£59.00	£59.00	4%	
Age of vehicle inspection initial/reinspection		£56.00	£59.00	£59.00	5%	
Disability Awareness Training Course				POA		
Safeguarding Training				POA		
First Aid training for drivers	Bracknell Forest and Wokingham			POA		Not West Berks

TO: LICENSING AND SAFETY COMMITTEE
22 OCTOBER 2020

**ANNUAL REPORT
Public Protection Manager**

1 INTRODUCTION

- 1.1 This report covers the activities carried out by the Licensing Service of the Public Protection Partnership in the Bracknell Forest area during the period 1 April 2019 to 31 March 2020.

2 SUPPORTING INFORMATION

- 2.1 Attached as Annex A is a list of the licences, registrations, permits and consents that are current as of 1 April 2020 or were processed within the last year. The list includes details of numbers for the previous three years for comparison purposes. This is a single indicator of the number of transactions that the Licensing Section has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 2.2 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.
- 2.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance documents and inspection certificates, driving licences, medical reports, DBS disclosures and risk assessments. These checks are essential to ensure the continued confidence of the Council, and ultimately the user, in the safety of the service or goods being supplied.
- 2.4 From 2016/2017, the service set itself a target to issue licences within 5 working days of receipt of a complete and valid application on 95% of occasions. This is in addition to various statutory deadlines which must be met. The service achieved 82.2 % in 2019/20, compared with 83% in 2018/19 and 79% in 2017/18. Despite the loss of a member of the applications team due to career progression within PPP the service broadly maintained the previous years figures.
- 2.5 A breakdown of the number of licences valid at 01/04/2020 can be seen at **Annex A**.
- 2.6 A breakdown on the number of applications received during the year 2019/2020 along with the application outcome can be seen at **Annex B**.
- 2.7 A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the Council's website. Additionally officers regularly meet

with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks. The Licensing Section dealt with 337 complaints and requests for service in 2019/2020 (compared with 728 in 2018/2019 and 814 in 2017/2018). The PPP recognised that the number of SRs in Bracknell was extremely high in comparison to the other two Authorities and worked to review why this was its case. It was identified that any query was being added as an SR, such as a phone message, or where a licence was etc, Officers were given further guidance on what should be set up as an SR and the lower numbers are reflecting this.

- 2.8 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2019/20 officers carried out 119 inspections (170 in 2018/19 and 36 in 2017/18). A number of these visits were carried out with Home Office Immigration Compliance and Enforcement, in their role as a responsible authority under the Licensing Act 2003.
- 2.9 In 2019/20, 2 school checks were carried out on licensed vehicles.
- 2.10 In 2019/20, penalty points were issued on 2 occasions for two different offence types, (not displaying a vehicle plate and not informing the service of DVLA points issued, compared to 8 in 2018/19 and 20 in 2017/18. A breakdown of penalty points issued is attached an **Annex C**. There were 122 taxi suspensions and 1 licence revoked.
- 2.11 Over the course of the year, the following licences and applications were considered by Licensing Panels:
- June 2019 – Royal County of Berkshire Polo Club – granted variation to Premise License
 - June 2019 – AL Crepes and Café – granted new street trading consent
 - July 2019 – BP Oil – granted application for Premise License with additional conditions
 - October 2019 – SS Food and Wines – remove DPS and suspend licence for 3 months
 - January 2020 – BP Oil – granted Premise License application
 - February 2020 – private hire drivers' licence – granted for 1 year
 - March 20 – Sandhurst Service Station – granted Premise License variation and late night refreshment

3 EQUALITIES IMPACT ASSESSMENT

3.1 None.

4 STRATEGIC RISK MANAGEMENT ISSUES

4.1 None.

Background Papers

None

Contact for further information

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Annex A – Number of licence valid at date stated

Type	Year				
	01/04/16	01/04/17	01/04/18	01/04/19	01/04/20
Private Hire Operators	38	43	43	50	50
Private Hire Vehicles	171	174	169	176	184
Private Hire Vehicles (with dispensation)					5
Private Hire Drivers	138	139	153	167	145
Dual (Hackney Carriage and Private Hire) Drivers	161	165	164	157	160
Hackney Carriage Vehicles	85	85	85	77	78
Home to School Drivers	13	11	7	12	20
Home to School Vehicles	33	35	33	33	47
Home to school Operator	0	0	0	0	0
Animal Boarding Establishments and dog breeders	4	5	5	8	10
Home Boarders of Dogs	29	30	34	45	43
Riding Establishments	6	7	6	5	4
Performing Animals	5	4	5	5	
Pet Shops	7	7	7	6	7
Scrap Metal Site	3	2	2	2	2
Scrap Metal Mobile Collectors	7	7	3	3	6
Hairdressers	64	60	59	63	
Dermal Personal and Premises Registration					206
Personal Licences	1213	1292	1358	1424	1498
Premises Licences	222	231	234	234	193
Premises Licences application (no alcohol)					47
Temporary Event Notices	244	239	271	280	294
Club Premises Certificates	21	21	21	20	18
Street Traders	15	12	17	17	22
Street Collections	38	26	30	33	29
House to House Collections	30	17	29	23	31
Lotteries	60	56	58	65	38
Licensed Premises Gaming Machine Permits	10	13	13	13	13
Notification of 2 or less Gaming Machines	31	30	29	29	29
Club Machine Permits	12	9	8	8	7
Club Gaming Permits	0	0	0	0	9
Bingo Premises	1	1	1	0	0
Adult Gaming Centres	1	1	1	1	
Betting Premises	12	12	11	10	10
TOTALS					

Note: for TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year

Annex B – Number of applications received by year, with application outcome

Type	2019/2020					2018/2019				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators	26	25			1	34	34			
Private Hire Vehicles	219	208			11	236	233	2		1
Private Hire Drivers	82	66	2		14	86	74	1		11
Chauffeur Drivers	17	14	2		1					
Dual (Hackney Carriage and Private Hire) Drivers	57	54			3	65	62			3
Hackney Carriage Vehicles	86	84			2	106	104			2
Home to School Drivers	25	16			9	15	13			2
Home to School Vehicles	48	47			1	42	41			1
Animal Boarding Establishments	13	12			1	5	4			1
Home Boarders of Dogs	20	16			4	55	48	1		6
Dog Breeder	0	0				3	3			
Riding Establishments	4	4				6	6			
Performing Animals	0	0				3	2			1
Pet Shops	2	2				5	2			3
Scrap Metal Site	2	2				0				
Scrap Metal Mobile Collectors	3	3				0				
Hairdressers	1	1				5	5			
Personal Licences	82	77			5	83	83			
Premises licence - variation	12	12				5	4	1		
Premises licence - minor variation	11	10			1	11	10		1	
Premises licence - vary DPS	70	70				76	73			3
Premises licence - transfer	6	5			1	9	9			
Premises licence - new	9	6			3	15	11	1	3	
Late Temporary Event Notices	55	48	1		6	53	50	1	2	
Temporary Event Notices	239	233	1		5	231	230			1
Club Premises Certificates	1			1		0				
Street Traders	42	39			3	49	40		3	6
Street Collections	29	28			1	33	29	3		1
House to House Collections	31	29			2	22	19			3
Lotteries	7	7				9	9			
Licensed Premises Gaming Machine Permits	0	0				1	1			
Gaming Machine Notifications	0	0				0				
Club Machine Permits	2	2				1	1			
Club Gaming Permits	0	0				0				
Bingo Premises	0	0				0				
Adult Gaming Centres	0	0				0				

Betting Premises	0	0				4	4			
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Key:

I = licences issued, W = applications withdrawn, R = applications refused or rejected,

P = applications pending decision, e.g. awaiting documentation before licence issued

Offence	Times points issued	
	2018/2019	2019/2020
Failure to notify conviction/caution/FP	4	1
Failure to comply with traffic sign	1	0
Private Hire vehicle parked on rank	0	0
Failure to display plate or stickers	3	1

**Annex D – Comparison data - Number of applications received by year, with application outcome –
West Berkshire Council**

Type	2018/2019					2017/2018				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators	9	8	1			4	4			
Private Hire Vehicles	187	185	1		1	182	182			
Private Hire Drivers	57	52			5	53	50	2		1
Dual (Hackney Carriage and Private Hire) Drivers	79	73	1		5	153	151	1		1
Hackney Carriage Vehicles	194	193	1			197	196	1		
Animal Boarding Establishments	15	13			2	17	16	1		
Home Boarders of Dogs	45	38	3		4	46	44	2		
Dog Breeder	8	8				3	3			
Dangerous Wild Animal	1	1				0	0			
Riding Establishments	13	13				12	12			
Performing Animals	3	1			2	0	0			
Pet Shops	4	3			1	4	4			
Scrap Metal Site	0					2	2			
Scrap Metal Mobile Collectors	2	2				3	3			
Hairdressers	1	1				0	0			
Personal Licences	99	97			2	118	118			
Premises licence - variation/vary DPS	121	118	1	1	1	124	122	2		
Premises licence - minor variation	16	14		2		10	10			
Premises licence - transfer	26	24		1	1	37	37			
Premises licence - new	24	21	1		2	16	16			
Temporary Event Notices	559	546	7	6		576	562	3	11	
Club Premises Certificates - new	1	1				0	0			
Club Premises Certificates - minor variation	1	1				0	0			
Street Traders - mobile	14	13	1			9	9			
Street Traders - site	36	35	1			35	34	1		
Street Collections	92	92				92	92			
House to House Collections	37	35			2	42	42			
Lotteries	35	35				36	36			
Licensed Premises Gaming Machine Permits	3	3				3	3			
Gaming Machine Notifications	5	5				5	5			
Skin Piercing - individual	13	12			1	11	11			
Skin Piercing - premises	7	6			1	8	8			
Occasional Use Notice	0					1	1			
Family Entertainment Centre	1	1				2	2			
Betting Premises	5				5	0	0			

Key: I = licences issued, W = applications withdrawn, R = applications refused or rejected,
P = applications pending decision, e.g. awaiting documentation before licence issued

**Annex E – Comparison data - Number of applications received by year, with application outcome –
Wokingham Council**

**TO: LICENSING AND SAFETY COMMITTEE
22 OCTOBER 2020**

**Statutory Taxi & Private Hire Vehicle Standards Report
Public Protection Manager**

1 PURPOSES OF REPORT

- 1.1 To inform members of the recently published 'Statutory Taxi & Private Hire Vehicle Standards' issued by the Department for Transport (DfT).
- 1.2 To set out the work required to be completed in regards to the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers in line with recommendations made by the Statutory Taxi and Private Hire Vehicle Standards to be then considered by the Licensing and Safety Committee.

