

**TO: LICENSING AND SAFETY COMMITTEE
1 MAY 2013**

**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 2012 to 31 March 2013. 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 2013/14. The Committee is also asked to consider and comment upon this document.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) receives and comments upon the work completed in 2012/13 and detailed within this report; and**
- ii) subject to any comments, approves the work plan for 2013/14 at Annex B.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Committee agreed a work plan for 2012/13 at its meeting on 5 July 2012. This report details some of the main achievements of the service during 2012/13 and requests that members comment upon and approve a plan for 2013/14.

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 2013 or were issued within the last year. This is a single indicator of the number of transactions that the Licensing Service 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.
- 5.2 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.

- 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, MOT certification, public liability insurance, criminal record disclosures, 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, in 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. The service achieved this target in 2012/13.
- 5.4 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 internet or through the Customer Service Centre. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, meeting with new Designated Premises Supervisors for premises licensed for the sale of alcohol, private hire operators at their base and taxi drivers at the ranks. Newsletters for the alcohol/entertainment and taxi trades to give an update on legislative changes and procedures are issued each year.
- 5.5 Officers use a risk based assessment programme to visit licensed premises and vehicles to check compliance and provide assistance and advice for those businesses. In 2012/13 officers carried out 192 programmed inspections (176 2011/12). Additionally officers carried out 139 non programmed inspections (105 2011/12), predominately in the evenings and weekends where we had intelligence from residents, complaints or details passed to us by agencies such as Thames Valley Police that non compliance was occurring. Officers initially deal with non compliance by working with the business to raise standards and further non announced visits were made to verify improvement. Where non compliance continues officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution.
- 5.6.1 In the last year officers issued 13 warnings in relation to licensing matters (2011/12 14), and 292 enforcement points were issued to 28 taxi drivers (2011/12, 391 points to 52 drivers). Three of those taxi drivers went before the Licensing Panel due to their collection of 12 or more penalty points within a 12 month period.

The points were issued on the following matters:

- 4 drivers for defective tyres
- 16 drivers for failure to notify the council of convictions
- 2 drivers for failing to display badge
- 1 driver for parking on a Hackney Carriage rank
- 1 driver for plying for hire in a Private Hire vehicle
- 3 drivers for failing to display the vehicle licence plate
- 1 driver for smoking in a vehicle.

It can be seen that the incidents of non compliance identified were lower than last year which may indicate that our actions are having a positive impact upon levels of compliance however more data is required before that conclusion can be confirmed.

- 5.7 Other areas of work that were completed in 2012/13 include:
- (i) A multi agency check involving Council officers, Thames Valley Police and VOSA was conducted in June 2012 with some members of this Committee in attendance. A number of matters of concern were found, including defective

tyres, failure to have current MOT and insurance such that four vehicles were prohibited for use on the road. In addition one vehicle was found to be travelling with the fryers being heated by bottled gas. Five vehicles were not displaying appropriate licences and consents and all were issued with warnings. The exercise was repeated in November 2012 with no non compliance found.

- (ii) All animal boarding establishments were issued with the new licence conditions approved by the Committee.
- (iii) The Safety Advisory Group received over 90 forms for local events during 2012/13 which was a significant increase from 72 in 2011/12.

5.8 Attached as Annex B is the draft work plan 2013- 2014. This has been drawn up taking into account national and local priorities together with local knowledge of our licensed businesses.

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 2012/2013. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2013/2014. All feedback is taken into account and helps inform the plan's future development. There has been no feedback that needs to be taken into account in the proposed plan

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

Robert Sexton, Head of Regulatory Services - 01344 352580
robert.sexton@bracknell-forest.gov.uk