

TO: LICENSING AND SAFETY COMMITTEE
15 JUNE 2016

ANNUAL REPORT AND WORKPLAN
Chief Officer: Environment and Public Protection

1 PURPOSE OF REPORT

- 1.1 This report covers the activities carried out by the Licensing Section during the period 1 April 2015 to 31 March 2016. The report also includes the proposed work plan for the period 2016/17. The Committee is also asked to consider and comment upon this document.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) notes the work completed in 2015/16 and detailed within this report; and**
- ii) subject to any comments, approves the work plan for 2016/17 at Annex B.**

3 REASONS FOR RECOMMENDATION

- 3.1 The Committee agreed a work plan for 2015/16 at its meeting on 11 June 2015. This report details some of the main achievements of the service during 2015/16 and requests that members comment upon and approve a plan for 2016/17.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None.

5 SUPPORTING INFORMATION

- 5.1 Attached as Annex A is a list of the licences, registrations, permits and consents that are current as of 1 April 2016 or were processed within the last year. The list includes details of numbers for the previous year for comparison purposes. This is a single indicator of the number of transactions that the Licensing Section has with businesses operating within the Borough. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 5.2 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell Forest. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

- 5.3 A number of the licences require the submission of documents which have to be validated by the Licensing Service. These include such items as vehicle insurance documents and inspection certificates, medical reports, criminal record disclosures and risk assessments. These checks are essential to ensure the continued confidence of the Council, and ultimately the user, in the safety of the service or goods being supplied. The service sets itself a target to issue licences within either 2 or 3 working days of receipt of a complete and valid application on 95% of occasions. The service achieved 96% in 2015/16.
- 5.4 A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The service provides an extensive range of advice and information sheets via the Council's website. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks. The Licensing Section dealt with just over 1000 complaints and requests for service in 2015/2016.
- 5.5 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2015/16 officers carried out 182 programmed inspections (109 in 2014/15). Additionally officers carried out 60 non-programmed inspections (20 in 2014/15), which includes visits outside of office hours where we had intelligence from residents, complaints or details passed to us by agencies such as Thames Valley Police that non-compliance was occurring. These figures are positive given that a new officer started with the team on 1 April 2015 and he has been carrying out inspections whilst training in the role of a licensing officer. Officers initially deal with non-compliance by working with the business to raise standards and further unannounced visits may be made to verify improvement. Where non-compliance continues, officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution.
- 5.6 In the last year officers issued 6 warnings in relation to licensing matters (1 in 2014/15), and 178 enforcement points were issued for 27 incidents of non-compliance (264 points in 2014/15). The points were issued for the following matters:
- 1 driver for breach of construction & use regulations
 - 5 drivers for failing to comply with traffic signs
 - 11 drivers for failure to notify the council of convictions
 - 5 drivers for failing to wear/display their badge
 - 2 drivers for failing to display the vehicle licence plate properly
 - 1 driver for a smokefree contravention
 - 1 driver for using a mobile phone whilst driving
 - 1 driver for driving without due care and attention

It is interesting to note that not one set of penalty points was issued for illegal tyres. The previously high numbers of illegal tyres detected during licence checks was a concern to Members in recent years, and the number of penalty points issued for the offence was increased to 8 (12 being the point at which the driver is considered for referral to a Panel). It seems a reasonable assumption that the message to drivers to regularly check their tyres has been taken on board.

5.7 Other areas of work that were completed in 2015/16 include:

- (i) A total of 12 multi-agency checks involving Council officers, Thames Valley Police and DVSA were conducted. In addition officers assisted RBWM with checking licensed vehicles during the Royal Ascot event, and also attended enforcement operations at Heathrow airport.
- (ii) An operation was held to test underage sales within a variety of premises licensed to have gaming machines. Of the 9 premises tested, 6 premises failed, including 3 betting offices and 2 pubs. A further operation is planned for June 2016 which will include re-testing premises which failed.
- (iii) The Safety Advisory Group received approximately 65 forms for local events during 2015/16, and continues to receive positive feedback from event organisers who see it as helpful to them delivering safe events.

5.8 Attached as Annex B is the draft workplan for 2016 - 2017. This has been drawn up taking into account national and local priorities together with local knowledge of our licensed businesses.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The legal implications are identified within the report.

Borough Treasurer

6.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

6.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

6.4 There are no strategic risk management implications arising from the recommendation in this report.

7 CONSULTATION

Principal Groups Consulted

7.1 Key partners have been consulted upon the outcomes of work conducted in 2015/2016. Where there is positive feedback and a continued perceived need then similar work will be programmed for 2016/2017. All feedback is taken into account and helps inform the plan's future development. There has been no feedback that needs to be taken into account in the proposed plan.

Method of Consultation

7.2 The workplan will be discussed with key partners during the year and adjustments made where necessary.

Representations Received

7.3 None.

Background Papers

None

Contact for further information

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