2 RECOMMENDATIONS

- 2.1 That the Committee:

- (1) Members NOTE the content of the statutory standards
- (2) Members agree to further reports detailing changes to conditions contained in the Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers to comply with the statutory standards

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Statutory Standards published on 21 July 2020 set-out a range of robust measures to protect taxi and private hire vehicle passengers, particularly those most vulnerable.
- 3.2 Government advice is that licensing authorities must work together to ensure that, above all else, the taxi and private hire vehicle services the public use are safe.
- 3.3 The Department for Transport will monitor licensing authorities' responses to the Statutory Standards and all authorities are expected to provide an update by 31st January 2021 in developing the standards

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

5.1 Introduction/Background

- 5.1.1 On 21 July 2020, the Department of Transport issued Statutory Taxi & Private Hire Vehicle Standards for the first time which replaced the Department's 2010 Best Practice Guidance.

- 5.1.2 Under the Policing and Crime Act 2017 the Secretary of State for Transport is enabled to issue statutory guidance on the exercising of taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 5.1.3 The Guidance is the result of extensive consultation with the police, the trade, the Institute of Licensing and others and sets out the approach that Licensing Authorities must adopt when carrying out their functions.
- 5.1.4 This authority has already previously implemented a number of the recommendations on its own volition but the guidance provides the opportunity to further tighten the current licensing scheme. The report below sets out the major changes to the licensing regimes.

5.2 **New Standards**

- 5.2.1 The main areas of the statutory standards cover the following;
- 5.2.2 Licensing policy. Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.
- 5.2.3 Fit and proper test. Until now there has been no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation. Now this should be based on a balance of probabilities basis and be proportionate. Applicants should not be 'given the benefit of the doubt' and if the panel is only "50/50" as to whether the applicant is 'fit and proper' they should not be given a licence. This is a lower threshold than for criminal convictions and can therefore include information that goes beyond criminal convictions.
- 5.2.4 Administration. There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and it is suggested that less contentious matters can be resolved by authorised officers. It is recommended that more serious matters are dealt with by committee.
- 5.2.5 Whistleblowing. It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.
- 5.2.6 DBS checks. Subscription to the DBS Update Service by drivers and operators at their own expense. This will enable the Authority to review the DBS record of a driver or operator at any time, but it is recommended that the records should be reviewed every six months as a minimum. In addition there is a new requirement that all Booking and Dispatch staff should be subject to a basic DBS check and it will be mandatory for operators to keep records of any individual that responded to the booking request and/or despatched a vehicle to the booking request.
- 5.2.7 Overseas convictions. DBS cannot access criminal records held overseas – certificates of good character should be obtained where an applicant has previously lived outside the UK for a period of more than 3 continuous months.
- 5.2.8 Convictions policies. All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs,

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children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.

- 5.2.9 Common Law Police disclosures. These should also be considered as part of the 'fit and proper' test. This replaced the previous Notifiable Occupations Scheme.
- 5.2.10 Multi-agency Safeguarding Hub (MASH). Authorities should establish a means to facilitate the objectives of the local MASH. It highlights obstacles in sharing information as a barrier to effective safeguarding.
- 5.2.11 Complaints against licensees. All authorities should have robust complaint recording systems and take action if necessary. Authorities should produce guidance for passengers on how to make complaints. Operators should be able to share concerns regarding drivers with the local authority.
- 5.2.12 Mandatory safeguarding awareness training for all drivers. Authorities should provide safeguarding advice and guidance and explain to drivers how to respond and report concerns and where to get advice. Training should include 'County Lines' drug trafficking awareness.
- 5.2.13 All licence holders to demonstrate proficiency in English language. All drivers should be able to converse with passengers to understand destination, estimates of time along with other common passenger requests. Drivers should be able to provide correct change and produce a legibly written receipt upon request.
- 5.2.14 Enforcement. Joint authority agreements between authorities are encouraged. Drivers should be made aware of relevant policies and repercussions.
- 5.2.15 Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used.
- 5.2.16 Private hire operators and criminal record checks. All operators should be subject to an annual basic DBS check. Ancillary staff that have access to booking records should also be DBS checked.
- 5.2.17 Record keeping. The guidance suggests minimum information that should be recorded when accepting a booking.
- 5.2.18 CCTV in vehicles. Local consultation to determine if mandatory CCTV would have a positive or negative on the safety of passengers.
- 5.2.19 Local consultation. It suggests it is good practice to consult when proposing significant changes in local licensing rules. Consultation should include passengers and trade groups.
- 5.2.20 Changes to policies – should apply to all licence holders (so any changes would be retrospective).
- 5.2.21 Criminality checks for vehicle proprietors. Basic disclosure undertaken annually.
- 5.2.22 Stretched Limousines. Consideration should be given to their licensing

6 ASSESSMENT OF PREVIOUS CONVICTIONS

- 6.1 The standards suggest a range of recommendations relating to all taxi licensing convictions policies.

7 CONCLUSION

- 7.1 Members are requested to note the new standards and recommended changes. Further reports will be presented in order to implement changes to current conditions and policies and these will then be subject to wider consultation including the trade.

8 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

- 8.4 The Council has a duty to protect the public. To take no action could be criticised should there be a public enquiry into an incident in Bracknell Forest.

9 BACKGROUND PAPERS

Statutory Taxi & Private Hire Vehicle Standards

Contact for further information

Julia O'Brien 01635 519849 – julia.obrien@westberks.gov.uk

TO: LICENSING AND SAFETY COMMITTEE
DATE 22 October 2020

REVIEW OF STATEMENT OF LICENSING POLICY
Public Protection Manager

1 PURPOSE OF REPORT

- 1.1 Bracknell Forest Council is required to prepare and publish a Statement of Licensing Policy every five years in accordance with section 5 of the Licensing Act 2003 ('the Act'). The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 1.2 The Bracknell Forest Statement of Licensing Policy must undergo a review and be re-published by the end of January 2021.
- 1.3 The purpose of this report is to provide the Committee with a chance to give initial comments on the draft policy to go out for consultation. Members of the Committee will be consulted on the content of the Policy as a matter of course. Members may also wish to add details of any proposed consultees to the list at Annex B.

2 RECOMMENDATION

- 2.1 That the committee:
- i. Approves the Statement of Licensing Policy set out in Annex A to this report as a consultation policy
 - ii. Instructs the Officers to begin consultation
 - iii. Recommends that, on conclusion of consultation, the matter to return for consideration at a special meeting of the Committee in December 2020 prior to Council approval

3 REASONS FOR RECOMMENDATION

- 3.1 To comply with legislative requirements
- 3.2 To ensure openness and transparency in the Council's decision making
- 3.3 To ensure that those persons affected by the policy have the opportunity to have an input into it
- 3.4 To reduce the risk of successful challenges to decisions made by the Council if a robust policy were not in place

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not Applicable

5 SUPPORTING INFORMATION

5.1 Before determining the policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:

- The chief officer of police for the area
- The fire and rescue authority for the area
- Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates
- Persons or bodies representative of businesses and residents in its area

The views of all consultees should be given appropriate weight when the policy is determined. Beyond the statutory requirements, it is for the licensing authority to decide the full extent of its consultation. Whilst it is clearly good practice to consult widely, this may not always be necessary or appropriate.

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

7.1 Consultation will take place with all those in Annex B and any others the Committee would like added via email, web site and letter from 26 October to 4 December 2020.

Background Papers

Statement of Licensing Policy (January 2016)

Section 182 Guidance (April 2017)

Contact for further information

Julia O'Brien
Principal Officer - Compliance and Enforcement

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01635 519 849 julia.obrien@westberks.gov.uk

Annex A

Revised Statement of Licensing Policy

Annex B

List of consultees

- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- Bingo Association
- Community Safety Team
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Federation of Licensed Victuallers Associations
- Guild of Master Victuallers
- Local businesses and their representatives, e.g. Chamber of Commerce
- Local residents and community associations
- Members of Bracknell Forest Council (including the Executive Committee)
- National Federation of Community Organisations
- Parish and Town Councils
- Premises licence / club premises certificate holders
- Pubwatch
- Responsible Authorities including Thames Valley Police, Royal Berkshire Fire and Rescue Service, Trading Standards, Environmental Health and Public Health
- Drug and Alcohol Action Team
- Society of Licensed Victuallers

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**Statement
of
Licensing Policy**

January 2016

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REMOVE ANNEX B

Pages to be updated once policy has been agreed

1. Introduction, Purpose and Scope

- 1.1 The Licensing Act 2003 ('the Act') requires Bracknell Forest Borough Council, as the Licensing Authority, to publish a 'Statement of Licensing Policy' ('policy') every five years. In drafting this policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of Bracknell Forest, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.
- 1.2 Bracknell Forest lies 28 miles west of London, at the heart of the Thames Valley. The borough covers 109 sq. km of central Berkshire and includes the former New Town of Bracknell, together with Sandhurst town and the villages of Crowthorne and Binfield, along with a number of smaller settlements across Warfield and Winkfield. The area has easy access to the motorway network (M3, M4, M40 and M25), Heathrow, and direct train links into London. Bracknell town centre is currently undergoing regeneration to create a centre which provides a vibrant economic, social and cultural heart to the borough.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Council will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of the town centre as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 1.5 The Licensing Authority is committed to promoting a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circuses and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.

