

Notice of Meeting

Council

Councillor Ms Merry (Mayor)
Councillor Gbadebo (Deputy Mayor)
Councillors Allen, Angell, Atkinson, Bhandari, Dr Barnard,
Bettison OBE, D Birch, Mrs Birch, Brossard, Brown, Brunel-Walker,
Dudley, Finch, Ms Gaw, Mrs L Gibson, MJ Gibson, Green,
Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon,
Mrs Ingham, Kennedy, Kirke, Leake, Mrs McKenzie, Mrs McKenzie-
Boyle, McLean, Mrs Mattick, Mossom, Neil, Parker, Porter, Skinner,
Temperton, Tullett, Turrell, Virgo and Wade



Wednesday 13 January 2021, 7.30 - 9.00 pm
Online only

Timothy Wheadon
Chief Executive

Agenda

Item	Description	Page
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The meeting will be opened with prayers by the Mayor's Chaplain

1.	Minute silence of remembrance for Freeman of the Borough	
	Councillor Bettison OBE, Leader of the Council to lead the meeting in a minute silence to mark the sad passing of James (Jim) Finnie, our Freeman of the Borough, past Mayor, former Conservative Borough Council colleague and Crowthorne Parish councillor.	
2.	Apologies for Absence	
3.	Minutes of Previous Meeting	5 - 12
	To approve as a correct record the minutes of the meeting of the Council held on 25 November 2020.	
4.	Declarations of Interest	
	Members are asked to declare any disclosable pecuniary or affected interests 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.	

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	Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.	
5.	Mayor's Announcements	
6.	Executive Report	13 - 16
	To receive the Leader's report on the work of the Executive since the Council meeting held on 25 November 2020.	
7.	Pay Policy Statement	17 - 48
	To agree the Pay Policy Statement for 2020/21.	
8.	Statement of Licensing Policy	49 - 90
	To agree the Bracknell Forest Statement of Licensing Policy.	
9.	Questions Submitted Under Council Procedure Rule 10	
	<p>(i) <u>By Councillor Neil to Councillor Dr Barnard, Executive Member for Children, Young People and Learning</u></p> <p>On December 20, The Secretary of State promised laptops for vulnerable pupils would be delivered within two days of a request from schools in January.</p> <p>Have all schools been advised of this and how many have been received? Can the Council also apply for these to ensure every known vulnerable child has access to their own computer for online learning and is not waiting to share with other siblings?</p> <p>(ii) <u>By Councillor Temperton to Councillor Bettison OBE, Leader of the Council</u></p> <p>Scientific analysis shows that the Lateral Flow Test is less than 60% accurate if administered by an untrained person. Although every positive test result on an asymptomatic person would help reduce transmission, a negative result could just be because of an inadequate sample and the person could still be infected. The accuracy of this test depends on the quality of sampling and is best done by trained staff.</p> <p>Can the Council organise training for the test administrators so that when schools need to use these tests to help safeguard their staff and students, the tests are more reliable?</p>	

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	<p>(iii) <u>By Councillor Brown to Councillor Bettison OBE, Leader of the Council</u></p> <p>Given the exponential increase in local cases, what plans does the Council have to develop community testing?</p>	
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Sound recording, photographing, filming and use of social media is permitted. Please contact Kirsty Hunt, 01344 353108, kirsty.hunt@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 5 January 2021

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COUNCIL
25 NOVEMBER 2020
7.30 - 9.00 PM



Present:

The Mayor (Councillor Ms Ash Merry), Councillors Gbadebo (Deputy Mayor), Allen, Angell, Atkinson, Bhandari, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, Brossard, Brown, Brunel-Walker, Dudley, Finch, Ms Gaw, Mrs L Gibson, MJ Gibson, Green, Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon, Mrs Ingham, Kennedy, Kirke, Leake, Mrs McKenzie, Mrs McKenzie-Boyle, McLean, Mrs Mattick, Mossom, Neil, Parker, Porter, Temperton, Tullett, Turrell, Virgo and Wade

Apologies for absence were received from:

Councillors Skinner

29. Minutes of Previous Meeting

RESOLVED that the minutes of the Council meeting held on 9 September 2020 be approved, and signed by the Mayor as a correct record.

30. Declarations of Interest

There were no declarations of interest.

Councillors Brunel-Walker and Heydon declared that due to their involvement on the Partnership Board of the Joint Venture neither of them would participate in either the debate or vote relating to Agenda item 5.

