

## **NOTICE OF MEETING**

### **Licensing and Safety Committee**

**Thursday 9 October 2014, 7.30 pm**

**Council Chamber, Fourth Floor, Easthampstead House, Bracknell**

### **To: The Licensing and Safety Committee**

Councillor Thompson (Chairman), Councillor Leake (Vice-Chairman), Councillors Allen, Baily, Mrs Barnard, Brossard, Brunel-Walker, Davison, Finch, Finnie, Gbadebo, Porter, Mrs Pile, Mrs Temperton and Ms Wilson

ALISON SANDERS  
Director of Corporate Services

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Published: 29 September 2014



**Licensing and Safety Committee**  
**Thursday 9 October 2014, 7.30 pm**  
**Council Chamber, Fourth Floor, Easthampstead House,**  
**Bracknell**

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**AGENDA**

Page No

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

Members are asked to declare any personal or disclosable pecuniary interest in respect of any matter to be considered at this meeting.

*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.*

3. **Minutes**

To approve as a correct record the minutes of the Licensing and Safety Committee meeting held on 12 June 2014.

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4. **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.

5. **Notice of Public Speaking**

To note those agenda items which have received an application for public speaking

**Decision Items**

6. **Fees and Charges**

To consider a report seeking approval to agree that the proposed fees and charges for 2015/16 go forward for further discussion and consideration as part of the Council fee setting process.

7 - 18

- |    |   |         |
|----|---|---------|
| 7. | <b>Annual Review of Hackney Carriage and Private Hire Guidance Notes</b><br><br>To consider a report seeking approval to go out to consultation on an amended version of the Council's Guidance Notes and Conditions document for Hackney Carriages and Private Hire vehicles.            | 19 - 22 |
| 8. | <b>Park Homes Licence Fee</b><br><br>To consider a report seeking approval of fees applicable to the Licensing of Caravan Sites within Bracknell Forest following a public consultation exercise.   | 23 - 36 |
| 9. | <b>Street Trading Policy: Request to Establish a Working Group</b><br><br>To consider a proposal to set up a sub group of the Licensing and Safety Committee to work with officers in reviewing current practice in relation to the regulation of street trading within Bracknell Forest. | 37 - 38 |

### **Information Items**

- |     |   |         |
|-----|---|---------|
| 10. | <b>Hackney Carriage Surcharge Update</b><br><br>To receive a report setting out an update in respect of discussion about amendments to the tariff of fares charged by hackney carriages.  | 39 - 40 |
| 11. | <b>Air Quality Feedback from DEFRA</b><br><br>To receive a report providing an update on the development an Air Quality Action Plan for the Borough.  | 41 - 46 |
| 12. | <b>Licensing Panel Hearings</b><br><br>To note the minutes of the following Licensing Panel hearings held since the Committee's last meeting:<br><br><ul style="list-style-type: none"> <li>• Driver Hearing 6 August 2014</li> </ul> | 47 - 48 |

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**LICENSING AND SAFETY COMMITTEE  
12 JUNE 2014  
7.30 - 8.20 PM**



**Present:**

Councillors Thompson (Chairman), Leake (Vice-Chairman), Allen, Baily, Davison, Finch, Finnie and Porter

**Apologies for Absence were received from:**

Councillors Mrs Barnard, Brossard, Brunel-Walker, Mrs Pile, Mrs Temperton and Ms Wilson

**4. Declarations of Interest**

There were no declarations of interest.

**5. Minutes**

**RESOLVED** that the minutes of the Licensing and Safety Committee meetings held on 9 January 2014 and 14 May 2014 be approved as a correct record and signed by the Chairman.

**6. Urgent Items of Business**

There were no urgent items of business.

**7. Notice of Public Speaking**

It was noted that no members of the public had registered to speak at the meeting.

**8. Taxi Ranks Yorktown Road Sandhurst**

The Committee considered a report seeking agreement to a proposal to close two taxi ranks located on the junction of Yorktown Road and York Way, Sandhurst.

It was reported that observations by local businesses over a long period of time had found that limited use was being made of the ranks by the taxi trade and that the lack of short and long term parking for shoppers and workers was adding to traffic pressures to the area. A consultation exercise over the possible removal of the taxi rank had received no objections and it had been requested that the ranks be converted to provide additional parking provision in the area.

If the proposal was agreed the timetable for the removal of the taxi rank would be aligned with work to reconfigure the parking in the area planned by the Council's Highways Team.

**RESOLVED** that the closure of the taxi ranks located upon the junction of Yorktown Road and York Way be agreed.

**9. Authorised Garages for Testing of Licensed Vehicles**

The Committee considered a report seeking approval to review the provision of authorised garages carrying out testing of licensed vehicles in the Bracknell Forest Borough.

In 2008, the Council took the decision to outsource its testing of licensed vehicles and since then the Council has authorised garages to carry out the testing of vehicles to ensure that they are in a suitable condition to be used as licensed vehicles prior to a license being issued. The inspections applied to all vehicles being used as Hackney Carriages and Private Hire vehicles, including those vehicles used for the purposes of Home to School Transport and covered all matters currently assessed during a MOT as well as additional matters to ensure that the vehicle met the criteria and condition to ensure safe and comfortable use of a licensed vehicle. The current testing arrangements had been last reviewed in 2010.

It was noted that the Council had no power to check the roadworthy-ness of vehicles used for scrap metal collection. However joint checks are made with the Police to ensure that the appropriate licences are being carried and the Police did have the power to check roadworthy-ness.

**RESOLVED** that:

- i. Officers be authorised to seek expressions of interest from suitable local garages
- ii. The Committee delegate authority to the Chief Officer: Environment and Public Protection, in consultation with the Chairman of the Licensing and Safety Committee, to agree with officers those sites that shall be authorised to test vehicles on behalf of the Council.

**10. Park Home Site Licence Fees**

The Committee considered a report seeking approval to undertake a consultation exercise on the draft fees policy for Park Home Site Licences.

The Mobile Homes Act 2013 was introduced to provide improved protection both through the civil and criminal courts to occupiers of residential park homes and caravans. Councils were also given greater responsibilities and powers to enforce the criminal provisions of the licensing regime and to charge fees for certain functions that are provided as part of the licensing of a site.

Under Section 10A (2) of the Caravan Sites and Control of Development Act 1960 local authorities are required to prepare and publish a fee policy where they propose to charge for functions associated with the regulation of relevant protected sites.

The proposed charges had been developed by combining an administration fee with an hourly officer rate. The only fee that could be passed on to park home owners was the Annual Fee. Whilst the majority of the fees would not be charged on a regular basis it was expected that introducing charging would give the council an income of approximately £13,000 a year. Consultation on the proposed fees would take place with park home owners, site owners and the public.

It was noted that the Council already carried out the majority of the work required under the proposals but it was expected that the introduction of fees would lead to a greater expectation over the levels of service the Council would offer. However it was envisaged that this could be managed within existing resources.

**RESOLVED** that:

- i. The draft fees policy, attached as annex A of the Chief Officer: Environment and Public Protection's report, be approved for consultation
- ii. the results of the consultation be brought back to the Committee's meeting on 9 October 2014 for consideration prior to publication and implementation

**11. Annual Report And Work Plan**

The Committee received a report containing the Licensing Section's Annual Report and Work Plan. The report covered the section's activities during the period 1 April 2013 to 31 March 2014 and set out the proposed work plan for the 2014/15 financial year.

It was noted that during the period covered by the report:

- 95% of vehicle licences were issued within two to three working days of a complete and valid application being received
- 166 programmed and 50 non-programmed inspections of licensed premises were carried out
- 3 warnings were issued in relation to licensing matters
- 186 enforcement points were issued to 26 licensed drivers
- 7 multi-agency checks involving Council Officers, Thames Valley Police and VOSA were conducted
- New scrap metal legislation has been implemented
- Six licensed gambling premises had been inspected during the reporting period. Of these, four had failed and repeat inspections would be taking place in conjunction with the Gambling Commission later this year

The fall in the number of penalty points issued when compared to previous years was attributed the levels of enforcement work that was taking place across the Borough.