ADDED

- 1.6 The Council recognises the licensed activities make an important contribution to the economy of the Borough. By regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these often conflicting, positions and all views will be taken into account when making licensing decisions or determining on course of action.
- 1.7 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the council will give full reasons for departing from this policy.
- 1.8 The council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
- (a) Prevention of Crime and Disorder;

- (b) Public Safety;
- (c) Prevention of Public Nuisance; and
- (d) Protection of Children from Harm.

1.9 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and other persons where appropriate in order that they have a clear understanding of the legislative requirements. To ensure this policy integrates with other strategies, the Licensing Authority has liaised and consulted with the appropriate groups, such as the Community Safety Partnership, and will continue to develop close working partnerships with such groups.

1.10 If there is a recognised need, the Licensing Authority will form a liaison group that includes representation from responsible authorities and the community, to assess the impact of current licensable activities and the possible cumulative effect in an area. The purpose of this will be to:

- (a) monitor developments in the area;
- (b) identify and resolve any issues within the community;
- (c) assess cumulative impact of a concentration of licensed premises; and
- (d) ensure the licensing objectives are being met.

The Licensing Authority may consider the implementation of an additional policy after full consultation with all responsible bodies and examination of the supporting evidence.

1.11 This policy does not:

- (a) Undermine the right of any individual to apply for a variety of permissions and to have each application considered on its individual merits; or
- (b) Override the right of any person to make representations on an application, or seek a review of a licence or certificate, where the Act allows.

Keep this?

1.12 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.

1.13 In addition, it should be noted that the planning and licensing regimes are separate. There is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.

Keep this?

1.14 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.

1.15 In some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

Moved to 3.6 and 3.7

1.16 This policy takes effect on (date) and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation, with appropriate consultation on any material changes.

1.17 Comments on the policy may be made in writing to the Licensing Authority, Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, RG12 1JD or by email to licensing@bracknell-forest.gov.uk. All comments received will be carefully considered and, where appropriate, included in the policy.

2. Licensing Principles and Process

2.1 The council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the borough. The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.

2.2 There are four main licensable activities under the Act:

- (a) retail sales of alcohol;
- (b) the supply of alcohol by or on behalf of a club
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

2.3 The council's powers and duties as the Licensing Authority are delegated in accordance with the table of delegation set out at Annex A, or otherwise in accordance with the council's adopted constitution.

Leave in?

2.4 This policy sets out the process the council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. The overriding principle adopted by the council will be that each application is determined on its merits. Every application will be treated fairly and objectively, taking into account the four licensing objectives, the policy and the statutory guidance issued under section 182 of the Act.

2.5 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Act is not a primary mechanism for controlling general nuisance unconnected to licensable activities or the licensing objectives.

2.6 It is acknowledged that concern over disorder in particular may be thought to be a result of licensing legislation only. The Council can only have regard to the provision of the Licensing Act 2003 when determining an application. However the Council recognises that other mechanisms exist to control disorderly behaviour, e.g planning controls, town centre management arrangements, confiscation of alcohol from adults and children in designated area, and Policy enforcement powers.

ADDED

- 2.7 When determining applications, the Licensing Authority must be satisfied that the applicant's operating schedule (please see section 4) seeks to promote the four licensing objectives. The Licensing Authority will make decisions guided by this policy but will not fetter its right to discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.
- 2.8 The Licensing Authority recognises that conditions attached to various authorisations will be focussed on matters which are within the control of the licence holders. Conditions shall be proportionate and appropriate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises. If no representations are received, there is no provision for a licensing authority to impose conditions on a licence other than the mandatory conditions and those proposed within the application.

3. Making an Application

- 3.1 The relevant application forms and associated documents are obtainable from the council's website or from the Customer Service Centre during normal office hours. It is strongly recommended that all applicants consult with the Licensing Authority prior to submitting an application. It may be appropriate to submit a draft application for comments.
- 3.2 A plan must be attached to an application for a premises licence or a club premises certificate. The plans do not have to be professionally drawn, however they must be to scale and contain the relevant information as required under regulation. The plan should be at a scale of 1:100; however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application.
- 3.3 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to submit a new licence application. It is acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place, the licence will be granted. The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use, in order to allow the Licensing Authority to make an informed decision.
- 3.4 Where conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have considered and taken action to address those issues. Applications may be refused where there are significant outstanding issues.
- 3.5 In particular, for large events, it is suggested that the event should be referred to the Safety Advisory Group in advance of submission of an application. It is best practice for local ward members to be involved in the SAG process for large scale advents.
- ADDED**
- 3.6 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives for restricting those hours.

- 3.7 In some circumstances, flexible licensing hours for sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

MOVED FROM 1.14 and 1.15

4. The Operating Schedule

- 4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.
- 4.2 Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application. The Licensing Team can assist in co-ordinating this process.
- 4.3 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:
- (a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - (b) The times during which licensable activities will take place;
 - (c) Any other times when the premises are to be open to the public;
 - (d) Where the licence is only required for a limited period, that period;
 - (e) Where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be designated premises supervisor;
 - (f) Whether alcohol will be supplied for consumption on or off the premises or both; and
 - (g) The steps the applicant proposes to promote the licensing objectives.
- 4.4 Where measures to promote the licensing objectives are included in the operating schedule, these may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.
- 4.5 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.
- 4.6 A pool of model conditions is available on request from the Licensing Team. Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.

5. Licensing Objective 1: Prevention of Crime and Disorder

- 5.1 The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of Bracknell Forest. National and local crime statistics demonstrate that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. Good management and practice procedures in licensed premises

can make an important contribution to lessening that impact. The Licensing Authority and Thames Valley Police through their Community Safety Partnership will regularly monitor and review crime statistics within the borough and their association with alcohol.

- 5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.
- 5.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example
- Prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items.
 - Prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions.
 - Security features such as provision and storage of CCTV.
 - A prescribed capacity limit
 - Use of door staff to control entry to the premises
 - Procedures for ejection or dispersal of persons from the premises
 - Procedures for dealing with harassment, discrimination and inappropriate behaviour.
 - Use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers
 - Display of crime prevention notices
 - An appropriate ratio of tables and chairs to customers based on capacity
- 5.4 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity. The Licensing Authority recommends licensees seek guidance from the Equality and Human Rights Commission <http://www.equalityhumanrights.com/> or by contacting them on 0808 800 0082.

6. Licensing Objective 2: Public Safety

- 6.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. **It should be noted there is an overriding legal duty to comply with the provisions of Health and Safety at Work legislation, including risk assessments and control.**

ADDED

- 6.2 The Licensing Authority has a Safety Advisory Group and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event which is not specifically indicated

in the operating schedule may be invited to approach the Safety Advisory Group. When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to Bracknell Forest Borough Council's Safety Advisory Group.

6.3 Applicants may wish to consider inclusion of the following steps within their operating schedule with a view to the safety of persons attending the premises:

- Evacuation procedures including measures for disabled persons
- Maintenance of alarm systems and emergency lighting
- Maintenance of all escape routes and exits
- Safety checks and records in a log book
- Access for emergency vehicles
- First aid equipment and trained first aiders
- Appropriate lighting and ventilation and monitoring of noise levels
- Checks on temporary electrical installations
- Use of special effects such as lasers, pyrotechnics and smoke machines
- Control of any animals at the premises
- Use of door supervisors or stewards
- Procedures to ensure safety of women and vulnerable persons
- Provision of potable water

6.4 For indoor sports entertainment or where special provision must be made for the safety of the public, applicants may wish to consider inclusion of the following steps within their operating schedule:

- Provision of qualified medical practitioners
- Where a ring is involved, that it be constructed and inspected by a competent person and any material used to be flame retardant
- Where there is wrestling or similar entertainment that the public do not occupy any seat within 2.5 metres of the ring
- Where there is a water sports event, appropriate provision of staff adequately trained to be available and remain in the vicinity at all times.

7. Licensing Objective 3: The Prevention of Public Nuisance

7.1 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.

7.2 **The Council is committed to minimising the adverse impact of licensable activity, whilst not unduly restricting the reasonable provision of licensed activity.** It is noted that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include planning controls and Public Spaces Protection Orders.

ADDED

7.3 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of licensable activities proposed and hours of operation will be suitable for the location in which the premises are situated (e.g. areas of dense residential accommodation). Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting

customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.

- 7.4 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 7.5 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:
- Measures to reduce noise and vibration escaping from the premises; including noise from music and voices whether or not amplified
 - Consideration of the licensed hours and restrictions on when licensable activities can take place both indoors and outdoors
 - Monitoring checks and logs of any checks carried out
 - Prevention of noise from deliveries or waste collections, or disposal of glass bottles etc., at unsociable hours
 - Measures to encourage quick and quiet dispersal by customers and staff including provision for access to book taxis, lowering the volume of music during the last 30 minutes before closing time and procedures for the safe removal and dispersal of persons ejected from the premises
 - Measures to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses
 - Measures to control nuisance that might be associated with the use of the external areas, particularly late at night, including supervision of the areas and specified times during which food and drink will not be permitted to be consumed in the external areas.
 - Measures to control litter and odour associated with use of the premises.

8. Licensing Objective 4: Protection of Children from Harm

- 8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, activities of an adult and/or sexual nature and exposure to incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 8.2 The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- 8.3 Where appropriate, applicants should state in their operating schedule:
- (a) whether or not they will admit children to any or all parts of the licensed premises;
 - (b) where children are to be admitted, the steps that will be taken to protect children from harm, for example supervision requirements, provision of

designated areas for children and families, and hours during which children will not be permitted to be on the premises.

The applicant will also be expected to consider provision for lost and found children (in particular at large public events).

- 8.4 Where appropriate, the Licensing Authority will expect the applicant to evidence how they will supervise children who are performing in an event with regulated entertainment event and what consideration will be given to the welfare of children at attractions or performances likely to attract children. Where children are supervised, the Licensing Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately checked by the Disclosure and Barring Service.
- 8.5 Where events are taking place that are provided solely or mainly for children, for example an under-18s disco, the expectation is that no alcohol will be served.
- 8.6 Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age-restricted items to children. This should include an age-monitoring scheme. The Licensing Authority recommends use of any of the following as an acceptable proof of age:
- (a) Passport
 - (b) Photocard driving licence issued in the European Union
 - (c) Proof of Age Standards Scheme Card (PASS)
 - (d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

Consideration should also be given to training (including refresher training) for staff, and records to evidence this training. In addition there should be means of recording challenges and/or refusals relating to potential sales of alcohol to underage persons.