31. Mayor's Announcements

Remembrance Sunday

The Mayor reflected on how Remembrance Sunday events had taken place in a very different way this year. The Mayor thanked Councillor Mrs Hayes MBE and her team of volunteers for installing poppies across the Borough.

Bracknell Forest Council had collaborated with Sandhurst Town Council and supported by the Royal Military Academy, Sandhurst produced a pre-recorded short Remembrance Sunday Service and wreath laying.

Bracknell Town Council had also produced a pre-recorded video and the Mayor thanked Councillor Mrs Birch and the Bracknell Town Council's community events working group as well as the video producer/editor for their hard work.

The Mayor had participated in a Zoom call with 2nd Great Hollands Brownies who had painted stones to lay across the Borough in remembrance.

Christmas Card Competition

The Mayor was reaching out to the borough's residential care homes to take part in her Christmas Card competition. The Mayor thanked Councillor Ms Gaw, Older Peoples' Champion for her support in this.

Charity Quiz

Councillor Bhandari was supporting the Mayor to run some themed online quizzes and more information would follow.

Care Leavers fundraising

Councillor Ms Hayes was delighted to announce that £722 had been raised to support the borough's young people in care as part of Bracknell Forest Council's Corporate Parenting Responsibility. She thanked everyone who had made a donation.

Spirit of Fire 2020 Awards

The Mayor congratulated Councillor Mrs McKenzie-Boyle for her nomination for the Spirit of Fire 2020 Awards. This was in recognition of her commitment and hard work raising funds for the Fire Fighters Charity during her mayoral year.

Return to Lexicon

The Mayor encouraged everyone present that once the national lockdown eased to think local, support local and shop local.

Winter Support Financial Package

Councillor Dr Barnard, Executive Member for Children, Young People and Learning reported that £221,000 had been allocated to Bracknell Forest for the Winter Support Financial Package by central government. Funding is for families in hardship and the Council was reaching out to schools and professionals to see how best to support the borough's families. He thanked members of the working group who had considered how best to use the fund and the scheme could be developed.

Grant funding

Councillor Heydon, Executive Member for Transformation and Finance advised that the Council had received additional grants to support small and medium size businesses who had not previously received covid-related support. The guidelines for this discretionary scheme had been released during the week and it was hoped that the scheme would be launched within days. He thanked the officers involved in getting the scheme running so quickly.

Delivery of food waste trucks

Councillor Mrs Hayes, Executive Member for the Environment announced that the new food waste trucks would be arriving in preparation for the launch of food waste collection in March 2021. She added that a competition to name the trucks was planned.

32. Executive Report

The Leader of the Council, Councillor Bettison, presented his report on the work of the Executive since that reported at the Council meeting on 9 September 2020. The

Executive had met three times on 22 September, 20 October and 10 November 2020.

The Leader highlighted the following matters that had been considered:

COVID Response & Renewal

- Original Response Strategy was based on five core principles:
 - follow Government/Public Health England advice
 - maintain non-contact services where possible
 - close social contact services
 - support suppliers where possible to retain service capabilities
 - prepare for renewal as well as recovery
- Renewal Principles had now been agreed by Executive and were based on seven principles with a longer term view:
 - Protect and promote physical and mental health
 - Support Bracknell town centre, neighbourhood vitality and businesses to protect economic health
 - Short term support to deal with COVID related spikes in demand
 - Integrate services with partners and locate them within the community
 - Involve community and voluntary sector in supporting people/services
 - Whilst containing/reducing expenditure in the long term to achieve financial sustainability
 - Maximising opportunities to address carbon reduction across all activities to achieve environmental stability

Residents Survey: Headline Results

- This was a representative telephone survey covering 1,826 respondents and further detailed ward/demographic data was available:
 - 56% of population satisfied with Council Support for community during pandemic
 - 73% who contact Council rated response good or excellent
 - 20% of residents volunteered or helped in community
 - 93% no volunteering experience before pandemic

Public Health

- The Pan Berkshire agreement had been in place since 2013 and the outcome of the review commissioned in Autumn 2019 would mean a move to a East/West split across Berkshire. The new model would increase capacity and provide more local access to the Director of Public Health. There would be:
 - One Director Public Health for Bracknell Forest, Windsor & Maidenhead and Slough (hosted by Bracknell Forest)
 - One Director of Public Health for Reading, Wokingham and West Berkshire
 - Two core shared teams (East hosted by Bracknell Forest)
 - Local Consultant lead teams retained (and enhanced with government financial support)
 - East Berkshire – Clinical Commissioning Group collaborative co-funding Director of Public Health to increase integration with Health
- Joint Working blue print was agreed with Clinical Commissioning Group with initial plans to develop joint commissioning capability. The roadmap pointed to closer integration in other support service areas and was endorsed by Executive and Clinical Commissioning Group Place Committee.

