

**LICENSING AND SAFETY COMMITTEE**  
**15 JUNE 2016**  
**7.30 - 8.25 PM**



**Present:**

Councillors Allen (Chairman), Thompson (Vice-Chairman), Dr Barnard, Finch, Finnie, Ms Gaw, Mrs McKenzie, Ms Miller and Porter

**Apologies for absence were received from:**

Councillors Mrs Angell, G Birch, Brunel-Walker and Tullett

**4. Declarations of Interest**

There were no declarations of interest.

**5. Minutes**

**RESOLVED** that the minutes of the meetings of the Committee held on 7 January 2016 and 18 May 2016 be approved as a correct record and signed by the Chairman.

**6. Urgent Items of Business**

There were no items of urgent business.

**7. Notice of Public Speaking**

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

**8. Annual Report and Workplan**

The Committee considered a report detailing the activities carried out by the Licensing Section during the period 1 April 2015 to 31 March 2016 and a proposed work plan for 2016/17.

Members' attention was drawn to a number of detailed matters in the report, including the schedule detailing the licences, registrations, permits and consents, current at 1 April 2016 or processed during the last year, which illustrated the number of transactions with businesses operating in the Borough. A number of the licences required the submission of documents which had to be checked or validated by the Licensing Service and the Committee was pleased to note that the Service had issued licences within either 2 or 3 days of receipt of a complete and valid application on 96% of occasions in 2015/16 (against the target of 95%).

Officers used a risk-based assessment programme to visit licensed premises to check compliance and provided assistance to those businesses. In 2015/16, 182 programmed inspections were carried out (an increase on the previous year) in addition to non-programmed inspections arising from intelligence from residents, complaints, and information from the police or other agencies.

A total of six warnings had been issued in the last year in relation to Hackney Carriage and Private Hire licensing matters, with 178 enforcement points for 27 incidents of non-compliance (compared to 264 points in 2014/15). The Committee was pleased to note that no penalty points had been issued in respect of illegal tyres, previously a matter of concern to members.

Other areas of work included an operation to test underage sales within a variety of premises licensed to have gaming machines. Of the 9 premises tested, 6 had failed including 3 betting offices and 2 pubs. Further recent testing had resulted in a number of further failures. The Council would be working with businesses over the enforcement action necessary. Where licensed premises had failed 2 or 3 times consecutively, action would be taken to either revoke the licence or arrange for the gaming machines to be taken out of commission temporarily or during certain hours. Other failures may result in final written warnings to the licensee. The Council undertook such enforcement work in liaison with the Gambling Commission.

Annex B to the report contained the draft work plan for 2016/17, which had been drawn up having regard to national priorities and the Council's strategic themes, actions and priorities in the coming year.

Members received answers to a number of questions arising from the report. Further details were requested in relation to the warnings that had been issued, and a clarification to the website as regards the five clear days notice required for submissions of Temporary Event Notices.

**RESOLVED** that:

1. The work completed in 2015/16 detailed within the report of the Chief Officer: Environment and Public Protection be noted.
2. The work plan for 2016/17 set out in Annex B be approved.

#### **9. Health & Safety Law Enforcement Plan 2016-17**

The Committee considered a report presenting details of activities carried out under the Health & Safety Law Enforcement Plan during 2015/16 and the proposed work plan for 2016/17.

The Council was responsible for advising on and enforcing health and safety in 1549 premises in the Borough, including offices, shops, leisure sites, catering premises and hotels. The Plan set out how the Council would work with and support businesses to comply with health and safety legislation. Performance against the Plan was monitored as an operational indicator and the report contained details of the Council's activity in 2015/16 (compared with previous years) in relation to:

- Pro-active interventions
- Complaints and enquiries
- Accident investigations
- Notifications for non-compliance

A key theme of the work plan was to continue to develop targeted health and safety activity working in partnership with local businesses and the Health & Safety Executive. Targets and initiatives for the coming year were grouped under three main headings:

- Protecting consumers and supporting businesses
- Project working
- Performance management

It was noted that any additional requirements caused by an increase in the number of new premises arising from the town centre redevelopment would be built into next year's plan.

Arising from questions posed, officers were asked to provide further information about the fall in the number of complaints and enquires relating to supermarkets and the accident statistics for the Borough, in particular incidents of people struck by an object.

**RESOLVED** that the work undertaken in 2015/16 be noted and the proposed plan for 2016/17 be approved.

#### 10. **Park Home Fee Policy**

Consideration was given to a report reviewing the Park Home Fee Policy introduced in 2014 as a result of legislative changes brought into effect by the Mobile Homes Act 2013. The Policy was required to set out the types of fees the Council would charge for different functions in respect of licensed sites and how the fee levels had been calculated.

There were some particular alterations that were required:

- 1) The schedule of fees and charges, which was subject to annual review following consultation, would in future be set down in an appendix to the Policy, in order to simplify the procedure for updating it.
- 2) Some confusion had arisen as a result of the use of two different terms "unit" and "pitch" in the Policy. The term "unit" would be removed from Section 6 in the policy in order to make it clear that the fee charge is per licensed pitch rather than units stationed on the site.
- 3) A change was proposed to the fee for an application for a new licence, to accord with Department for Communities and Local Government guidance, to the effect that the £16 per pitch element of the charge be removed from the new site licence fee. Instead a new £5 per pitch charge would apply, solely for new sites of over 50 pitches, to reflect the additional work required for new large site applications.

All site owners would be consulted on these proposed changes, together with a number of minor alterations to the wording and layout to add clarity to the Policy.

The Committee noted that the Council took a risk-based approach in the application of its inspection and enforcement regime. Officers were requested to ensure that the enforcement policy was quite clear in relation to the responsibilities of, and potential actions by, the Council as distinct from those of other agencies, to assist site owners and occupants.

**RESOLVED** that:

1. The fees are agreed annually by the Council after consultation.
2. The Policy is altered to make it clear that the annual fee is payable for all licensed pitches not just units occupied upon the site.
3. Licensed site owners are consulted upon the draft Policy at Annex B of the report and the results of that consultation are reported back to the Committee on 6 October 2016.
4. As the change of fee for new applications is a reduction in charge and beneficial to business, the new fee be approved and introduced with immediate effect.

**11. Pet Shop Licence Conditions**

The Committee considered a report dealing with the adoption of the Model Licence Conditions for Pet Vending Licensing as published by the Chartered Institute of Environmental Health (CIEH).

The CIEH Model Licence Conditions had been widely accepted as representing the minimum standards to be applied to ensure appropriate standards of health, safety and welfare. A consultation exercise (as approved by the Committee) had been carried out with existing licence holders over the introduction of the Model Licence Conditions in place of the Council's current conditions, which had not been reviewed for some years. No responses were received to the consultation and no concerns had been raised.

**RESOLVED** that the Model Licence Conditions, as set out at Annex A of the report, be approved and adopted as follows:

1. With immediate effect for any new licences issued; and
2. From 1 January 2017 for any existing licence holders.

**12. Other business – Safeguarding Training Update**

The Committee was informed that investigations into the provision of Safeguarding Training for Bracknell Forest Licensed Drivers on an in-house basis had shown this to be impractical. However, discussions were well advanced with the other Berkshire Authorities with a view to introducing a joint training scheme across the County. With a potential of about 3,500 drivers, it appeared that a single provider could be engaged to prepare and carry out the training programme required.

A further update would be given to the Committee in October.

**CHAIRMAN**