- 8.7 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.
- 8.8 Applicants from retail outlets which use self-scanning devices or which offer delivery of alcohol will be expected to demonstrate how they are going to prevent the purchase or delivery of alcohol by persons under the age of 18.
- 8.9 The Licensing Authority will also expect applicants to set out in their operating schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter/waitress in a specially designated part of the premises and alcohol is sold only with a table meal.
- 8.10 Where appropriate, the Licensing Authority would expect applicants to demonstrate in their operating schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.
- 8.11 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and/or illegal substances.

- 8.12 In relation to exhibition of film, the Licensing Authority will expect the operating schedule to demonstrate that entry shall be controlled to protect children from exposure to strong language, sexual content and other inappropriate matters.
- 8.13 The Licensing Authority proposes to abide by the recommendations of the British Board of Film Classification, but the Licensing Authority reserves the right to re-classify any film. Information regarding such classifications will be published on the Council's website. All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the council being unable to classify the film. Requests shall be assessed against the BBFC guidelines and the licensing objectives.
- 8.14 The Licensing Authority recognises the Local Safeguarding Children Board as the competent body and responsible authority to advise matters relating to the protection of children from harm.
- 8.15 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:
- Limiting the hours that children may be present
 - Excluding children when particular specified activities are taking place
 - Limiting the parts of the premises to which children have access
 - Age limitations
 - Excluding under 18s from the premises when licensable activities are taking place
 - Requiring that an accompanying adult be present
 - Arrangements for restricting children from viewing age-registered files
 - Arrangements to ensure that sufficient adult staff are present to ensure that the children are protected from harm

ADDED

9. Representations and Mediation

- 9.1 The Council has adopted a Neighbour Notification policy for applications for new licences and variations to existing licences. A copy of the policy is attached to this document as Annex B.

NEED TO REMOVE THIS STATEMENT WHEN REMOVING ANNEX B

- 9.2 Where relevant representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, objectors and any relevant responsible authorities prior to the hearing. Hearings may be avoided when all parties arrive at an amicable solution to the issues raised through negotiation.
- 9.3 In determining the grant or variation of a licence, the following responsible authorities may make representations:
- (a) Thames Valley Police
 - (b) Royal Berkshire Fire and Rescue Service
 - (c) Environmental Health (or for Council-operated premises, the Health and Safety Executive)
 - (d) Trading Standards
 - (e) Environmental Protection
 - (f) Public Health
 - (g) Bracknell Forest Safeguarding Board (for adults and children)

(h) Planning Authority

In addition to this, any other person may make a representation.

The Licensing Authority will consider any relevant representations received. Any of these individuals or groups may request a representative to make representations on his or her behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.

- 9.4 The Licensing Authority itself is able to make representations, but this is likely to be limited to few cases, for example to ensure appropriate and proportionate conditions are included on a licence where the operating schedule is not clear. If the Licensing Authority makes a representation there shall be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.
- 9.5 For a representation to be relevant it must:
- (a) relate to the effect of the grant of the application on the promotion of the licensing objectives;
 - (b) not be 'frivolous or vexatious', and
 - (c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a responsible authority, and
 - (d) if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

Representations can include positive/supportive representations as well as objections.

- 9.6 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 9.7 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.

10. Cumulative Impact

- 10.1 The Council recognises that the commercial demand for another premises in an area is not a matter for licensing considerations, but more a matter for the planning process and the market.
- 10.2 The Council also recognises that where there are several premises providing licensable activity in the same vicinity, the cumulative impact may have an adverse effect on the community; in particular from nuisance and disorder. Accordingly, the Council may refuse additional applications if it believes that to grant a licence would undermine one or more of the Licensing Objectives, and representations have been received from a responsible authority or another person. In addition, the Council has to be satisfied that the criteria set out in the legislation are met. As detailed earlier in this Policy, each application will be considered on its own merits.

10.3 If the Council considers that a 'Special Policy' is needed to deal with the cumulative impact of licensed premises, it will only do so following consultation as specified in the Licensing Act 2003 and following the proper process.

10.4 The Council will expect licensees and potential licensees within an area to communicate with each other and prepare their Operating Schedules so that they complement each other and collectively meet the Licensing Objectives.

ADDED

11. Determination of Applications (Decision making)

11.1 The Council will seek to carry out its responsibilities under the Licensing Act 2003 efficiently and cost-effectively. To do this, functions are delegated from the Licensing and Safety Committee.

10.1 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation as at Annex A.

10.2 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule. The council has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.

11. Licensing and Safety Committee and Panel Hearings – Remove and continue under Decision making?

11.1 The Licensing Committee will consist of between 10 and 15 members. Licensing Panels usually made up of 3 members of the Committee members will determine any applications where relevant representations have been received or objection notices in respect of standard temporary event notices. (KEEP OR REMOVE?)

11.2 In determining the application the Licensing Authority will consider:

- (a) the case and evidence presented by all parties;
- (b) the promotion of the four licensing objectives;
- (c) guidance issued by central Government; and
- (d) the Licensing Authority's own Statement of Licensing Policy.

and will take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a particular person as the designated premises supervisor;
- to reject the application.

11.3 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching

those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.

- 11.4 The decision of the Panel shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other relevant legislation. **The decision and reasons for that decision will be sent to the applicant and those who have made relevant representations.** A summary of the decision shall be posted on the Licensing Authority's website as soon as is reasonably possible after the decision has been confirmed.

Added

12. Temporary Event Notices

- 12.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.
- 12.2 In accordance with the 2003 Act, any individual person aged 18 or over may give a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only give a TEN 5 times a year, and a personal licence holder no more than 50 times a year. However, no more than 15 TENs covering a maximum of 21 days may be given in respect of any particular premises in a single calendar year.
- 12.3 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns.
- 12.4 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least 3 months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 12.5 The processing of TENs by the council is controlled by a strict statutory timetable; therefore, the council will not accept a notice unless it is complete in all respects at the time of submission. **In order for the TEN to be processed within the appropriate time frame, it is recommended that TENs are submitted via the online facility on the Council's website. (Keep)**
- 12.6 In the event of an objection, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.
- 12.7 Organisers of events are reminded of the police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to intoxicated persons.

12.8 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to allow premises to open for specified extended hours.

13. Personal Licences

13.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.

13.2 Personal licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions at the time of application. Where a personal licence holder is convicted of a relevant offence during the period when their application is being considered, the licence holder is required to advise the Licensing Authority forthwith.

13.3 Where the Police believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. The Licensing Authority will arrange for a hearing to take place at which the application will be determined.

13.4 It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be amended. The personal licence holder must also notify the Court that they hold a personal licence.

14. Club Premises Certificates

14.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.

14.2 The Act does not require any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to which the certificate relates, nor is there a requirement for the club to specify a designated premises supervisor. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

15. Appeals

15.1 Anyone aggrieved by a decision of the council has a right of appeal as set out in schedule 5 of the Act. This appeal must be lodged with the appropriate Court within a period of 21 days from the date on which the applicant was notified by the Licensing Authority of the decision. The council will inform the appropriate parties of their right of appeal in accordance with the Act when confirming a decision of the licensing panel.

Keep?

16. Management of Licensed Premises

16.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The council encourages all licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.

16.2 Within all licensed premises, whether or not alcohol is to be sold, the council will expect there to be proper management arrangements in place which will ensure that there is an

appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.

- 16.3 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises.
- 16.4 The council will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 16.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales.

17. Complaints, Enforcement and Inspections

- 17.1 Complainants are encouraged in the first instance to raise any concerns directly with the licensee or business concerned. Complaints may be sent to the Licensing Team, Bracknell Forest Council, Time Square, Market Street, Bracknell, RG12 1JD or licensing@bracknell-forest.gov.uk for investigation.
- 17.2 Where there are any issues identified or need for improvement at a premises, officers and responsible authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 17.3 The council undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.
- 17.4 In terms of enforcement, the aim is to target those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact.
- 17.5 Protocols for enforcement will be established between responsible authorities and the Licensing Authority in order to ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent. In most cases, a graduated form of response is expected to resolving issues of non-compliance although it

is recognised that in serious cases a prosecution or a review application will be the most appropriate means of disposal.

- 17.6 In addition to the Council's enforcement policy, the licensing authority will also have regard to the Regulators' Compliance Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

18. Reviews of Premises Licences

- 18.1 At any stage following the grant of a premises licence, a responsible authority or other person may ask the council to review the licence because of a problem arising at the premises in connection with one or more of the four licensing objectives. However it is hoped that this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort.
- 18.2 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application unless all parties agree that a hearing is not necessary.
- 18.3 Where the request originates from any person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association) the licensing authority must consider whether the request for review is vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.

19. Early Morning Restriction Orders (EMROs)

- 19.1 **The Licensing Act sets out powers conferred on licensing authorities to make early morning alcohol restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing Licensing Authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 06:00 hours. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives.**
- 19.2 **At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of Bracknell district. However, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between midnight and 06:00 is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the licensing Community Safety Partnerships or other sources. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.**

ADDED DOES BRACKNELL HAVE EMRO?

20 Late Night Levy (LNL)

- 20.1 **Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (from midnight to 06:00 hours) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the**

Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the licensing authority.

20.2 At the time of writing this policy the Licensing Authority has no plans to collect a LNL. However the situation will be kept under review and prior to making a decision to implement a LNL, the licensing authority will have discussions with the Police and Crime Commissioner (PCC) and local Police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the licensing authority will consult the PCC, the police, licence holders and others about its proposal.

ADDED

21 COVID 19 – 2020

Would we also put the Toolkit here?