Planning and Transport

- Government Consultation on Planning for Future was made up of two consultations: fundamental changes to system and technical changes to current

system and housing numbers. The Council's response was submitted emphasising need for local democracy and accountability

- Changes to supported bus network agreed (based on pre-COVID passenger data) with Route 299 extended to allow withdrawal of Route 162/162A. This would result in annual saving of around £125,000. The procurement plan had been agreed for new services.

Heathlands

- The procurement process had been agreed for care provider for dementia nursing care and 'hotel services' to complete offer for the new 66 bed health and care joint venture. Frimley Health would provide 20 bed Intermediate Care.

Joint Venture Business Plan

- Joint Venture with Countryside already agreed to develop key sites around town centre after extensive procurement

The report contained recommendations that the Council was asked to resolve in respect of the following matter:

- Joint Venture Business Plan

Councillor Temperton sought confirmation that with the amalgamation of bus services residents who would no longer have access to bus services would be able to access a dial-a-ride community bus service. In response to Councillor Turrell, Executive Member for Planning and Transport explained that the Council's review aimed to tailor services to actual usage and the areas referred to had light usage. The provision of services through community transport providers was being considered with further detail to be resolved.

Councillor Temperton asked whether a central multi-use hall and good size recreation space would be prioritised in Phase Two of the Joint Venture Project. In response Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration explained that the plans and business case for Phase Two were under development and agreed to work with her separately to see what could be done.

On the proposition of Councillor Bettison OBE, Leader of the Council, seconded by Councillor D Birch it was

RESOLVED that:

- (i) the first proposed JV Business Plan for the Bracknell Forest Limited Liability Partnership joint venture between the Council and Countryside Properties (UK) Ltd as set out in Annex A/A1 and confidential Annex B of the Joint Venture Business Plan report be approved;
- (ii) the proposed Site Development Plan for Coopers Hill for "Bracknell Forest Limited Liability Partnership", including land drawdown where conditions have been met as set out in confidential Annex C of the Joint Venture Business Plan report and the Council's equal share of funding needed to undertake this development of up to £2.25m be approved; and
- (iii) the formal Incorporation of the JV and execution of the associated legal contract documentation for "Bracknell Forest Limited Liability Partnership JV" be noted to take place in December 2020.

The Council considered a report to enable arrangements for the next municipal year's meetings to be put in place and assist councillors to plan their diaries for the year ahead.

On the proposition of Councillor Leake, Chair of Employment Committee, seconded by Councillor D Birch it was

RESOLVED that the schedule of meetings 2021/22 as set out in the annex to the report be approved.

34. **Questions Submitted Under Council Procedure Rule 10**

i) Councillor Brown asked Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration the following published question:

What support is the Council giving to local businesses preparing for the January 1st withdrawal from the EU?

In response Councillor Brunel-Walker stated that the Council continued to provide support to businesses through a number of channels and this would continue into 2021 having regard to any further legislation and guidance issued by the Government. He advised that information published by central government in relation to the EU Exit was available through the council's website on the Business Information pages. He added that the Council was working closely with the Thames Valley Berkshire Growth Hub who managed enquires and provided advice. He explained that the Council was also promoting relevant webinars and events through other partner organisations including Thames Valley Chamber of Commerce, Federation of Small Business and the Bracknell Business Improvement District. He concluded that specific advice and assistance was also being provided by the Public Protection Partnership and information was updated as new guidance became available.

Councillor Brown asked a supplementary question whether as a local business itself the Council had done all it could to maintain a stable workforce including its subcontractors. Councillor Brunel-Walker referred to the work undertaken by the human resources team to identify those impacted by the changes. Councillor Bettison provided an assurance that the Council had made considerable efforts to ensure that the support provided to our own directly employed staff would also be applied to those employed through subcontractors.

ii) Councillor Temperton asked Councillor Dr Barnard, Executive Member for Children, Young People and Learning the following published question:

It has been reported that Nationally 80% of Young Carers feel isolated. It is said many, who look after a parent or help care for siblings, face the risk of mental health problems.