**RESOLVED** that:

- i. The completed work detailed in the Annual Report be noted
- ii. The Work Plan for 2014/15, attached as Annex B to the Chief Officer: Environment and Public Protection's report, be approved

**12. Enforcement Policy**

The Committee considered a report setting out the draft Enforcement Policy for the Council.

The Enforcement Policy sets out the procedures that would be adopted by the Council's Environment and Public Protection Division when seeking regulatory compliance. The Policy was underpinned by the statutory guidance contained within the Regulatory Enforcement and Sanctions Act 2008 and the Regulators' Compliance Code and applied to Trading Standards, Environmental Health and Licensing. As a matter of good practice officers seek to apply the policy to other services within the division as far as was possible.

The Policy sets out the framework for decision making when evidence of non-compliance with legislative provisions was found and laid down the principles that would be applied and the matters that would be taken into consideration when

dealing with any enforcement matter. This transparent approach ensured that good businesses were protected and supported and that enforcement actions were taken against rogue businesses.

The Council's current Enforcement Policy was agreed in 2012 and this has now been updated to reflect changes to the legislative framework including the issue of a new Regulators' Code in April 2014 which introduced six new general principles. Following its consideration by the Committee the draft Enforcement Policy would be presented to the Executive for approval.

It was clarified that the proposed draft policy would make no difference to current practice at an operational level.

**RESOLVED** that the draft Enforcement Policy be noted.

**13. Health and Safety Law Enforcement Plan**

The Committee considered a report setting out the draft Health and Safety Law Enforcement Plan 2014-15. The Plan sets out the framework within which the Council seeks to enable businesses to comply with their obligations. It set out the tasks undertaken during a typical year and was required in order to comply with Section 18 of the Health and Safety at Work Act 1974.

It was noted that during 2013/14 officers had been informed of 108 notifiable accidents and dangerous occurrences. It was agreed that clarification would be sought over the reason for including the one notified fatality in the comparison statistics when the death had been subsequently found to be non-work related. The differences in the Berkshire comparator data were attributed to the different types of work places in each authority area. It was also suggested that under reporting could have an impact on figures.

**RESOLVED** that the work conducted in 2013/14 be noted and that the proposed Health and Safety Plan for 2014/15 be approved.

**14. Licensing and Safety Air Quality Action Plan**

The Committee considered a report setting out the Air Quality Action Plan.

The Council is required to monitor air quality in its area and where air quality fell below a prescribed level then this had to be reported to Department for Environment, Food and Rural Affairs (DEFRA). In Bracknell Forest this has led to the declaration of two Air Quality Management Areas (AQMA) and the Air Quality Action Plan (AQAP) has been developed with the aim of acknowledging and seeking to address the air quality within these two areas.

In both AQMAs the main pollutant had been identified as nitrogen dioxide caused by traffic flow within the areas concerned and that improving traffic flows was critical to improving air quality in the AQMAs. The Council's Local Transport Plan 2010-2026 had improving traffic flow as its primary function and many of the Plan's actions and projected outcomes had been included in the AQAP. A consultation process had taken place and the responses received had been incorporated into the AQAP where appropriate.

It was noted that improving rear access to the High Street shops in Crowthorne would be key to improving traffic flow through the village however this was acknowledged as being a long term planning aspiration.



**RESOLVED** that the Air Quality Action Plan be adopted and submitted to the Department for Environment, Food and Rural Affairs

15. **Licensing Act 2003: Locally Set Fees**

The Board received a report providing an update on a recent Home Office consultation in respect of fees charged for authorisations granted under the Licensing Act 2003. It was noted that further guidance on the implementation of these fees was still awaited.

16. **Licensing Panel Minutes**

The Committee noted the minutes of Licensing Panel hearings held during the last quarter. It was noted that McDonalds had submitted an appeal to the Magistrates' Court following refusal to grant a new premises licence for their premises in Wildridings Road.

**CHAIRMAN**

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**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**FEES AND CHARGES 2015-2016  
Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Attached to this report are appendices which set out the current and proposed fees for Licensing matters.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

**2 RECOMMENDATIONS**

- 2.1 **That save for the private hire operator, and hackney carriage, home to school and private hire vehicle licence fees, that the Committee recommends to the Executive the new fees and charges detailed in Annex A, for public consultation.**
- 2.2 **That the Committee agrees that the proposed charges for operators and vehicle licence fees are:**
  - a) **advertised;**
  - b) **if no objections are received, implemented for any licences commencing from 1 April 2015; or**
  - c) **if objections are received they be considered by the Committee at the meeting on 8 January 2015.**

**3 REASONS FOR RECOMMENDATIONS**

- 3.1 The recommendations recognise restrictions placed by statute, Council and legal guidance on the recovery of costs, and the possible impact upon local businesses of licence fees. The recommendations reflect, in the officer view, the best compromise given the parameters in place.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are a number of alternative options to consider, ranging from no increase to increases across the board. There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non chargeable through the provision of a licence. Officers in drawing up these proposed fees have done so with consideration of the legal constraints in place.

**5 SUPPORTING INFORMATION**

- 5.1 The Council has given guidance that fees and charges should be increased on average by 1.8% which takes account of inflationary pressures and staff costs. A

significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.

- 5.2 Recent Court decisions have made it clear that the Council when setting the level of fees may cover its costs but must not make a profit in the provision of the licensing regime. In addition if there are any surpluses or deficits from fees levied in the previous years these must be taken into account when setting any new fees. Officers can confirm that overall the Licensing service is running at a deficit and there are no surpluses to take into account.
- 5.3 The appendices attached to the report include the charges relevant to this Committee for the current year, alongside proposed changes for 2015/16. These proposed charges have taken into account guidance on fee setting by the Council, legislation and impact upon the business community. The fees recommended are proposed having due regard to the legal provisions and are recommended to increase where it is judged that it would be legally compliant to do so.
- 5.4 No increases have been recommended for those fees that relate to Scrap Metal licensing given that the fees were only introduced within the last year there is at present insufficient data to support a justification for an increase on a cost recovery basis. Charges for gambling establishments under the Gambling Act 2005 are set at 75% of the statutory maximum. The statutory fee has not changed since first implemented by regulation in 2007. Given the nature of the premises within the Borough and the workload associated with them officers are of the view that fees at their present levels are still set at an appropriate level so as to ensure cost recovery.
- 5.5 Fees charged for the licensing of hackney carriages, home to school and private hire vehicles and operators are required by Section 70 Local Government (Miscellaneous Provisions) Act 1976 to be advertised and any objections received to be brought back to this Committee for consideration. It is recommended that in the event of objections being received they be considered at the next Committee meeting on the 8 January 2015. These fees would then be included within the Council process for final adoption as part of the overall Council fees and charges process.
- 5.6 Fees under the Licensing Act 2003 were set in 2005 when the legislation was implemented. They have not been adjusted since, other than for the introduction of new fees for new processes such as minor variation applications. The Police Reform and Social Responsibility Act 2011 amended the 2003 Act to introduce a power for the Home Secretary to prescribe in Regulations that in future fee levels should be set by individual licensing authorities to enable them to recover their licensing costs. The Committee may recall the information report brought in June 2014 on the Locally Set Fees consultation which was run by the Home Office. In the period since no changes have been introduced as a result and there is no indication at this time that any change is imminent.
- 5.5 There are three new fees proposed;
- 1 a 3 year option for a Home to School driver licence which mirrors the provision for a 3 year private hire driver licence which has been available for a number of years.
  - 2 a fee of £25 which covers the costs incurred by the Council in refunding money where a person has either decided to withdraw their application prior to it being completed or where they have stopped the licence and asked for a refund of any unused period.

