

LICENSING AND SAFETY COMMITTEE
7 JULY 2011
7.30 - 9.35 PM



Present:

Councillors Brunel-Walker (Chairman), Leake (Vice-Chairman), Allen, Baily, Brossard, Davison, Finch, Gbadebo, Kensall, Porter, Sargeant and Thompson

Apologies for Absence were received from:

Councillors Mrs Barnard and Ms Wilson

10. Declarations of Interest

There were no declarations of interest.

11. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 16 June be approved as a correct record and signed by the Chairman.

12. Urgent Items of Business

There were no urgent items of business.

13. Notice of Public Speaking

There were no applications for public speaking.

14. Health and Safety Law Enforcement Plan 2011-12

The Acting Commercial Team Manager gave a presentation in respect of the Council's Commercial Health and Safety Service.

The presentation included: the legislation governing the service, an outline of the work carried out by the Council's Commercial Health and Safety Team, an outline of the steps that businesses had to undertake to comply with health and safety regulations, details of the sanctions available for cases of non-compliance and examples of enforcement work undertaken in Bracknell Forest.

The Head of Environmental Health presented the Health and Safety Law Enforcement Plan 2011/12.

The Health and Safety Law Enforcement Plan set out an overview of the work carried out during the 2010/11 municipal year and detailed the work that would take place during the 2011/12 municipal year and how this work would be carried out.

In 2010/11 a total of 501 health and safety inspections and visits had been carried out. Of these:

- 85 had been programmed inspections and 213 were first visits to the business
- 33 had been advisory visits
- 29 had been revisits to follow up on issues of non-compliance
- 16 had been in relation to accidents
- The remaining 125 visits had been made either in response to complaints or enquiries from members of the public and other visits where previous visits had identified the business as being closed or not trading at that time.

Of the 207 enforcement actions taken during 2010/11: informal improvement notices had been issued in 191 cases, formal notices had been issued in 12 cases, there had been one prosecution, two immediate prohibition notices issued and one Simple Caution given.

Arsing from members questions and comments the following points were noted:

- Inspections carried out by the Health and Safety Team covered business premises only. Home workers were not considered to be high risk and the Health and Safety Team did not inspect these businesses
- Inspection visits were carried out during normal business hours i.e. 9am to 5pm however out-of-hours inspections did take place when necessary
- The number of inspections that took place in 2010/11 was more than double the number that had taken place the previous year (230 visits compared to 170 visits). This was due to the introduction of new guidance from the Health and Safety Executive which stated that local authorities should review low risk businesses every five years
- It was considered that the increased number of Enforcement Actions in 2010/11 compared to 2009/10 (207 compared to 62) was down to the increased number of inspections that took place
- A five year rolling programme of caravan site inspections was in place and three sites were scheduled for inspection during 2010/11
- By law animal establishments had to be relicensed annually and an inspection had to take place before a licence could be issued
- Where necessary the Health and Safety Team would liaise with other agencies for example in instances concerning the storage of flammable chemicals the Fire Service would be contacted for advice and assistance
- Inspection of Mobile Traders did not take into consideration the road worthiness of a vehicle. Health and Safety inspections covered health and safety matters whilst trading on site
- Details of the number of street trader inspections carried out and the number of enforcement notices issued would be circulated to the Committee

RESOLVED that the Health and Safety Law Enforcement Plan for 2011-2012, as set out in the appendix of the report, be adopted by the Council.

15. **Licensing Annual Report and Service Plan**

The Head of Trading Standards and Licensing presented the Licensing Section Annual Report and Service Plan for 2011/12.

The Report set out an overview of the work carried out during the period 1 April 2011 to 31 March 2012, associated performance data, areas for development during 2011/12 and details of the number and type of licences issued.

Areas of success during 2010/11 included: exceeding targets set to ensure that all licence applications were processed within agreed local performance indicators and as required by legislation, exceeding targets for the number of programmed inspections undertaken, production of annual newsletters for the Alcohol/ Entertainment and Taxi businesses to keep them abreast of legislative changes and procedures, working with the licensed taxi trade to produce a credit card sized information sheet to inform the public of the risk of using unlicensed taxis, the replacement of the last non-wheelchair accessible licensed vehicle giving the Borough a fleet of fully accessible licensed hackney carriages, the introduction of training for drivers to raise awareness of disability needs and good customer service and continued joint operations with Thames Valley Police, VOSA and other agencies.

Arising from Members' questions and comments the following points were noted:

- Members of the Committee would be included on the circulation list for newsletters sent to the Alcohol/ Entertainment and Taxi trade
- The findings of the customer satisfaction surveys following inspection visits by Trading standards were still outstanding
- Plans to establish surveys to look at customer experience of applications or complaints dealt with by the section had not been taken forward because turn around of work in this area was particularly good and the Section received very few complaints
- Three talks and presentations had been given to consumers and businesses on licensing matters during 2010/11
- There were currently no legislative powers in place to enforce the removal cigarette vending machines
- During the course of the reporting period, 12 out-of-hours enforcement operations had been carried out. Over the course of the year it had been found that businesses became more compliant and it had been decided to reduce the minimum number of out-of-hours operations to eight during 2011/12. These would be in addition to the 150 programmed inspections
- Out-of-hours operations ran from 7pm until 2 or 3am the following morning. During this time officers would normally inspect around 20 premises
- It was agreed that arrangements would be made to enable Committee Members to accompany officers on out-of-hours visits
- The 2009 Unmet Demand Survey would be circulated to Members

RESOLVED that the Licensing Section Annual Report and associated work plan for 2011/12 be approved.

16. **Licensing Panel Minutes**

The Committee received and noted the minutes of the Committee's Licensing Panels held during the previous quarter.

The possibility of providing feedback on any complaints received that related to matters that had initially been raised as a potential cause for concern prior to a licence application being granted would be investigated.

CHAIRMAN

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