How many known Young Carers are there in Bracknell Forest and what support is being given to them?

In response Councillor Dr Barnard stated that as of 31 October 2020 there were 131 young carers recorded in Bracknell Forest. He stated the age breakdown of those carers as below asking that it be noted that in the under 10 category it included siblings of young carers.

Age of Young Carer	Total
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Under 10s	20
10	10
11	11
12	7
13	7
14	9
15	25
16	21
17	21
Total	131

He explained that during the initial lockdown phase the Early Help service made weekly telephone contact young carers and their families to identify their specific support needs and practical help was offered such as securing grocery delivery slots. He added that letters were written to families recorded as having young carers which invited them to contact the Youth Team directly to review their care needs. He stated that this work continued in the current lockdown arrangements through both the young carer's link and Early Help practitioners in the family hubs.

Councillor Dr Barnard explained that a Young Carers Strategy Group had been established with membership comprising of Children's Social Care, Commissioning, Adult Drug and Alcohol Team, public health, school effectiveness service and specialist children's support. He reported that an updated strategy and accompanying action plan were scheduled to be finalised in December and the young carers assessment had been refreshed to ensure that it reflected both the families' and the young carers' needs with additional staff resource allocated to review all young carer assessments.

He concluded that the Getting Help team in Early Help provided a low intensity tier 2 mental health service which, together with the universal provision from both Kooth and Youthline for emotional and well-being support for young people, were accessible to all young carers where assessed need prevailed. Kooth were currently promoting a Live forum taking place on 25th November for young carers.

Councillor Temperton asked a supplementary question about whether young people had been consulted on the facilities and availability of the new Youth Hub provision in Braccon Walk. Councillor Dr Barnard responded that it was too early to say what the provision would look like as discussions were ongoing with a range of organisations and groups. The Young Carers Strategy Group had an individualised and tailored approach and looking to integrate young carers into accessing the provision.

35. Motion Submitted Under Council Procedure Rule 11

An alteration to the published motion 03/2020 was accepted by the mover and seconder to include reference to partner organisations, Bracknell Forest residents and recognition of those who had volunteered and observed government guidance. The altered motion was moved and seconded by Councillors Neil and Brown respectively as follows:

"This Council puts on record its recognition and thanks for the resilience and commitment being shown by all the Council's workforce, its partner organisations and our residents, many of whom have volunteered, and who have observed the government guidance, all of which has helped to minimise the local effects of this pandemic"

On being put to the vote the motion was carried.

MAYOR

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To: Council
13 January 2021

Executive Report to Council The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 25 November 2020, the Executive has met on the 15 December 2020. This report summarises decisions taken by reference to the relevant portfolio within which they fall.
- 1.2 Updated Forward Plans are published every Friday and can be viewed online at www.bracknell-forest.gov.uk. Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

2 RECOMMENDATION

- 2.1 Council is asked to note the report.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The reasons for recommendations are set out in the supporting information and in the reports considered by the Executive.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive.

5 SUPPORTING INFORMATION

Council Strategy & Community Cohesion

5.1 Council Plan Overview Report

- 5.1.1 The Executive noted the performance of the council over the period from July – September 2020 highlighted in the Overview Report.
- 5.1.2 The Executive noted the performance of the Council over the second quarter of the 2020/21 financial year (July - September 2020). At the end of the quarter, 98 actions (84%) were rated as “green” (16 complete, 77 in progress, 5 not started or deferred) and 17 actions (15%) were “amber” (14 in progress 3 not started or deferred). 1 action was red.
- 5.1.3 Progress against key performance indicators across the Council was also positive, with 25 (71%) “green”, 0 were “amber” and 10 (29%) were “red”.

- 5.1.4 The national lockdown in March fundamentally changed the delivery of services within Bracknell Forest. Service areas implemented business continuity plans with the vast majority operating as closely as possible to business as usual. Quarter two has allowed services to normalise and in most cases establish a “new normal”.
- 5.1.4 The whole organisation has responded magnificently. There has inevitably been challenges and some hiccoughs and some service levels may not have met some resident’s expectations. However, many of these cases have been a direct result of policy changes by national government or national delays in providing guidance for the implementation of initiatives that had been announced as ready to go.
- 5.1.5 Whilst there has been an inevitable focus on Covid-19, progress has continued to be made on matters of strategic importance to the council, notably the Property Joint Venture and the Heathlands Care Home. Following the appointment of Countryside as preferred partner in July, work has continued throughout Q2 to complete the legal agreements and the initial JV Business Plan for consideration by Members in the Autumn. Construction has started at Heathlands and the ground-breaking ceremony took place on 8 September. An approach to provider arrangements has been agreed and procurement activity will commence in Q3.