- 3 a fee to cover the costs of the Council when a licence holder asks for the licence to be transferred to a cherished plate. This results in the Council conducting checks, changing its database and producing new licence and plate documents.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

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

### Borough Treasurer

- 6.2 The Council's guideline for increasing fees and charges for 2015/16 is 1.8%, where it is considered appropriate the fees and charges in this report have been increased by this amount.

### Equalities Impact Assessment

- 6.3 There are no direct consequences in this report for any group.

### Strategic Risk Management Issues

- 6.4 There are no issues to consider.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 There are certain legal provisions requiring consultations and these will be conducted. The remaining fees and charges will be subject to the Council consultation process.

### Method of Consultation

- 7.2 The main set of fees and charges will form part of the budget consultation process. The taxi charges have to follow a prescribed process.

### Representations Received

- 7.3 No process undertaken at the time of writing the report.

### Background Papers

None

### Contact for further information

Robert Sexton, Environment and Public Protection - 01344 352580  
Robert.sexton@bracknell-forest.gov.uk

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**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

**Service :** Licensing  
**Purpose of the Charge:** To recover the cost of processing applications and monitoring compliance with conditions

	2014/15 Budget	Proposed 2015/16 Budget
	£'000	£'000
Income the proposed fees will generate:		

**Are concessions available?** No  
**Link to the Council's Medium Term Objectives:** To create a Borough where people are safe and feel safe.

**LICENSING ACT 2003**

The fees for all Licensing Act 2003 permissions are statutory fees set by central government.  
Fees for new and variation applications for premises licences and club premises certificates are based on the rateable value of the premises and are as set out below:

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)
Rateable value band		
A	100.00	Set by Statute
B	190.00	Set by Statute
C	315.00	Set by Statute
D	450.00	Set by Statute
E	635.00	Set by Statute

The fees for new or variation applications for premises licences and club premises certificates where (a) the premises are in Band D or Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on the premises are as set out below:

Rateable value band		
D	900.00	Set by Statute
E	1,905.00	Set by Statute

Also, new or variation applications for premises licences and club premises where capacity will exceed 5000, are subject to an additional fee as set out below:

Number of people in attendance at any one time		
5,000 - 9,999	1,000.00	Set by Statute
10,000 - 14,999	2,000.00	Set by Statute
15,000 - 19,999	4,000.00	Set by Statute
20,000 - 29,999	8,000.00	Set by Statute
30,000 - 39,999	16,000.00	Set by Statute
40,000 - 49,999	24,000.00	Set by Statute
50,000 - 59,999	32,000.00	Set by Statute
60,000 - 69,999	40,000.00	Set by Statute
70,000 - 79,999	48,000.00	Set by Statute
80,000 - 89,999	56,000.00	Set by Statute
90,000 and over	64,000.00	Set by Statute

Premises licences sought for community centres and some schools that permit regulated entertainment but which do not permit the supply of alcohol and/or the provision of late night

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT**  
**2015/16 PROPOSED FEES & CHARGES**

Annex A

**OTHER FEES**

There are other occasions that fees and charges must be paid to the Licensing Authority, as set out below:

<b>Description</b>	<b>Current Fee (Exc VAT)</b>	<b>Proposed Fee (Exc VAT)</b>
Personal Licence Application	37.00	Set by Statute
Supply of copies of information contained in register	10.50	Set by Statute
Application for copy of licence or summary on theft, loss etc. of premises licence or summary	10.50	Set by Statute
Notification of change of name or address (holder of premises licence)	10.50	Set by Statute
Application to vary licence to specify an individual as designated premises supervisor	23.00	Set by Statute
Interim Authority Notice	23.00	Set by Statute
Application to transfer premises licence	23.00	Set by Statute
Application for making a provisional statement	315.00	Set by Statute
Application for copy of certificate or summary on theft, loss etc. of certificate summary	10.50	Set by Statute
Notification of change of name or alteration of club rules	10.50	Set by Statute
Change of relevant registered address of club	10.50	Set by Statute
Temporary Event Notices	21.00	Set by Statute
Application for copy of notice on theft, loss etc. of temporary event notice	10.50	Set by Statute
Application for copy of licence on theft, loss etc. of personal licence	10.50	Set by Statute
Notification of change of name or address (personal licence)	10.50	Set by Statute
Notice of interest in any premises	21.00	Set by Statute
(Licensing Act 2003) Minor Variation	89.00	Set by Statute
(Licensing Act 2003) Removal of DPS Condition	23.00	Set by Statute



**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

**ANNUAL FEES**

Where premises licences and club premises certificates are issued, the holder shall pay an annual fee as set out below:

<b>Description</b>	<b>Current Fee (Exc VAT)</b>	<b>Proposed Fee (Exc VAT)</b>
Rateable value band		
A	70.00	Set by Statute
B	180.00	Set by Statute
C	295.00	Set by Statute
D	320.00	Set by Statute
E	350.00	Set by Statute

Where (a) the premises are in Band D or in Band E; and (b) the premises are used exclusively or primarily for the supply of alcohol on those premises, the holder of the licence/certificate shall pay an annual fee as set out below:

Rateable value band		
D	640.00	Set by Statute
E	1,050.00	Set by Statute

Also where the capacity of the premises exceeds 5,000, the holder of the licence/certificate shall pay an additional fee as set out below:

Number of people in attendance at any one time

5,000 - 9,999	500.00	Set by Statute
10,000 - 14,999	1,000.00	Set by Statute
15,000 - 19,999	2,000.00	Set by Statute
20,000 - 29,999	4,000.00	Set by Statute
30,000 - 39,999	8,000.00	Set by Statute
40,000 - 49,999	12,000.00	Set by Statute
50,000 - 59,999	16,000.00	Set by Statute
60,000 - 69,999	20,000.00	Set by Statute
70,000 - 79,999	24,000.00	Set by Statute
80,000 - 89,999	28,000.00	Set by Statute
90,000 and over	32,000.00	Set by Statute

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

**GAMBLING ACT 2005**

<b>Description</b>		<b>Current Fee (Exc VAT)</b>	<b>Proposed Fee (Exc VAT)</b>
<b>Bingo Club</b>	New Application	2,625.00	Set by Statute
	Variation	1,312.50	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,625.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
<b>Adult Gaming Centre</b>	New Application	1,500.00	Set by Statute
	Variation	750.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	1,500.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	750.00	Set by Statute
	Copy Licence	18.75	Set by Statute
<b>Betting (Other)</b>	New Application	2,250.00	Set by Statute
	Variation	1,125.00	Set by Statute
	Transfer/Reinstatement	900.00	Set by Statute
	Application with Prov Statement	900.00	Set by Statute
	Prov Statement	2,250.00	Set by Statute
	Notification of Change	37.50	Set by Statute
	Annual Fee	450.00	Set by Statute
	Copy Licence	18.75	Set by Statute
<b>* Licensed Premises Gaming Machine Permit</b>			
	New	150.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Variation	100.00	Set by Statute
	Transfer	25.00	Set by Statute
	Copy Permit	15.00	Set by Statute
	Change Name	25.00	Set by Statute
<b>**Club Gaming/Permit/Club Machine Permit</b>			
	New	200.00	Set by Statute
	Annual Fee	50.00	Set by Statute
	Renewal	200.00	Set by Statute
	Variation	100.00	Set by Statute
	Copy Permit	15.00	Set by Statute
<b>Notification of 2 or less gaming machines</b>		50.00	Set by Statute
<b>Registration of non-commercial lottery</b>			
	Initial Fee	40.00	Set by Statute
	Annual Fee	20.00	Set by Statute
* Where the applicant for a LPGMP is the holder of a s.34 permit issued under the Gaming Act 1968, the fee for a new permit shall be £100.			
** Where the applicant for a club gaming or club machine permit is the holder of a Club Premises Certificate under s.72 of the Licensing Act 2003, or an existing Part II or Part III registration of the Gaming Act 1968, the fee for new permits and renewals is £100.			

