

TO: LICENSING AND SAFETY COMMITTEE
12 JUNE 2014

ANNUAL REPORT AND WORK 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 2013 to 31 March 2014. 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 2014/15. 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 2013/14 and detailed within this report; and**
- ii) **subject to any comments, approves the work plan for 2014/15 at Annex B.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Committee agreed a work plan for 2013/14 at its meeting on 1 May 2013. This report details some of the main achievements of the service during 2013/14 and requests that members comment upon and approve a plan for 2014/15.

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 2014 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.

Unrestricted

- 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 94% in 2013/14.
- 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 and were issued within the 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 2013/14 officers carried out 166 programmed inspections (192 in 2012/13). Additionally officers carried out 50 non-programmed inspections (139 in 2012/13), many 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 unannounced visits may be 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 In the last year officers issued 3 warnings in relation to licensing matters (12 in 2012/13), and 184 enforcement points were issued to 26 licensed drivers (291 points to 28 drivers in 2012/13). The points were issued for the following matters:
- 1 driver for breach of construction & use regulations
 - 1 driver for failing to behave in a civil and orderly manner
 - 2 drivers for failing to comply with traffic signs
 - 13 drivers for failure to notify the council of convictions
 - 1 driver for failing to wear/display their badge
 - 1 driver for failing to display the vehicle licence plate properly
 - 1 driver for misuse of the vehicle horn
 - 5 drivers for illegal tyres
 - 2 drivers for smokefree contraventions
- 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.
- 5.7 Other areas of work that were completed in 2013/14 include:
- (i) A total of 7 multi-agency checks involving Council officers, Thames Valley Police and VOSA were conducted, three during the day and four in the evening/late night. Issues of concern detected during the taxi checks included defective tyres, lights and failure to display the vehicle plate or driver's badge.

Penalty points were issued as detailed above. Issues of concern detected during the street trader checks included police action for insurance offences, not having the appropriate category for towing on the DVLA licence, defective tyres and no MOT.

- (ii) The Safety Advisory Group received approximately 70 forms for local events during 2013/14.
- (iii) The team implemented the new scrap metal legislation which came into force on 1 October 2013. To date, four site licences and seven mobile collector licences have been issued. Site visits have been carried out with the Thames Valley Police Metal Theft Taskforce with no issues or concerns identified.

5.8 Attached as Annex B is the draft workplan for 2014 - 2015. 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 2013/2014. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2014/2015. 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 workplan 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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