Transformation and Finance

5.2 Capital Programme 2021/22 - 2023/24 and Revenue Budget 2021/22

5.2.1 The Executive approved for consultation a draft capital programme based on total spending of £12.032m of which:

- £5.174m of expenditure to be externally funded.
- £1.335m of expenditure to be funded from S106.
- £1m would be reserved for Invest-to-Save schemes.

5.1.2 The Executive also agreed its draft revenue budget proposals for 2021/22 as the basis for consultation. These proposals included the Treasury Management Strategy and associated documents which the Executive requested that the Governance and Audit Committee review.

5.1.3 Both the draft revenue and capital programmes will now be considered by Overview & Scrutiny and their views along with any submitted by residents and local groups will be reported to the Executive and Full Council in February when the final budget proposals for 2021/22 will be agreed.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The Borough Solicitor’s comments have been addressed in the reports to the Executive.

Director: Resources

6.2 The Director: Resources’ comments have been addressed in the reports to the Executive.

Equalities Impact Assessment

6.3 Equalities issues, where appropriate, have been addressed in the reports to the Executive.

Strategic Risk Management Issues

6.4 Any strategic risks have been identified in the reports to the Executive.

Background Papers

Executive Agenda – 15 December 2020

Contact for further information

Hannah Stevenson, Delivery - 01344 352308

Hannah.stevenson@bracknell-forest.gov.uk

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To: Council
13 January 2021

Annual Update of The Council's Pay Statement Assistant Director: HR and Organisational Development

1 Purpose of Report

- 1.1 Since 2012, and in accordance with the 2011 Localism Act, the Council has been required to publish an annual Pay Statement. The Statement is also aligned with the requirements of the Transparency Regulations.

2 Recommendation

- 2.1 That the Council agree the Pay Policy Statement for 2020/21.**

3 Reasons for Recommendation

- 3.1 To comply with the Department of Communities and Local Government (DCLG) guidance and 2014 Transparency Code requirements.
- 3.2 To Highlight the Councils commitment to transparency and equity in pay.

4 Alternative Options Considered

- 4.1 None. It is a legal requirement to produce and publish the statement.

5 Supporting Information

- 5.1 The Pay Policy Statement is attached.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Section 38 (1) of the Localism Act 2011 requires local authorities to produce a pay statement to be agreed by Members before the beginning of each financial year. The Act does not apply to local authority schools. This document meets the requirements of the Act for the Bracknell Forest Council. This Pay Policy Statement presents the expected position at 1 April 2021.

The provisions of the Localism Act require that local authorities are more open about their own local policies and how their local decisions are made. The Code of Recommended Practice for Local Authorities on Data Transparency enshrines the principles of transparency and asks Authorities to follow three principles when publishing data they hold: responding to public demand, releasing data in open formats available for re-use, and, releasing data in a timely way. This includes data on senior salaries and the structure of the workforce.

Financial Advice

- 6.2 There are no financial implications arising from this report.

Other Consultation Responses

- 6.3 None, though the statement will be discussed at the Local Joint Committee and Employment Committee.

Equalities Impact Assessment

- 6.4 Discussed across the document.

Strategic Risk Management Issues

- 6.5 Failure to explicitly respond to guidance on the content of published information will run the risk of challenge from the DCLG.

Background Papers

None

Contact for further information

Trish Barnard, Organisational Development, Transformation & HR – 01344 351904

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Bracknell Forest Council
PAY STATEMENT FOR THE
FINANCIAL YEAR 2020/21
(Reported data based on 2019/20)

INTRODUCTION

Source and scope of pay statement

This Pay Statement has been produced in accordance with Sections 38 to 43 of the Localism Act 2011 (the Act), which, from 2012 onwards, require local authorities to publish an annual statement of their approach to pay for the relevant financial year in relation to:

- The remuneration of their most senior employees (which the Act defines as the head of paid service (Chief Executive), the Monitoring Officer, the Assistant Directors (or Directors), and the Deputy Assistant Directors (i.e. managers who report directly to a Director));
- The remuneration of their lowest-paid employees; and
- The relationship between the remuneration of the most senior employees and that of other employees.