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase
<b>Home Boarding of Dogs: Annual Licence</b>			
Initial	135.00	137.00	1.5
Renewal	113.00	115.00	1.8
<b>Dog Breeders: Annual Licence</b>			
Initial	450.00	458.00	1.8
Renewal	204.00	207.00	1.5
<b>Pet Shops: Annual Licence</b>			
Initial	450.00	458.00	1.8
Renewal	204.00	207.00	1.5
<b>Performing Animals: Single Payment</b>			
Registration	92.00	93.00	1.1
<b>Zoo: Annual Licence</b>			
Initial/Renewal	450.00	458.00	1.8
<b>Hairdresser: Single Payment</b>			
Premises	39.00	39.50	1.3
<b>Street Trading Consents</b>			
Week (minimum charge)	125.00	127.00	1.6
1 month	335.00	341.00	1.8
3 months	787.00	801.00	1.8
6 months	1,287.00	1,310.00	1.8
6 months max trading 2 events per week including Fri,Sat,or	728.00	741.00	1.8
6 months max trading 2 events per week Monday to Thursday	485.00	493.00	1.6
Street trading consent variation fee	82.00	83.00	1.2
Ice cream vans 1 month (per van)	168.00	170.00	1.2
Ice cream vans 6 months (per van)	644.00	655.00	1.7
<b>Scrap Metal Dealers: Three Year Licence</b>			
Site Licence New	457.00	457.00	0.0
Site Licence Renewal	397.00	397.00	0.0
Mobile Collector New	244.00	244.00	0.0
Mobile Collector Renewal	224.00	224.00	0.0
Variation of licence	336.00	336.00	0.0
Change of site manager	62.00	62.00	0.0
Copy Licence	11.00	11.00	0.0
Change of name	33.00	33.00	0.0
<b>Primary Authority</b>			
Primary Authority Work Hourly chargeable rate	59.00	60.00	1.7

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

OTHER PREMISES LICENSING				
Description	Current Fee (Exc VAT)	Proposed Fee (Exc VAT)	% Increase	
Sex Establishment: Annual Licence				
Premises - Initial	2,473.00	2,517.00	1.8	
Premises - Renewal	1,313.00	1,336.00	1.8	
Dangerous Wild Animal: Annual Licence				
Premises - Initial	440.00	447.00	1.6	
Premises - Renewal	255.00	259.00	1.6	
Riding Establishment: Annual Licence				
Premises - Initial	475.00	483.00	1.7	
Premises - Renewal	247.00	251.00	1.6	
Provisional - Initial	277.00	282.00	1.8	
Provisional - Renewal	142.00	144.00	1.4	
Animal Boarding Establishment: Annual Licence				
1 - 30 animals	Initial	375.00	381.00	1.6
	Renewal	220.00	223.00	1.4
31 - 60 animals	Initial	442.00	449.00	1.6
	Renewal	238.00	242.00	1.7
61 (or more) animals	Initial	538.00	547.00	1.7
	Renewal	291.00	296.00	1.7

**ENVIRONMENT, CULTURE & COMMUNITIES DEPARTMENT  
2015/16 PROPOSED FEES & CHARGES**

Annex A

<b>HACKNEY CARRIAGES</b>			
<b>Description</b>	<b>Current Fee (Exc VAT)</b>	<b>Proposed Fee (Exc VAT)</b>	<b>% Increase</b>
<b>Hackney Carriages Vehicle: Annual Fee</b>			
Licensing (annual fee)	261.00	265.00	1.5
<b>Private Hire Vehicle: Annual Fee</b>			
Licensing (annual fee)	261.00	265.00	1.5
Home to School (annual fee)	133.00	135.00	1.5
<b>Operator Licence: Annual Fee</b>			
1 vehicle	169.00	172.00	1.8
2 - 5 vehicles	293.00	298.00	1.7
6 - 10 vehicles	492.00	500.00	1.6
11 - 15 vehicles	680.00	692.00	1.8
16 - 20 vehicles	922.00	938.00	1.7
more than 20 vehicles	1,110.00	1,130.00	1.8
<b>Operator Licence: 3 year Licences</b>			
1 vehicle	405.00	412.00	1.7
2 - 5 vehicles	712.00	724.00	1.7
6 - 10 vehicles	1,180.00	1,200.00	1.7
11 - 15 vehicles	1,634.00	1,663.00	1.8
16 - 20 vehicles	2,212.00	2,251.00	1.8
more than 20 vehicles	2,664.00	2,711.00	1.8
<b>Driver Licences</b>			
Initial (all driver licence types)	136.00	138.00	1.5
Renewal	104.00	105.00	1.0
Renewal (3 years- 33% discount on annual fee)	210.00	210.00	0.0
Home to school renewal only	84.00	85.00	1.2
Home to school 3 years	New	170.00	
<b>Other Charges</b>			
Transfer of vehicle to new owner	45.00	45.50	1.1
Conversion of driver licence to another type	72.00	73.00	1.4
Change of vehicle	67.00	68.00	1.5
Transfer of operator licence	45.00	45.50	1.1
Meter Test - Retest after failure	29.00	29.50	1.7
Knowledge Test	29.00	29.50	1.7
First Aid Training for drivers	25.00	25.50	2.0
CRB Check	At cost	At cost	
Administrative charge for CRB check	12.00	12.00	0.0
Replacement documents	22.00	22.00	0.0
Advertising on Hackney Carriages (Initial)	35.00	35.50	1.4
Advertising on Hackney Carriages (Renewal)	25.00	25.00	0.0
Replacement Badge	21.00	21.00	0.0
Replacement plate	25.00	25.00	0.0
Replacement backing plate	20.00	20.00	0.0
Medical exemption from carrying assistance dog	20.00	20.00	0.0
Refund processing fee	New	25.00	
Change of vehicle registration	New	47.00	

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**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**REVIEW OF GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE  
AND PRIVATE HIRE VEHICLE OWNERS, OPERATORS AND DRIVERS  
Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 The purpose of this report is to seek approval to go out to consultation on amendments and additions to the Council's Guidance Notes and Conditions document.

**2 RECOMMENDATION**

**2.1 That the Committee:**

- i) **approves the amendments and additions to the Guidance Notes and Conditions document set out at Annex A for consultation, and**
- ii) **requires officers to bring back a report to the next meeting on the results of that consultation.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Council issues the Guidance Notes and Conditions document to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade. The guidance notes are updated on a regular basis to reflect changes in law and Council policy.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Members may choose to vary the document at this stage prior to the consultation.

**5 SUPPORTING INFORMATION**

- 5.1 Attached at Annex A are the proposed additions and amendments to the Guidance Notes for 2015. In addition to updating dates, the material changes to the document are as follows:
- A new condition requiring operators to notify the Council of any convictions, cautions or fixed penalties
  - A new condition relating to suitability of base controllers
  - A new condition relating to trading names of operators
  - A new condition requiring temporary replacement vehicles and those on fleet policies or temporary cover notes to carry a copy of the insurance in the vehicle
  - Amendment of three existing conditions for clarity
- 5.2 The consultation will run from 13 October to 28 November and a further report will be brought to Committee on 8 January 2015 for consideration of any comments received.

## **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**

### Principal Groups Consulted

- 7.1 All licence holders and members of the public may comment on the consultation.

### Method of Consultation

- 7.2 The consultation will take place via the Council's public consultation portal. Details of the consultation will be sent to all licence holders who have provided an email address to the Licensing team.

