

TO: LICENSING AND SAFETY COMMITTEE
7 JULY 2011

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

1 PURPOSE OF REPORT

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

2 RECOMMENDATIONS

2.1 That the Committee:

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

3 REASONS FOR RECOMMENDATION

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

4 ALTERNATIVE OPTIONS CONSIDERED

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

5 SUPPORTING INFORMATION

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

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

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

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

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

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

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

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

7 CONSULTATION

Principal Groups Consulted

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

Method of Consultation

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

Representations Received

7.3 None.

Background Papers

None.

Contact for further information

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**Current Licences
2011/2012**

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