21.1 Due to the pandemic guidance was issued from government to help the hospitality trade reopen

21.2 This guidance relates to the alcohol licensing provisions in the Business and Planning Act 2020 only. It is separate to the guidance on working safely during Covid-19 issued by the Department for Business, Energy and Industrial Strategy and the Department for Digital, Culture, Media and Sport.

It includes information on:

- the purpose of the temporary off-sales extension
- the difference between pavement licences and alcohol licence
- the new summary off-sales review process
- general advice on conducting off-sales

<I:\Public Protection & Culture\PPP\EH and Licensing\Licensing Data\Licensing Act 2003>

ADDED

Annex A Delegation of Functions

Matter to be dealt with	Full Committee	Licensing Panel	Officers
Application for personal licence with unspent conviction for relevant/foreign offence or immigration penalty		If a police objection	If no objection made
Decision to suspend or revoke personal licence where here is unspent conviction for relevant/foreign offence or immigration penalty		All cases	ADDED
Application for premises licence/club premises certificate or provisional		If a relevant representation	If no relevant representation made

statement		made	
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation application			All cases
Decision whether to consider other responsible authorities on minor variation application			All cases
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Decision to make a representation as a licensing authority			All cases
Power to suspend a licence for non-payment of annual fees and associated actions			All cases
Power to impose existing premises licence or club premises certificate conditions on a TEN where all parties agree a hearing is unnecessary			All cases
Determination of application to vary premises licence at community premises to include alternative licence condition		If police objection	All other cases

REMOVE ANNEX B and relevant paragraph under 9.1

Annex B Neighbour Notification Policy

Neighbour notification seeks to ensure that those persons within the borough who live immediately next to, opposite or behind

- a licensed premises, or**
- the proposed site for a licensed premises**

are notified when there is a licence application made relating to that premises or site. Neighbour notification will allow immediate neighbours an opportunity to consider the application and respond if appropriate.

This process applies to any of the following:

- Application for new premises licence
- Application to full variation of a premises licence
- Application for new club premises certificate
- Application to full variation of a club premises certificate
- Application for new gambling premises licence
- Application to vary gambling premises licence
- Application for a review of a licence

The use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter will contain the name of the premises, brief details of the application and how to get further information or make representations, as detailed on the public notices posted at the premises.

Properties to be notified

Properties to be notified are as follows:

- Properties sharing a common boundary with the premises, including outside areas
- Properties immediately in front of premises (opposite side of road)

The Licensing Officer will use judgement in circumstances where:

- Other parties, not identified as above, may reasonably be considered to be affected.
- Distances between buildings, or other circumstances, are such that notification in precise accordance with the above guidance is considered unnecessary.

CHANGE TO ANNEX B WHEN THE PREVIOUS ANNEX B IS REMOVED

Annex C Glossary

Capacity Limit	Where the Licensing Authority and/or Fire Authority have set a limit on the number of people allowed in a premises or part of a premises, to prevent overcrowding which can lead to crime and disorder and concerns over public safety.
Child	Any person who is under the age of 18 years.
Club Premises Certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
Council	As far as this policy is concerned, any reference to the Council shall be interpreted as the Licensing Authority.
Cumulative Impact	Where there is a potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor	A specified individual, holding a personal licence, who is responsible for the day-to-day running of the business and whose name will appear on the premises licence.
Late Night Refreshment	The supply of hot food and drink between the hours of 23.00 and 05.00 for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Event Notice
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Qualification	Qualification accredited by the Secretary of State and a requirement for a personal licence.
Operating Schedule	This forms part of the completed application form for a premises licence and must promote the licensing objectives. See section 4 for more information.
Personal Licence	This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
Premises Licence	A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless revoked or surrendered.

Proprietary Clubs	Clubs run by individuals, partnerships or businesses for the purpose of making a profit.
Provisional Statement	Where premises are being constructed or extended or substantial structure changes are proposed.
Qualifying Club	<p>Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are:</p> <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs <p>A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.</p>
Regulated Entertainment	Entertainment that is provided to members of the public or to members of a qualifying club, or entertainment held with a view to profit. This includes plays, films, indoor sporting events, performance of dance and live and recorded music. For more detailed advice on whether a specific activity constitutes regulated entertainment, please contact the Licensing Team.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by a responsible authority or any other person which are deemed as relevant
Responsible Authorities	<p>This group can make representations and includes bodies such as:</p> <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The Local Enforcement Agency for the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm - at the date of publication, the Local Safeguarding Children Board has delegated responsibility for this function to Thames Valley Police. • The Licensing Authority
SAG	Safety Advisory Group. An advisory body whose purpose is to offer advice and guidance on event organisation.
Temporary Event Notice	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.

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**TO: LICENSING AND SAFETY COMMITTEE
22 OCTOBER 2020**

**HACKNEY CARRIAGE AND PRIVATE HIRE TRADE MEETING UPDATE
(Public Protection Manager)**

1 PURPOSE OF REPORT

To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) Notes the content of the report and minutes attached, and;**
- ii) Makes any recommendations on matters discussed or for further discussion in the future of the Group.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Licensing and Safety Committee asked that officer/trade meetings be set up to discuss issues of concern following representation of such from the trade with a further wish to receive feedback from the meetings.
- 3.2 Recent issues reported to the department indicate a need for an increase in dialogue with the trade during the uncertain times of COVID 19.
- 3.3 Request by the trade for a fare increase, mixed hackney carriage fleet, age of vehicle inspection process alteration and subsidy to licence fees.

4 ALTERNATIVE OPTIONS CONSIDERED

None.

5 SUPPORTING INFORMATION

- 5.1 Two virtual meetings were held, the first on the 23rd July 2020 which was attended by officers and 2 representatives from the trade, and a second on the 14th August 2020 which was attended by officers, Cllr Porter and 2 representatives from the trade. The following issues were discussed:

5.2 Taxi Ranks

- Additional rank at Morrison's, The Peel Centre. NK emailed the landowner a number of times but, as yet, no response has been received.
- Implementation of a rank outside Eagle House/old McDonalds. A meeting was held on the 25th August 2020 with Town Centre Management, Highways, Taxi Trade and Licensing Officers to discuss the possibility. Highways to investigate suitability.

Unrestricted

- The Trade raised concerns regarding Waitrose Taxi Rank and vehicles, both licenced and unlicensed, blocking Bracknell Hackney Carriages from parking on it. NK advised we had no intel apart from “they all do it” so requested that all drivers pass her information to record frequency and numbers, as there is no recorded issue of any vehicles plying for hire or sitting at this rank.
- Also discussed for the future after “The Deck” is completed was the possibility of a number of taxi rank timed spaces (23.00 to 02.00) to facilitate the later opening of premises to be positioned opposite the Blue’s Smokehouse.
- The Point Rank was discussed with the options to offer it up if drivers are not using it or better sign posting from Morrison’s and the Peel Centre if landowners at the Peel Centre do not engage in discussions regarding a new rank.

5.3 Taxi Fare Rise

- The trade would like to increase the tariff from £6 to £6.80 per 2 miles. Officers sent West Berkshire’s current tariff and advised that the fare calculations done by West Berkshire work in 10/mile rather than yards.
- It was discussed the trade could increase the tariff every 3 years. This would not be so costly for the trade over this time frame and can raise with inflation regularly.
- The fares for licensed hackney carriage vehicles have not been increased since 2011.
- Taxi trade to present a Business case so the matter can be considered by the Licensing and Safety Committee
- UPDATE: The trade have been asked to provide the business case and a list of licence holders who have requested the rise but at the time of submission of the report this has not been received.

5.4 Campaign for Bracknell Forest Taxi Trade

- The group talked about promoting Bracknell Licensed Taxis to members of the public.
- The group talked about promoting the local licensing regime to members of the public and stressing the need to always use vehicles which are licensed locally and to promote local business.
- We will look at articles to be sent out via social media, to the local newspaper / newsletter promoting the local trade and reassuring them of the benefits ie they are licensed with Bracknell, tell people the checks taxi drivers must go through to get a licence. Promote the safety aspect.

5.5 Fees

- The trade asked if fees for courses (i.e. First Aid when the course content has not changed) could be charged as a lesser fee if just a refresher.

- Fees go up by 4-5% every year, so is it possible to cap the increase? JOB advised that the CPI figure is added at an average of 2%, sometimes less, to the annual fee every year to be discussed if can be capped.

5.6 Mixed Fleets

- A discussion took place around possibly allowing a mixed fleet for Hackney Carriage vehicles.
- The trade were asked to put together a case to take to committee to include actual figures of how many wheelchair users were picked up in a month's period.
- It was agreed if a driver does not feel capable or safe escorting a wheelchair user into their vehicle then they can explain this to the member of the public explaining the safety elements and also send an email to licensing.all@bracknell-forest.gov.uk to advise so the team are aware in case of complaint.

5.7 Age of Vehicle Fee

- The trade spoke on how there was no charge previously for an age of vehicle inspection, the charge was just included in the new year's fees and they were never consulted.
- JOB explained the fees were part of the annual fee setting process of the Committee and full Council in 2019 and had come about as the PPP had been required to work on a full cost recovery and undertaking these inspections takes a considerable amount of time by officers. It was also thought to be a preferred method for drivers than an independent inspection which are considerably more expensive
- The trade has been saying for a while that there is less and less work now, especially with Uber on the scene, which in turn means the vehicles are not being used as much and mileage has been going down year on year.
- The trade suggested that the vehicles of this age already have an inspection/MOT every six months.
- It was suggested by the trade that perhaps the age when a vehicle is required to have an age of vehicle inspection be extended to 11 years instead of 10.
- Licensing to investigate if the age of vehicle can be extended to 11 years instead of 10 for a hackney carriage. Again, a business case should be provided from the trade

5.8 Licence Renewals – COVID-19

- The renewals of vehicle plates and driver badges was discussed where a driver has put their licence on hold due to COVID-19.
- A renewal form still needs to be submitted on expiry of the current licence.