### Representations Received

- 7.3 Not applicable at this stage.

### Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers (April 2014)

### Contact for further information

Laura Driscoll, Licensing Team Leader, 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)



**Revisions to Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers with effect from 1 April 2015**

**New condition:**

All licensed Operators are required to report details of any convictions, cautions or fixed penalty fines imposed within 28 days of the conviction, caution or fixed penalty. Details should be entered on the 'Notification of Conviction, Caution or Fixed Penalty' which is available at [www.bracknell-forest.gov.uk/licensing](http://www.bracknell-forest.gov.uk/licensing) and by hard copy on request.

**New condition:**

The Operator shall not knowingly or recklessly employ anyone as a controller to receive bookings and despatch vehicles, who has been deemed 'not fit and proper', by any local authority, to hold a private hire Operator, private hire driver or dual/hackney carriage driver's licence, unless approved by the Council.

**New condition:**

Only trading or company name(s) that are written on the Operator Licence, or other trading name approved by the Council in writing, shall be used for trading in the Borough of Bracknell Forest.

**New condition:**

For any vehicles insured under a fleet policy or temporary cover note, and any temporary replacement vehicles, the vehicle licence holder must ensure that a copy of the vehicle insurance cover note or certificate is retained in the vehicle at all times and made available on demand.

**Amend current condition 31.6:**

From:

If the Operator uses a computerised record system, there must be a facility to be able to print a hard copy of the records immediately on the request of an authorised officer of the Council or police officer.

to:

The Operator shall at all reasonable times provide authorised officers of the Council and the Police with any information necessary for the purpose of checking booking records. Whenever the company office is open for accepting bookings, the Operator shall ensure that there is an authorised member of staff present who has received suitable and sufficient training and instruction concerning the provision of information required, including the ability to satisfactorily and competently operate any computer system used for the purpose.

**Amend current condition 3.2**

From:

As the Council bases its fees on the provision of the service, no refunds shall be made except in exceptional circumstances.

to:

No refunds shall be payable in respect of driver licences which have been granted, as the fee paid covers the cost of administration of the application.

Where a vehicle licence or Operator licence is surrendered, a partial refund may be payable subject to the deduction of the appropriate refund processing fee.

**Amend current condition 10.1:**

From:

A vehicle submitted for initial licensing must be less than 5 years old or, if wheelchair accessible, less than 4 years old from date of first registration. The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for saloon and estate vehicles, and 10 years for a purpose-built Hackney Carriage.

to:

A vehicle submitted for initial licensing must be less than 5 years old or, if wheelchair accessible, less than 4 years old from date of first registration.

The maximum age of a vehicle that may continue to be licensed is 8 years from date of first registration for all types of private hire vehicle, and 10 years for hackney carriages.

**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**PARK HOME SITE LICENCE FEE POLICY  
Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 This report proposes the approval of fees applicable to the Licensing of Caravan Sites within Bracknell Forest which take due account of the outcome of a consultation as to what was to be proposed.

**2 RECOMMENDATIONS**

- 2.1 **That the Committee approves the fees, reasoning and methodology as set out in Annex A and that date of implementation of these new fees be from 10th October 2014, with the exception of the Annual Fee which would come in to effect on the 1 April 2015.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The Policy (Annex A) has undergone the consultation process required and the comments received have been taken into account. There is now an urgency to conclude and introduce the fees in the current year. We have already been approached regarding the depositing of site rules which must be in place in the coming months.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council must publish a Policy and can only recover its costs in agreement with the legal provisions and guidance.

**5 SUPPORTING INFORMATION**

- 5.1 The Caravan Sites Control of Development Act 1960 (CSCDA 60) introduced a licensing system to regulate the establishment and operation of caravan sites. The Mobile Homes Act 1983 introduced a framework under which terms and conditions of a contract between a Park Home owner and the Site Owner can be contained within a legal framework. The Mobiles Homes Act 2013 (MHA 13) was introduced following serious concerns over a number of years around the equality of position between site and home owners. The MHA 13 was introduced to give more power to stop those unscrupulous site owners exploiting both financially and emotionally park home residents. Unlike most other licensing functions Councils have not been permitted to charge a fee in order to recover the costs associated with the licensing and monitoring of compliance with licence conditions. Conditions are applied to a license so as to try to ensure the protection of the park home owners who live on these sites. With 14 licensed sites within the Borough and nearly 1000 homes provided to a significant higher proportion of elderly and vulnerable residents than within remaining housing stock this protection role is a significant and important one for the local authority.
- 5.2 The charges introduced by the Mobile Homes Act 2013 (MHA13) only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60, further guidance has also been issued by the Department for

Communities and Local Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall into the definition. In summary any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential.

- 5.3 Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.
- 5.4 The proposed Policy details the level of fees the Council will charge in relation to the different functions covered by the Act. The fee levels have been calculated based on the estimated time and cost involved in undertaking the activities involved. The costs include officer time and overheads. The proposed Policy details those costs that the Council can and cannot take into account when calculating the fees it proposes to charge.
- 5.5 It is intended that all fees with exception of the Annual fee should come into effect on the 10 October 2014 so that applications for such matters as the lodging of site rules, variations of existing licences or applications for new licences can start to be processed immediately and the costs incurred recovered. The most likely time period for the process of pitch rent reviews by site owners will be in the period January to March 2015 with implementation from the 1 April 2015. It is therefore proposed in the recommendation that the Annual fee become payable from the 1 April 2015 which would then be an integral part of the pitch fee review process and not be perceived as a financial burden upon the business. In future years all fees will be reviewed as part of the annual review of fees and charges.

### **Results of consultation**

- 5.6 The meeting of this Committee on the 12 June agreed the draft Policy for the purposes of consultation. All Licensed Site owners within Bracknell Forest were contacted and provided with a copy of the draft Policy. In addition all site owners were requested to place a notice setting out the details of the consultation upon their notice board to bring it to the attention of residents. The consultation was published on the Council website through the Consultations and Engagements portal for the period 17 July until 1 September 2014.
- 5.7 Only two responses were received, one from a site owner asking for clarification as to how the fees had been calculated, and one from a resident who wished to understand how any charges made by the Council to the site owner would impact on them. The site owner was provided with actual and estimated times to conduct the expected work derived from time recording data collected over a period of time. Annex B which details the comments and responses as part of the consultation process.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

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

### Borough Treasurer

- 6.2 Since these are new fees there is currently no budgetary provision for this income, it is estimated that the annual income could be in the order of £10,000. Once the level of income can be more accurately estimated this can be fed into the Council's budget process.

### 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 Park Homes site owners, residents of such sites and the community of Bracknell Forest.

### Method of Consultation

- 7.2 Park Home site owners and residents were targeted by means of correspondence and posters. In addition the Council consultation portal was used.

### Representations Received

- 7.3 Two representations were received and are detailed within Annex B.

### Background Papers

Mobile Homes Act 2013  
A Guide for Local Authorities on setting site licence fees.

### Contact for further information

Robert Sexton  
Head of Regulatory Services  
01344 352580  
[robert.sexton@bracknell-forest.gov.uk](mailto:robert.sexton@bracknell-forest.gov.uk)

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## **Draft Fee Policy for Protected Sites**

### **Caravan Sites and Control of Development Act 1960**

#### **Content**

- 1) Executive Summary
- 2) Introduction
- 3) Application for a new licence
- 4) Transfer of an existing licence
- 5) Alteration of Conditions on an existing licence
- 6) Annual fees
- 7) Enforcement action
- 8) Depositing site rules
- 9) Revising the fee

Appendix 1 – Elements included in fee setting

#### **1. Executive Summary**

This Policy sets out the fees for the licensing process under the Caravan Site and Development Act 1960. These fees have been arrived at in accordance with guidance issued by DCLG under the mobile Homes Act 2013 and will be reviewed in August 2015 as part of the Council's annual review of its fees and charges.

The Policy was open for consultation for the period 17 July to 1 September 2014. The Licensing and Safety Committee considered the comments received and approved this Policy for implementation from 1 November 2014 at its meeting on 9 October 2014.

#### **2. Introduction**

The Caravan Sites and Control of Development Act 1960 (CSCDA60) introduced a licensing system to regulate the establishment and operation of caravan sites.

The Mobile Homes Act 2013 (MHA13) was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the enforcement provisions had received no significant updated since the original legislation. This Act also introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process which enhances the civil law provisions pertaining to the contract between site owner and home owner. There is an expectation that councils will inspect sites regularly in line with a risk based assessment and use the additional powers to ensure compliance with site licence conditions. The council can also now charge a fee for different licensing functions. The legislation also allows the council to serve compliance notices upon the site owner, take on works in default and requires the council to satisfy itself on the legitimacy and publish any site rules relating to a site.

The charges introduced by the MHA13 only apply to relevant protected sites. A relevant protected site is defined in section 5A (5) and (6) of CSCDA60 (as amended), further guidance has also been issued by the Department for Communities and Local

Government (DCLG) entitled 'Park Homes: Site Licensing, Definition of relevant protected sites' (January 2014), and lists the types of sites which would fall into the definition.

In summary:

'any licensable caravan site is a 'relevant protected site' unless it is specifically exempted from being so. A site is exempted if:

- it has planning permission or a site licence for exclusive holiday use
- there is a restriction on use as permanent residential' DCLG 2014

Section 10A (2) of CSCDA60 (as amended) requires a local authority to prepare and publish a fee Policy where they propose to charge for functions associated with the regulation of relevant protected sites.

Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

This Policy details the level of fees Bracknell Forest Council will charge in relation to the different functions covered by the Act.

The fee levels have been partly calculated based on work presently conducted within this area with estimated times and costs involved in undertaking the activities involved. The costs include officer time and overheads, Appendix 1 details what the council can consider in calculating the fee levels.

The fee rates set out in this Policy cover the period 1 November 2014 to 31 March 2016 and each section details when a fee is payable.

### **3. Application for a new licence**

All sites (subject to exemptions contained within the Act) require a site licence to operate; failure to apply for licence is an offence under Section 1(2) of CSCDA60. Section 3(2A) of the amended Act allows the local authority to require a fee to accompany applications for licences, and this should accompany any new application. The council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

The fee below reflects the fixed costs which would apply to any new licence application plus an amount per pitch to reflect the variation in the cost of processing the application according to the size of the site.

***New licence application fee £402.00 plus £16.00 per pitch.***

### **4. Transfer of an existing licence**

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable (section 10(1A) of Caravan Site and Control of Development Act 1960 (as amended) allows for the local authority to charge a fee). The fee must accompany the application to transfer the licence.



***Fee to accompany an application to transfer a licence = £170.00***

## **5. Alteration of Conditions on an existing licence**

Where a site owner requests a variation to site licence conditions Section 8(1B) of the Caravan Sites and Control of Development Act 1960 (as amended) allows the council to charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

If the council deem it necessary to alter conditions there will be no fee payable.

***Fee to accompany an application to alter conditions = £312.00***

## **6. Annual fees**

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this Policy). The fee is due on 1st January 2015 and annually thereafter.

The annual fee covers the costs associated with site inspections to ensure compliance with the site licence conditions and a follow up visit to ensure compliance with any informal schedule of works. If there is still a breach in site licence condition at the point of the follow up visit further charges may be payable to cover the cost of any enforcement action which may be taken. Further details can be found in section 7 - Enforcement Action.

The fee is calculated on a price per unit based on the total estimated cost to the council of carrying out its licensing function for all sites in the Borough. The unit cost is multiplied by the actual number of units on each site to provide the annual fee payable.

DCLG guidance offers a variety of suggested options for local authorities in calculating the annual fee and this approach has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Charges for the first year (2015/16) have been based on estimates from experience in conducting inspections of sites varying type and size. The council is not permitted to make a surplus from this function section - 5A (2) of the Act requires all surpluses and deficits to be included in the fee Policy. These will be calculated and included in future revisions of the fee Policy i.e. any deficits or surpluses from this activity will be carried forward at the end of the financial year to the next financial year and will affect the charges for the next financial year.

### **Exemptions from Annual Fees**

Sites where there is only 1 unit are excluded from the annual licensing fee.

This category of site is exempt from the annual licensing fee as the council do not intend to carry out annual inspections of these sites, however, any complaints would be dealt with as appropriate.

## **Charging arrangements**

Section 10A (5) of CSCDA60 (as amended) states the fees Policy must include provision about the time at which the fee is payable. For the purpose of this Policy the period covered by the annual fee will be 1st April to 31st March each financial year, reminders will be sent to licence holders of relevant protected sites in February and payment will be due by 31<sup>st</sup> March.

Where a new site licence is issued part way through the year the annual fee will also be due in the same year and a reminder will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following year's annual fee.

In the event an annual fee is not paid within the terms of the invoice the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due.

***Annual Fee = £13.35 per pitch.***

### **7. Enforcement action**

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. Section 9C of the CSCDA60 (as amended) details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on the hourly rate detailed below, in addition to any other costs incurred.

***Hourly rate for enforcement costs = £48.00***

If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If any prosecution were successfully taken, the council would have the power to carry out the works in default of the licence holder. An administration cost of 20% would be added to the cost of the works.

### **8. Fees for depositing, varying or deleting sites rules**

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure.

The MHA83 (as amended by the MHA 2013) allows the council to charge a fee for depositing, varying or deleting site rules subject to regulations.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

***Fee to deposit, vary or delete site rules = £107.00 each***

## **9. Revising the Fee**

The fees detailed in this Policy have been determined based on full recovery of costs. The costs have been assessed according to past experience of dealing with site licensing with consideration of the likely impact of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. In addition, at the time of producing this Policy some elements of the licensing regime are still awaiting further regulation by government which may impact on the processes and the time involved and may therefore result in a revision to the proposed charges.

This Policy sets out the approach to be taken in the setting of the fees. They will be reviewed in subsequent years as part of the annual review of fees and charges.

## Appendix 1

The DCLG guidance sets out the activities that the council can and cannot include when calculating its annual fee.

A Local Authority **can** include:

- letter writing/ telephone calls etc to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- land registry searches
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- preparing draft and final licences
- review by manager or lawyers
- review any consultation responses from third parties;
- updating public register
- carrying out any risk assessment process considered necessary
- reviews of decisions or in defending appeals
- A pre- programmed full site inspection;
- A follow – up inspection to check compliance following programmed inspection

A local authority **cannot** take into account when setting fees costs incurred in exercising their functions under

- Section 9A-9I Caravan Sites and Control of Development Act 1960 (the Act) (relating to enforcement due to breach of licence conditions);
- Section 23 of the Act (prohibiting the siting of caravans on common land); or
- Section 24 of the Act (the provision of caravan sites by local authorities).

In addition, section 10A (4) (b) of the Act prohibits a local authority from taking into account when setting fees costs it incurs under the Act, other than those relating to a relevant protected site.

No fees can be charged for holiday or other non permanent residential sites. Sites which are in mixed use i.e. partly holiday with some permanent residential homes which fall within the definition of relevant protected site fees can therefore be charged.

A local authority cannot make a profit. Any charges must be limited to recovering the costs of exercising their licensing function as it relates to relevant protected sites.