- The renewal fee can be paid once you start working again. If the full fee cannot be paid then Licensing can organise for you to make split payments over the rest of your licensed period.
- Your renewed licence will run from when it last expired.
- It has not been licensing's decision to ask for the full renewal fee even if some months have not been worked due to COVID, this decision has come from the authority.
- UPDATE: The Bracknell Taxi Drivers have provided an email, Attached in **Annex A** which requests the Age of Vehicle process and fee is changed and that the renewal process for driver's badges and vehicles who did not work during COVID-19 restrictions is granted an extension to previous and expired licences of the Committee for them to consider some type of fee relief.

7. Amendment to Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers

Attached in **Annex B** is the previous condition which has been amended to the new condition and approved by Cllr John Porter, the Chair of the Licensing & Safety Committee as a result of representation by the trade due to lack of work due to COVID-19.

8. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

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

Borough Treasurer

8.2 None

Equalities Impact Assessment

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

Strategic Risk Management Issues

8.4 The Council has a duty to protect the public. To take no action could be criticised should there be a public enquiry into an incident in Bracknell Forest.

9.

Background Papers

Trade Meeting Minutes from 23rd July 2020 and 14th August 2020

Contact for further information

Niamh Kelly 01344 352590 – niamh.kelly@westberks.gov.uk

From: [Bracknell Taxi Drivers](#)
To: [John Porter](#); [Michael Brossard](#); [Paul Bettison](#); [Kevin Gibbs](#); [Damian James](#); [Timothy Wheadon](#); [Sean Murphy](#); [julia.obrien](#); [Niamh Kelly](#); [Rhianne Arthur](#)
Subject: Licensing committee meeting: 22nd October 2020
Date: 03 October 2020 02:34:20

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear all,

We would like to submit a formal request for the following concerns listed below to be discussed in the licensing meeting on the 22nd October 2020.

1) Charge for age of vehicle check:

This fee was introduced without any consultation with the trade. The first we heard of it was when our fellow drivers began to complain about being charged £57.50 to have their vehicle's mileage noted and interior/exterior condition judged by visual appearance. When we asked the council the reason for the fee, we were told the RAC charge a fee for this - which is completely irrelevant as a RAC check would consist of a 218 point check 3 mile test drive in a written report, plus they come to the vehicle, when a problem occurs. Our vehicles already have an MOT and Hackney Carriage test every 6 months, which notes any damage, wear and tear and our mileages, which are sent to the council. We practically pay £57.50 for the Licensing officer to note down our mileage and roughly look in and around our car, which takes around 10 minutes. We think that this is outrageous, as this is an unnecessary waste of time and an unnecessary fee on top of the fees we already pay to the council.

2) Some drivers have not worked since March, due to Covid-19 - for various reasons i.e: living with elderly parents, being vulnerable themselves or having vulnerable family members, etc. These drivers' licences and badges have either expired or will expire soon. When the council were approached to see if they could have their badges and licences put on hold until they felt it was safe for them to return to work, the council allowed us to put it on hold for only 6 months, but they told us that we were to pay the backdated fee from the date the badges/licenses expired, even though most of them expired at the start of the pandemic, where we weren't working regardless (for example: my plate, Manoj: plate 36, expired in March, however the council told me to pay for my new license from April, even though I had no intention of working anytime soon, for the protection of my family). If we did not conform to these irrational demands, the authority said that we would forfeit our licence and badge, meaning we would no longer be taxi drivers and we would have to resit and pay for all of our tests and courses again - like we are new applicants, even though we have had no income for almost half a year. We think this is very unfair treatment from the authority as the Government has stated on several occasions, that nobody should be significantly financially affected, due to Covid (this is most of the drivers' main source of income). All we are asking for is that our licences and badges be put on hold until we feel safe enough to return to work and pay from that date.

I'm looking forward to hearing from you,

Kindest regards

Manoj Lacximicanta and Kevin Moore on behalf of Bracknell Taxi Drivers

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require an inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter

amend to:

14.1 Vehicles up to 5 years old from the date of first registration at DVLA will be subject to an annual inspection. Once a licensed vehicle reaches 5 years old from date of first registration, it will require a first inspection within the next 6 months, and will be subject to 6-monthly inspections thereafter, unless in circumstances where the vehicle has had at least its first inspection, has a valid MOT, proof of a valid/recent service, valid insurance, hasn't been in an accident since the last inspection and has done less than **4,000 miles** since the last inspection then the Bracknell Forest Licensing Authority will grant a 6 month extension to subsequent 6-monthly inspections falling due after **24th March 2020** under a scheme to run until **31st March 2021**. Notwithstanding this allowance, licence holders have a legal obligation to ensure that their vehicles are roadworthy at all times including regularly checking the vehicles/tyres/brakes etc. in that regard.

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**LICENSING PANEL
28 JANUARY 2020
10.00 - 10.55 AM**

Present:

Councillor Ms Moira Gaw (Chair)
Councillor Michael Brossard
Councillor Mrs Tina McKenzie-Boyle

Also Present:

Donald Adams, Legal Advisor
Amanda Ward, Licensing Officer
Lizzie Rich, Democratic Services Officer
Applicant and agent for BP Oil Limited
Residents who made representations

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 by all parties.

9. Application for variation of premises Licence for BP Oil Limited, Wokingham Road, Bracknell

The application was for variation to the Premises Licence to extend the permitted hours for sale of alcohol for consumption off the premises from the current 08:00 – 23:00 Monday to Sunday, to 00:00 – 24:00 (i.e. 24 Hours a day) Monday to Sunday and also to vary the present Licence conditions to be those as set out in Annex 1 (Mandatory Conditions) and Annex 2 (Conditions Consistent With The Premises Operating Schedule) to Annex (D) of the application, which would amalgamate, as new Licensing conditions, the existing licence conditions as set out in Annex 1 and Annex 2 of Annex D(A) of the application, with the additional measures offered to be taken by the Applicant in the promotion of the four licensing objectives as set out in Annex (C).

The application did not seek to otherwise vary the current Licence permitting the applicant to provide Late Night Refreshment (being the supply of hot food or drink) between the hours of 23:00 – 05:00 Monday to Sunday.

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;

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 previous representation made by Thames Valley Police, which had been mediated ahead of the Hearing, with two additional Licence conditions being agreed between the Applicant and Police. The Panel noted that there had been no representations made by any of the other Responsible Authorities.

The Panel reached its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children, noting the particular relevance of the prevention of public nuisance objective in this application as a result of representations received orally and in writing from interested parties present.

The Panel reached its decision having regard to the provisions of the Licensing Act 2003, the Home Office Guidance issued in respect of the same and having regard to the Council's own Statement of Licensing Policy.

The Panel noted that the Applicant's premises, including shop, is open for business 24 hours a day and that in accordance with Home Office Guidance issued under the Licensing Act 2003, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises during any times when the retail outlet is open for shopping unless there are good reasons based on the Licensing objectives for restricting those hours.

The Panel determined that granting the application, with conditions, would not have an adverse impact on the promotion of the four Licensing objectives and so agreed to grant the variation to the Premises Licence as applied for.

The decision was to grant the application to permit sale of alcohol for consumption off the premises 00:00 – 24:00 (i.e. 24 Hours a day) Monday to Sunday and Late Night Refreshment (provision of hot food and drink) 23:00 – 05:00 Monday to Sunday and to replace the previous mandatory Licence conditions as set out in Annex 1 (*Mandatory Conditions*) and Annex 2 (*Conditions Consistent With The Premises Operating Schedule*) of Annex D(A) of the application, with those extended Licence conditions as set in Annex 1 (*Mandatory Conditions*) and Annex 2 (*Conditions Consistent With The Premises Operating Schedule*) of Annex D of the application, together with the above-referred two additional Licence conditions as mediated between the Applicant and Thames Valley Police, namely;

1. That the applicant will participate in the Bracknell Businesses Against Crime (BBAC) Scheme.
2. That the applicant will ensure that there is no alcohol on sale with 3 metres of the premises store entrance.

Reasons

The Panel noted that BP Oil UK Limited had applied previously in 2018 for variation to the premises Licence for this same premises, seeking extension to the Licence to permit sale of alcohol 24 hours a day for consumption off the premises but had withdrawn the application following the receipt of numerous representations from residents and Thames Valley Police. It was recognised that there had not been the same scale of representations to the present application as to the previous one in 2018.

The Panel heard and noted that BP Oil UK Limited had 219 premises nationally which were licensed for 24-hours, that none of those Licences had been called in for review and that BP Oil UK Limited were experienced in managing such premises.

The Panel were informed at the hearing that Thames Valley Police had initially lodged a representation to the present Licence variation application which had since been mediated and withdrawn as a result of agreement to the above-referred extended licence conditions, including requirements for CCTV operation and customer monitoring systems, staffing levels and training (including training in age restricted sales), adequate waste receptacles to be provided for use by customers in and immediately outside the premises, and also the use of a remote door lock facility relating to admissions of any customers permitted to enter the premises shop between the hours of 00:00-05:00 Monday to Sunday, together with the above-referred two additional Licence Conditions agreed with Thames Valley Police.

The Panel considered that the extended Licence Conditions of Annex D (*Mandatory Conditions and Conditions Consistent with The Premises Operating Schedule*), together with the above-referred two additional conditions as agreed by the Applicant with Thames Valley Police would be sufficient to mitigate interested parties' concerns as to the prevention of public nuisance.

In addition, the Panel determined that the extended and additional conditions attached to the Licence were proportionate, justifiable, capable of being met by the Applicant and appropriate to the promotion of the Licensing objectives.

The Panel noted the residents' representations that they had experienced incidents of litter (single bottles or cans) being left in their garden on occasion, and of loud behaviour which they attributed to people on the premises' forecourt and to the current operation of the premises. The residents felt that both issues would be aggravated by the variation to 24-hour Licensed opening at the premises.

The Panel noted that, as part of the extended Licence Conditions, the premises would operate on a remote door unlock principle, whereby staff could choose to unlock the door for customers rather than use the night pay window. The applicant proposed that this would serve to minimise noise as customers would not be communicating with staff through a window from the forecourt. Any customer who remained on the premises after making their purchase would be asked to move on, and the Police would be called if they remained on the premises.