In arriving at the fees within this document the tasks detailed above were considered together with information collected upon the Council time recording system which relates to the relevant work carried out as part of the licensing process. Each task was apportioned a time based on those records and a rate based upon the cost of the person carrying out that action. So for example if an administrative post was responsible for creating and modifying records the hourly rate for that officer would be used for that task/action; whilst an inspection conducted by a Licensing Officer would be calculated at that rate. All rates of pay are set at full cost recovery. Where there are new tasks such as the depositing, varying and deleting

of site rules consideration was made of the elements that will be necessary to complete the task. Where there was data from similar tasks from other areas this was utilised to arrive at the fee.

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Comments	Response
A resident asked what costs incurred by the various licensing fees could be passed on to residents.	An email was sent to the resident explaining that with the exception of the Annual Fee none of the fees charged could be recovered from residents through the pitch fee. The arrangements relating to the Annual Fee were explained.
The same resident asked if the Annual Fee could be added to or included within the Council Tax charge.	It was explained that the fee is paid by the site owner to the Council. The cost of operating the licensing process must be paid by those whom it controls not from the public purse.
A site owner commented that there was no information as to how fees had been determined as required by the Local Authority Guide on setting licence fees.	There was information contained within Section 9 of the Policy. Further information was given to the Site owner and no further response has been received In addition it was decided that details on how fees are presently set and how they will be going forward could be expanded upon and further detail was provided in Appendix 1 to the Policy

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**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**STREET TRADING POLICY  
Chief Officer: Environment and Public Protection**

**1 PURPOSE OF REPORT**

- 1.1 It's been a while since we last considered our approach to Street Trading. This report proposes a small sub-group of 2 or 3 committee members who would work with officers in reviewing current practice and potentially producing if the group felt the need a revised Policy for Committee approval for the regulation of street trading within Bracknell Forest.

**2 RECOMMENDATIONS**

- 2.1 **That the Committee agrees to set up a small sub-group to look at existing custom and practice with a view to producing an updated Policy for consideration by this Committee.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The present street trading arrangements have been in place for several years and might benefit from a review especially with a new town centre being developed.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There is no legislative requirement to undertake a review. We could continue as we are.

**5 SUPPORTING INFORMATION**

- 5.1 Street Trading can add vibrancy and variety to the enjoyment and choice of shoppers. It can also be seen by some as threatening to local business and a blight on our community by others.
- 5.2 With the advent of the new town centre there will be greater demand by entrepreneurs for access to the new footfall generated. Many of these as indicated by recent trends will be looking to utilise non permanent trading platforms which utilise our pavements and streets.
- 5.3 There needs to be a balance achieved whereby the aspects of permanent and non permanent can exist together to produce a vibrant and enjoyable shopping experience whilst also not causing a nuisance to the wider community. This will generally be achieved through carefully considered regulation and control.
- 5.4 The existing arrangements for Street Trading throughout the Borough were introduced in 1995 and it is suggested that it would be an appropriate time to review and potentially come up with standards and regulations that are appropriate to demand and circumstances.
- 5.5 The process of review would be significantly improved if the process of review could be effected by a sub-group of this Committee. The task for the sub group would be

to consider existing custom and practice, to consult with appropriate interests and if appropriate agree a draft revised Policy to be considered by this Committee. A progress report would be presented at the next meeting of the Committee and a final report at the one following.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 There are no specific legal issues arising from this report at this stage.

### Borough Treasurer

- 6.2 There are no significant financial implications arising from the recommendations 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 Consultation will be carried out when a draft Policy has been drawn up and approved for consultation by the Committee

### Method of Consultation

- 7.2 Consultation will be through the Council Consultation portal

### Representations Received

- 7.3 N/A

### Background Papers

Local Government (Miscellaneous Provisions) Act 1982

### Contact for further information

Robert Sexton  
Head of Regulatory Services  
01344 352580  
[robert.sexton@bracknell-forest.gov.uk](mailto:robert.sexton@bracknell-forest.gov.uk)

**TO: LICENSING AND SAFETY COMMITTEE  
9 OCTOBER 2014**

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**HACKNEY CARRIAGE SURCHARGE  
Chief Officer: Environment and Public Protection**

**1 INTRODUCTION**

- 1.1 Further to previous reports, this paper provides an update in respect of work undertaken to consider amendments to the surcharge tariff charged by drivers of the larger hackney carriages licensed by the Council.

**2 SUPPORTING INFORMATION**

- 2.1 The surcharge was introduced in 2000 as part of the introduction of the Accessible Taxi Policy requiring the provision of wheelchair accessible vehicles. The consultation process highlighted that the vehicles available to meet the policy requirements were London-style taxis or the large MPV conversions. Such vehicles were significantly more expensive to purchase, run and maintain than many of the saloon vehicles licensed at that time.
- 2.2 Over the last 10 years the type and variety of wheelchair accessible vehicles has rapidly grown such that much cheaper vehicles with costs in line with saloon vehicles are now available. The need to purchase a more expensive 5+ seater vehicle to meet the accessibility criteria no longer exists. If such vehicles are purchased it is a matter of choice for the owner, not a compulsion. The trend to the smaller vehicle such as the Fiat Doblo or Peugeot Partner means that now there are now 31 large vehicle 'variants' licensed as hackney carriages from a total fleet of 84. By 2015 this figure may, dependent upon owner choice, reduce further to 14 as such vehicles reach their age limit and require replacement.
- 2.3 The present arrangements for calculating the surcharge can be confusing for customers and open to fraudulent use. Many attempts have been made to find a way to present the charge in a way that is clear for customers but given the limitations of the meters fitted to the vehicles this has not been possible. We have received complaints from both customers and the trade around incidents of conflict when the meter price as shown is increased by 50% at the end of the journey.
- 2.4 It should be noted that hackney carriages are not the only suppliers of vehicles available to carry more than four passengers. Presently Bracknell Forest has 211 licensed private hire vehicles, of which 63 are able to carry five or more passengers.
- 2.5 There were 24 responses to the consultation process carried out between January and the 15 March. There were 2 responses from members of the public who supported the removal of the surcharge, and 1 who supported the retention of the surcharge. The 21 responses from members of the trade were against the removal of the surcharge as they argued that this would make the larger vehicles economically unviable.
- 2.6 Given the views expressed during the consultation process, officers set up a working group with members of the trade and representatives of meter companies. A meeting was held as agreed and alternative options were put forward for consideration.

- 2.7 No further action has been taken since to progress this issue either way as officers were made aware of another local authority looking to make similar amendments to their hackney carriage tariff. It is understood that the authority is currently subject to challenge. Accordingly, officers have put the work on hold pending the results of that challenge, as there may be useful learning that can be picked up as a result of that process

Background Papers

None

Contact for further information

Laura Driscoll, Licensing Team Leader, 01344 352517

[laura.driscoll@bracknell-forest.gov.uk](mailto:laura.driscoll@bracknell-forest.gov.uk)

**TO: LICENSING AND SAFETY COMMITTEE**  
**9 OCTOBER 2014**

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**AIR QUALITY ACTION PLAN APPRAISAL REPORT**  
**Chief Officer: Environment and Public Protection**

**1 INTRODUCTION**

- 1.1 As previously reported to this Committee, the Council is required to produce a Plan and submit it to DEFRA for their consideration. This report appraises the Committee of the positive feedback received (Annex 1).

**2 SUPPORTING INFORMATION**

- 2.1 The Air Quality Action Plan was produced following a considerable amount of work and took account of feedback from consultation all as per a prescribed process. Its production ensures compliance with a legislative requirement and the Council is now required to report on progress against the Plan.
- 2.2 The comments in the feedback are supportive of the approach taken by the Council in its attempts to try to mitigate against the pollution that comes from vehicles. In particular the report comments "the measures prescribed seem appropriate to the level of pollution and the sources of emissions within the Air Quality Management Areas".
- 2.3 The Action Plan will be delivered as part of the Local Transport Plan.