On considering all representations made, the Panel considered that any public nuisance issues in terms of noise would be minimised as much as possible by operating the remote door unlock, and by moving customers on once they had completed their purchase. The Panel also considered that there was no evidence to support the claim that litter being left in residents' gardens could be attributed directly to this BP Oil UK Limited premises.

Residents present at the Hearing raised concerns regarding other premises on Portman Close which might be affected by the Licence variation sought. However, as there had been no representations made from other such premises or residents, the Panel felt it was unable to consider the likely impact or otherwise on any other premises or residents. The Panel was informed that notification letters had been sent to all residents in nearby Portman Close and Clintons Green, and that a site notice had been put up and checked by Licensing Officers.

The Panel wished to remind all parties and local residents that the Licensing Act 2003 regime contains provision for seeking a review of a Licence if there are

breaches of the Licence and if the Licensing objectives are not being met. That available mechanism for potential review under the Licensing Act 2003, rather than refusal of the Licence variation being sought, was considered the appropriate decision, option for recourse and check and balance in determining this application.

Residents were advised to keep a written record of any future issues concerning the Licensed premises and to report any issues to the Licensing Authority.

CHAIRMAN

**LICENSING PANEL
24 FEBRUARY 2020
2.00 - 3.30 PM**



Present:

Councillor Michael Brossard (Chairman)
Councillor Tricia Brown
Councillor Mrs Tina McKenzie-Boyle

Also Present:

Amanda Ward, Licensing Officer
Suzanne McLaughlin, Licensing Officer (observing)
Donald Adams, Legal Advisor
Lizzie Rich, Clerk
Applicant and representative

10. Declarations of Interest

There were no declarations of interest.

11. The Procedure for Hearings at Licensing Panels

The procedure for hearing at Licensing Panels was noted and understood by all parties.

12. 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 5).

13. Application for Private Hire Drivers' Licence

Having heard all the evidence, both written and oral, the Panel agreed to grant the applicant a 1-year Private Hire Driver's Licence rather than a 3-year Licence as applied for.

CHAIRMAN

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**LICENSING PANEL
10 MARCH 2020
11.00 AM - 12.37 PM**

Present:

Councillor Ms Moira Gaw (Chairman)
Councillor Tricia Brown
Councillor Ian Leake

Also Present:

Amanda Ward, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk
Resident spokesperson

14. Declarations of Interest

There were no declarations of interest.

15. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all parties.

16. Application for a variation to premises licence for Sandhurst Service Station, 102 Yorktown Road, Sandhurst, GU47 9BH

The application was for variation to the Premises Licence to;

- (1) Extend the permitted hours for the sale of alcohol for consumption off the premises from the current 06:00 – 23:00 Monday to Sunday, to 00:00 – 24:00 (i.e. 24 Hours a day) Monday to Sunday
- (2) Remove condition 14 of the Licence conditions (concerning the licensable activity of the provision of Late Night Refreshment), so as to permit the provision of both hot food and hot drink between the hours of 23:00 – 05:00 Monday to Sunday
- (3) Vary condition 13 of the Licence conditions to read “The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:30. Any sales between these hours will be made through the night pay window”
- (4) Change the registered address details of the Licence holder as stated on the Licence to read that St Albans address as stated in the application

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 and provisions under the Licensing Act 2003, the Home Office Guidance issued in respect of the same and having regard to the Council's own Statement of Licensing Policy.

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 had been 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.

The Panel noted that while there had been one representation made by Thames Valley Police in respect of customers' possible use of the entrance door to the shop after 23:00, this had been mediated with the applicant, resulting in the above-referred sought variation to Licence condition 13. It had been agreed with Thames Valley Police's Licensing Officer that the entrance door of the premises would be closed to customers between the hours of 23:00 and 05:30. Subsequent to this amended condition proposal which had been agreed with the applicant, no further representations had been received from the Police or any other Responsible Authority.

The Panel reached its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, noting the particular relevance of the prevention of public nuisance and the prevention of crime and disorder objectives in this application as a result of representations received orally and in writing from interested parties.

The Panel noted that the Applicant's premises, including shop, is already open for business 24 hours a day and that in accordance with Home Office Guidance issued under The Licensing Act 2003, shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises during any times when the retail outlet is open for shopping unless there are good reasons based on the Licensing objectives for restricting those hours.

The Panel determined that there was insufficient evidence before it to conclude that granting the Licence variation would have an adverse impact on the promotion of the four Licensing objectives. The Panel thus determined that the Licence variation as sought to permit the selling of alcohol for 24 hours a day, 7 days, for consumption off the premises, **be granted** to align with the current operating schedule of the premises.

The Panel also determined that the licence variation as sought concerning provision of Late Night Refreshment **be granted** to permit the sale of hot food as well as hot drink between the hours of 23:00 – 05:00 Monday to Sunday. The Panel, having noted that a previous Licensing Panel of this authority had granted the Late Night Refreshment Licence with condition that it be limited to the sale of hot drinks only, now agreed that there was no evidence before it to suggest that the sale also of hot food would significantly add to residents' concerns. The previous Licence condition 14 was thus removed.

The Panel also noted the mediation that had taken place between Thames Valley Police and the applicant and **granted** the application as sought to amend Licence condition 13 to read "The entrance door to the shop will be closed to customers between the hours of 23:00 and 05:30. Any sales between these hours will be made through the night pay window"

The Panel also **granted** the sought application to change the Licence holder's registered address as stated on the Licence to read that St Alban's address as provided in the application.

The Panel determined that the amended conditions attached to the Licence were proportionate, justifiable, capable of being met by the Applicant and appropriate to the promotion of the Licensing objectives.

Reasons

The Panel heard from a spokesperson on behalf of residents, as well as noting all written submissions from residents. All the representations submitted referred to existing noise and general disturbance at the premises, particularly at night time, and residents proposed that the sale of alcohol on a 24 hour, 7 days a week would exacerbate such concerns.

However, the Panel also noted that there was no log of any concerns being raised with the premises or with Police in respect of noise or anti-social behaviour relating to the premises. For this reason, the Panel agreed that there was no substantial evidence before it that the existing noise issues could be attributed solely to the premises in question. There was some conflict between the objectors' representations and the applicant's agent's representation. Residents referred to incidents of staff running down the street, staff members making a phone call from the forecourt about an attack, staff members smoking on the wall outside the premises, and loud anti-social behaviour coming from cars on the forecourt. However, as there was no evidence of these incidents having been reported to the Police or to the premises management, the Panel could not be certain that they could be attributed to the premises. The applicant's agent attested that there was no record of any such events, nor any record of any calls to the Police from the premises. The Panel noted that the premises had changed management in 2018 and recognised that incidents may have been reported prior to this change.

The applicant's agent had confirmed that in light of the amended Licence condition as agreed with Thames Valley Police, the discretion around the use of the night pay window had been removed from the licence and all sales between the hours of 23:00 and 05:30 would be undertaken through the night pay window.

It was confirmed that the premises did have CCTV installed to cover the forecourt. The applicant offered to liaise with residents with a view to making any desired changes to the CCTV in order to expand the coverage to affected areas on the site, with the provision that no private land could be covered by CCTV for data protection purposes.

The applicant's agent offered to exchange contact details between the premises' management and the residents so that any further issues could be logged and addressed.

The Panel wished to remind residents that they should raise matters concerning the operation of the Licensed premises, such as noise nuisance, with Environmental Health and or the Police, as appropriate, if they remained an issue. Residents were also advised to keep a record / log of events / issues concerning the Licensed premises, including specific dates and times, and to provide that to the Licensing Authority so that such matters may be investigated by officers if required.

The Panel noted that there had been no representations from any Responsible Authority, other than that mediated with Thames Valley Police. As a result, whilst

being mindful of the Council's own Statement of Licensing Policy, the Panel considered there was insufficient evidence before it to justify departing from the Home Office 'Revised Guidance issued under section 182 of the Licensing Act 2003'.

In summary, the Panel were not satisfied that there was sufficient evidence before it to establish that an existing noise nuisance and public nuisance problem would necessarily be exacerbated by the sale of alcohol 24 hours, 7 days a week or the provision of Late Night Refreshment (including food) from the Shell Sandhurst Service Station, 102 Yorktown Road.

The Panel reminded the Applicant of the expectation that the granted varied Licence, including all the mandatory conditions attached to the licence as consistent with the premises operating schedule, would be strictly adhered to.

The Panel also wished to remind all parties and local residents that the Licensing Act 2003 regime contains provision for seeking a review of a Licence if there are breaches of the Licence and if the Licensing objectives are not being met.

That available mechanism for potential review under the Licensing Act 2003, rather than refusal of the Licence variation sought, was considered the appropriate decision, option for recourse and check and balance in determining this application.

CHAIRMAN



**LICENSING PANEL
1 JUNE 2020
2.45 - 3.35 PM**

Present:

Councillor Ian Leake (Chairman)
Councillor John Porter
Councillor Malcolm Tullett
Councillor Ms Moira Gaw (Substitute)

Also Present:

Amanda Ward, Public Protection Partnership
Philip Day, applicant agent for Hall and Woodhouse
Lizzie Rich, Clerk
Donald Adams, Legal Advisor

17. Declarations of Interest

There were no Declarations of Interest.

18. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all parties.

19. Application for a new premises licence for Hall & Woodhouse Ltd, Bucklers Park, Hatch Ride, Crowthorne, Berkshire

The application was for a new Premises Licence to permit the following licensable activities;

- (1) Sale of alcohol (for consumption on and off the premises) 07:00 - 00:00 Monday to Sunday, save for non-standard timings on New Year's Eve when the terminal hour will be 01:00 on 1st January
- (2) Provision of Late Night Refreshment (hot food and drink) (indoors) 23:00 - 00:30 Monday to Sunday, save for non-standard timings on New Year's Eve when the terminal hour will be 01:30 on 1st January

The Panel noted that the proposal is for the premises, once constructed, to be open to the public from 07:00 – 00:30 Monday to Sunday, save for non-standard timings on New Year's Eve when the proposed closure is to be 01:30 on 1st January.

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

- the Licensing Officer who outlined the issues;
- the Applicant,
- the objector (in absentia)

together with reference to the appropriate Licensing objectives and provisions under the Licensing Act 2003, the Home Office Guidance issued in respect of the same and having regard to the Council's own Statement of Licensing Policy.

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 reached its decision with a view to promoting the four Licensing objectives under the Licensing Act 2003, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, noting the particular relevance of the prevention of public nuisance objective in this application as a result of the one representation received from a local resident.

The Panel decided that, subject to additional conditions being attached as set out below, there was no reason to believe that granting the licence would have an adverse impact on the promotion of the four licensing objectives and agreed to grant the Licence.

Reasons

It was understood that the premises had not yet been built and that the current outline planning consent remained subject to final planning approval. However, it was noted that if any element of the internal or external layout changed during planning proceedings, that a licence variation would need to be sought to amend the premises licence.

The Panel received and carefully considered the objector's written representation in their absence, which included concern that noise and disturbance at the site would increase as a result of the licence being granted until midnight. The objector raised concern that taxis and pick-ups would add to noise at the site.

It was recognised that although the proposed building for the premises had not yet been constructed, if and when built it would be located in a new housing development of around 1500 properties on the old Transport Research Laboratory site in Crowthorne, a number of which were already built and occupied. The Panel noted the applicant's expectation that, as the premises would primarily be serving these nearby properties, the majority of its customers would be local residents who would walk to the premises. The Panel believed that if this was the case, this would allay the objectors' concerns around traffic noise concerning taxis and pick-ups.

The applicant also advised that the premises would primarily be a food-led establishment and had requested the alcohol sale hours as applied for in order both to facilitate potential for champagne breakfasts and similar earlier in the day, as well as serving alcohol in the evening.

The applicant proposed two additional conditions to be added to the licence in order to address the objector's raised concerns. Those offered conditions were, firstly, as to requirement for signage to be placed at the exits of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly and, secondly, to prevent the use of the external areas of the premises for food or drink consumption after 23:00pm. In noting that there were habitable residences in close proximity to the proposed licenced premises, the panel determined such additional conditions were proportionate, justifiable, capable of being met by the Applicant and appropriate to the promotion of the Licensing objectives.

In summary the Panel determined to grant the New Premises Licence as applied for, with the Mandatory Licence Conditions and those further conditions as consistent with the Premises Operating Schedule attached (being those as had been set out at Annex 1 and 2 to Annex D of Application Agenda), together with the following two additional conditions;

- 1 Signage is to be displayed at the exits to the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly – the location, styling and wording of such is to be agreed with the Licensing Officer
- 2 No food or drink shall be consumed in the external areas of the licensed premises after 23:00 Monday – Sunday

The Panel felt that with these two additional conditions imposed over and above the attached Mandatory Licence Conditions and those conditions as consistent with the Premises Operating Schedule, there was no evidence before them to suggest that public nuisance or noise would be problematic as a result of the licence being granted.

The Panel noted that there had been no representations from Thames Valley Police, Environmental Health, the Licensing Authority or any other Responsible Authority. The Panel were therefore minded that the granting of the licence, together with the above-referred conditions attached, would not compromise any of the four Licensing Objectives.

The Panel also noted that the Licensing Act 2003 regime itself contains provision for seeking review of a granted Licence if there are breaches of the Licence or if the Licensing objectives are not being met. The Panel considered that mechanism for potential review, with the ultimate sanction being revocation of the licence, to be sufficient check and balance upon the applicant in this case.

CHAIRMAN

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**LICENSING PANEL
11 JUNE 2020
10.00 AM - 12.22 PM**



Present:

Councillor Marc Brunel-Walker (Chairman)
Councillor Nick Allen
Councillor Nigel Atkinson

Also present

Councillor Mrs Tina McKenzie-Boyle (Substitute - not required to step in)
Sinan Koc, Applicant's appointee
Wayne Scott, Traffic Manager
Cllr Turrell, Ward Councillor
Dr Sophie Needs, Environmental Health Officer
Amanda Ward, Licensing Officer
Donald Adams, Legal Advisor
Lizzie Rich, Clerk

20. Declarations of Interest

There were no declarations of interest.

21. The Procedure for Hearings at Licensing Panels

The procedure for hearings at Licensing Panels was noted by all parties

22. Application to vary street trading consent for Kings Kebabs, Bagshot Road, Bracknell RG12 9SE

The application was to vary the existing Street Trading Consent at the specified location, namely, to extend the total permissible number of hours of trading at the site, by seeking consent for an earlier commencement to trading each day. The application sought consent to trade between the hours of 07:00 to 01:00 Monday to Wednesday, 07:00 to 02:00 Thursday, 07:00 to 02:30 Friday and Saturday and 07:00 to 01:00 on Sunday. Under the existing Street Trading Consent, the Applicant, trading as King's Kebabs, had consent to trade from the location from 18:00 each day up to the aforementioned terminal hours of trading. The application before the Panel did not seek any variation to the existing consented terminal hours of trading each day.

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

- the Licensing Officer who outlined the issues;
- the Applicant and his appointee;
- the Interested Parties' representations including the Traffic Manager, Environmental Health, two ward Councillors and one local resident;

together with reference to the Council's own Policy for Determination of Street Trading Consents and paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

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 Hearing included an adjournment during which the Environmental Health Officer and the Applicant discussed and reached an agreement through mediation that the following trading hours would be acceptable to both:

Monday to Wednesday 07:30 to 01:00
Thursday 07:30 to 02:00
Friday 07:30 to 02:30
Saturday 08:00 to 02:30
Sunday 09:00 to 01:00

After careful consideration of all written and oral representations before it, the Panel determined to grant a variation to the Applicant's Street Trading Consent, by permitting those (as above) varied trading hours as mediated between the Environmental Health Officer and the Applicant on the day of the Hearing, rather than the sought extended trading hours as had originally been applied for. The Panel determined that Bracknell Forest Council's Street Trading Consent - Standard Conditions (Annex K of the Agenda documents) continue to attach and apply in full to the varied Street Trading Consent.

Reasons

The Panel heard orally from the Applicant's appointee, and from the Environmental Health officer, Traffic Management officer, and Councillor Chris Turrell. The Panel also took into consideration written representations from one local resident, and from another ward Councillor who were not present at the meeting.

The Environmental Health officer outlined her concerns that the trading start hours as applied for were too early and would provide little respite for residents from the noise associated with the business trading on site. As the Street Trading Consent conditions permitted traders to arrive on site 15 minutes before the start of trading hours, there were concerns that this would mean noise from the site would start too soon after the closing time a few hours before. Having mediated with the applicant on the day of the Hearing, the Environmental Health officer agreed that her objection in respect of noise would be settled if the trading hours commenced from 07:30 Monday to Friday, 08:00 Saturday and 09:00 Sunday. This was hoped to provide local residents with sufficient respite from noise from the site following closing hours.

The Environmental Health officer also raised concerns about litter at the site, and the Panel noted that when the trader left the site each evening they were required to take their bin with them. The applicant advised that he was not able to guarantee what his customers did with their litter after he left the site, although efforts were made to keep the site clean during trading hours. The Panel noted that the Environmental Health team had other means of enforcement under separate legislation to deal with litter and waste at the site, should any action be required.

The Traffic Manager raised concerns about the extension of hours into the daytime which would clash with the trading hours of nearby businesses. There were concerns that the other businesses on the slip road attracted customers who would need to park safely, and that customers parking to use the kebab van would use up car parking spaces required for these businesses. It was noted that during the existing trading hours, this was not an issue as the nearby businesses had mostly closed by the time the trader started work at 18:00, and so there was more space for customers to park safely.

Councillor Turrell supported the Traffic Manager's comments and added that the slip road used by the trader was also used by a filling station, KFC, and the business units nearby, and that it was critical to maintain free flow to all businesses. Councillor Turrell also commented that some motorists had been using the bus stop across the road to park, then crossing the central reservation to access the kebab van.

The Panel also noted that there were currently particular traffic issues in the lay by due to the recent reopening of KFC as a drive through collection service following the COVID-19 lockdown, which had added to traffic pressure on the slip road. However, it was understood that this pressure would likely be temporary.

In considering the likely impact of the variation on existing highway users, nearby residents and surrounding businesses, the Panel noted the concerns of the Traffic Manager and Councillor Turrell that traffic at the site would increase during daytime business hours. However, the Panel considered that there was insufficient evidence before it to conclude that this would likely be obstructive to the slip road or to the highway.

The Panel noted that the Applicant had been trading at the consent site since 1996 and were conscious of the fact that there had been no complaints regarding the business since March 2018, and that there had been no representations from the Police, Fire Authority, Planning Authority or Licensing Authority or from surrounding local businesses. The Panel also noted the Applicant's comment that some of his current customers are already those arriving on foot waiting to have their vehicles repaired at the nearby Kwik-Fit garage.

In conclusion, and on balance, the Panel was satisfied with the appropriateness of the amended hours of trading as had been mediated between the Applicant and Environmental Health officer.

The Applicant is reminded that under the granted varied Street Trading Consent, the registered trading vehicle shall arrive no more than 15 minutes prior to the start of the permitted trading time and shall vacate the site no later than 15 minutes after the end of the permitted trading time.

The Applicant is also reminded of the continuing requirement under the Street Trading Consent to abide by Bracknell Forest Council's Street Trading Consent – Standard Conditions, including conditions numbers 21 to 24 as to the required steps to be taken in seeking to prevent waste, either from the trading operation itself or from its customers, being illegally deposited and to ensure that the immediate area in the vicinity of the trading operation is kept clear at all times of such waste whilst the applicant is on site.

The Panel wished to remind all parties of the mechanism for potential review or even revocation of a granted Street Trading Consent if the mandatory Standard Conditions are not complied with, or if there were any issues arising from trading at the site.

CHAIRMAN