**3 EQUALITIES IMPACT ASSESSMENT**

- 3.1 Not applicable.

**4 STRATEGIC RISK MANAGEMENT ISSUES**

- 4.1 Covered in the report.

Background Papers

Action Plan Appraisal Report ref AP1-290.

Contacts for further information

Gail Siddall  
Environmental Protection Team Leader  
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Local Authority:	<b>Bracknell Forest</b>
Reference:	<b>AP1-290</b>
Date of issue	<b>28/07/14</b>

## Action Plan Appraisal Report

This Appraisal Report covers the Air Quality Action Plan report submitted by Bracknell Forest Borough Council. The Action Plan sets out information on air quality obtained by the Council as part of the Local Air Quality Management process required under the Environment Act 1995 and subsequent Regulations. It is a final Action Plan, and covers the two AQMAs declared by the council in 2011, and amended with new boundaries in 2013.

The overall plan is clear, concise and generally follows the guidance outlined in LAQM PG(09). The plan provides comprehensive background to the review and assessment work undertaken by the Council. This includes the findings of the source apportionment exercise undertaken in the further assessment and required reductions in pollutant concentrations for the AQMA. The plan also provides an overview of other relevant policies that are likely to have a bearing on local air quality, which are drawn from LTP3. The majority delivery of the plan will be through this LTP in the Bracknell Forest district. Eighteen measures been included in the draft action plan, with the major focus being on Physical traffic management.

- Seven of the eighteen measures fall under the heading of physical traffic management for speed and flow.

Additionally there are measures in the following categories

- Commercial Delivery Strategies (1 measure)
- Public Transport Initiatives for Buses (2 measures)
- Development of Cycling and Walking (2 measures)
- Partnerships and Travel Plans (2 measures)
- Fleet Management, Clean Fuels/Additives, Green Procurement and Abatement Measures (2 measures)
- Land Use Planning (1 measure)
- Other (1 measure)

The Council is invited to take consideration of the further commentary in the finalisation of its action plan.

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## Commentary

1. Bracknell Forest Borough Council has adopted a strategic approach to the update of their action plan with strong links made to other council policy which is welcomed. Further, the AQAP is closely tied to the Local Transport Plan 3.
2. The AQAP clearly outlines the air quality improvement that will be required in order to meet the National Air Quality Standards throughout each AQMA. Additionally the trends of air quality measurements at receptors in each AQMA is clearly shown. This is to be commended. The highest reduction required in NO<sub>2</sub> was in Downshire Way where 18 µg m<sup>-3</sup> reduction is required to meet the objective.
3. Source apportionment information has been included which outlines that moving and queuing traffic was the dominant source within the AQMAs, after background levels. This is reflected in the balance of measures within the plan, which is appropriate.
4. The report recognises that improvements in air quality benefit a wider area, rather than only being relevant in the AQMA. This wider perspective is welcomed.
5. The measures presented seem appropriate to the level of pollution and the sources of emissions within the AQMAs. The Council might consider a more detailed assessment of the likely benefits of each of the measures, to enable them to understand to what extent the reduction in pollutant emissions may be achieved (or not). It is noted that this type of information is expected at a later stage for some measures (particularly physical traffic management), when detailed design of actions takes place.
6. It could be useful for the Council to include indicators for more of the key measures which would allow them to record the intended effects of each measure and monitor progress over time. For example in the draft plan Council provided information on the target for each measure (e.g. "This will reduce the need for on street loading/unloading of goods to the units along the North Eastern part of the highway"), and this has now been modified to a more robust



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indicators/ target ("This measure aims to reduce the need for on street loading/unloading of goods to the north Eastern part of the highway by 50 %"). This type of approach is welcomed and could usefully be expanded to other measures in the AQAP as it provides due focus on development of measures by the Council and its partners.

7. Finally it is noted that implementation dates are provided for all measures, which is welcomed. With more detailed assessment of impacts (of measure) the information on timing might be used to make an estimate about when the air quality in each AQMA would be improved to the point where the AQMAs could be eliminated.
8. The creation of an officer group for the plan is noted, and welcomed as a seemingly common factor for driving forward implementation, and gathering the range of expertise to consider changes or updates to the plan over time (in response to a greater understanding of measures and their impacts).
9. Overall, much work has gone into the production of this final action plan. The Council may wish to develop the actions in the plan and undertake future reporting on progress while considering the points above.

This commentary is not designed to deal with every aspect of the Action Plan. It highlights a number of issues that should help the local authority in maintaining the objectives of its Action Plan, namely the improvement of air quality within the AQMA.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Assembly Government, Scottish Government or DOE, as appropriate – or by emailing the form to [reportappraisal@ttr-ltd.com](mailto:reportappraisal@ttr-ltd.com).**

For any other queries please contact the Local Air Quality Management Helpdesk:

Telephone: 0800 0327 953

Email: [LAQMHelpdesk@uk.bureauveritas.com](mailto:LAQMHelpdesk@uk.bureauveritas.com)

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## Appraisal Response Comment Form

Contact Name:	
Contact Telephone number:	
Contact email address:	

**Comments on appraisal/Further information:**

**LICENSING PANEL  
6 AUGUST 2014  
10.05 - 10.40 AM**



**Present:**

Councillors Thompson (Chairman), Brossard and Finnie

**1. Declarations of Interest**

There were no declarations of interest.

**2. The Procedure for Hearings at Licensing Panels**

The Chairman confirmed that all parties understood the procedure to be followed for the hearing.

**3. 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 4).

**4. Report on Application for Chauffeur Driver Licence**

At the hearing, the Panel gave careful consideration to the papers placed before them and heard and considered oral representations from Mr A and Miss Kelly, Licensing Officer.

Having considered all the evidence, the Panel decided that Mr A's application for a chauffeur driver licence should be granted.

The Panel took into consideration the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers', in particular Appendix A pages 40 to 42, applied and issued by Bracknell Forest Council (BFC), which was applicable at the time when Mr A made the application for a chauffeur driver licence.

The Panel noted that Mr A had been given two convictions for driving a motor vehicle with excess alcohol in June 2000 and March 2007. The guidance suggested that an application should not be considered until at least 5 years had passed since the restoration of the licence. The court in passing the conviction in 2007 provided for a shorter disqualification period of 27 months if a specific course was completed prior to 28 April 2009 but Mr A did not exercise this option.

The Panel heard and accepted that Mr A's reasons for not taking the recommended course were that Mr A did not have the finances to fund the course. This was also the reason why Mr A did not renew his licence earlier than he could have. If Mr A had been able to undertake the course and renew his licence sooner, this would have reduced the disqualification period and Mr A's licence could have been restored by July 2014 rather than in March 2015 when the ban on Mr A's licence was due to be lifted.

The Panel were impressed by Mr A's candour regarding his past convictions and his wish to be given a chance. The Panel noted that Mr A had not had any convictions since 2007 and that Mr A looked forward to the opportunity to be a chauffeur driver. In light of this, the Panel were minded to show discretion and not prevent Mr A from taking up an opportunity for gainful employment.

After taking all the circumstances into account, Mr A's reasons for not taking the recommended course or renewing his driver licence earlier and his candour regarding his past convictions, the Panel decided to grant Mr A's chauffeur driver licence. However, it was important that Mr A complied with the 'Guidance Notes and Conditions for Hackney Carriage and Private Hire Vehicle Owners, Operators and Drivers' at all times in the future.

Mr A should be aware that the police and the council's licensing officers undertook spot check breathalyser testing exercises on a regular basis and Mr A should ensure that he is below the legal limit of alcohol at all times when driving a vehicle either privately or commercially. Although in this case the Licensing Panel gave Mr A the benefit of their discretion, Mr A should also be aware that a third conviction would be likely to be looked upon very unfavourably by the Licensing Authority.

**CHAIRMAN**