The statement is for the financial year 2020/21. Data on existing salaries, job roles and statistics contained within the statement are based as at 1 April 2020.

The Secretary of State has produced guidance on the Act's provisions relating to openness and accountability in local pay, which local authorities must have regard to in preparing and approving their annual pay policy statements and the Council's statement takes full account of this guidance to date as well as the provisions of the Act.

It also takes account of:

- Local Government Transparency Code 2014
- Guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011
- Guidance under section 40 of Localism Act 2011, published by DCLG
- Employment and equalities legislation affecting local authority employers, where relevant.

To aid transparency, this statement also contains or refers to information which the Council is already required to publish under other legislation, i.e.

- Information on the actual level of remuneration paid to senior managers, as required by The Accounts and Audit (Amendment No. 2) (England) Regulations 2009
- Policies on the exercise of its discretions over payments upon termination of employment under the Local Government Pension Scheme, as required by Local Government Pension Scheme Regulations
- Policies on the exercise of its discretions over payments upon termination of employment under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as required by Regulation 7 of those regulations.

The Government's guidance on the Localism Act's pay provisions states that it is open to Councils to include in this Statement their policies on the remuneration of employees who

are neither the most senior officers nor the lowest paid. Accordingly, this Policy Statement also gives details of:

- The policies applied to employees earning in excess of £50,000, as required by Local Government Transparency Code 2014
- Elements of remuneration which apply to all employees, regardless of their pay level, status or grading within the Council.

As such, this Statement draws together all the relevant existing policies and can therefore be seen as a comprehensive document covering all relevant aspects of pay and remuneration within the Council.

Status of pay statement

In line with the requirements of the Localism Act, the Pay Statement will need to be reviewed on an annual basis, with a new version approved before the start of each subsequent financial year, which will need to be complied with during that year.

The Pay Statement can also be amended during any financial year, but only by a resolution of the full Council. If it is amended during the year to which it relates, the revised version of the statement will be published as soon as reasonably possible after the amendment is approved by the Council.

Transparency and autonomy

It is important to recognise that, whilst producing national legislation relating to their pay policies, the Government also explicitly recognises that each local authority remains an individual employer, and, as such, has the autonomy to make decisions on pay that are appropriate to local circumstances and deliver value for money for local taxpayers.

SECTION 1: REMUNERATION OF STATUTORY AND NON-STATUTORY DIRECTORS, ASSISTANT DIRECTORS, MONITORING OFFICER AND OTHER SENIOR POSTS

1.1 REMUNERATION COVERED IN THIS SECTION OF THE POLICY

This section covers the Council's policies in relation to the remuneration of its senior employees, including:

- Its Chief Executive;
- Its Executive Directors and Directors who report to and are directly accountable to the Chief Executive – this includes both statutory and non-statutory Directors;
- Its Assistant Directors, who report to and are directly accountable to Directors;
- Its Section 151 Officer (the Director of Resources), who is also a Director and remunerated as such;
- Its Monitoring Officer (the Borough Solicitor, who is the officer responsible for ensuring the Council's compliance with the law in all its activities) is also an Assistant Director and is remunerated as such.

1.2 CONTEXT

These senior employees are responsible for working with elected politicians to determine the overall strategic direction of the Council, to develop the scale, nature, efficiency and effectiveness of all the services provided by the Council, and to provide day-to-day leadership and management of those services.

In relation to other organisations in all sectors across the UK, the Council is a large, complex organisation providing a very diverse range of services. Many of those services are vital to the wellbeing of individuals and groups of residents in the local community and are delivered in very challenging circumstances, taking account of levels of need and the availability of resources to meet them.

The Council's senior employees are responsible for:

- 3522 employees (equivalent to 2375.4 full-time equivalent (FTE) employees). These numbers are as at 1 April 2020 and include schools
- Services to an estimated 122,549 residents within the local community (source: ONS 2018 via <https://bracknell-forest.berkshireobservatory.co.uk/population/>)
- Total Gross Expenditure of £263.9 million, which was the Council's Total Gross Outturn Expenditure in 2019/20
- The following services to the local community:
 - Adult social services
 - Children and families social services
 - Countryside and open space management and maintenance
 - Education and schools
 - Elections and local democracy
 - Environmental and public health, including pest control
 - Environmental Services, including refuse collection, recycling, street cleaning and waste disposal
 - Housing
 - Housing and Council tax benefits
 - Leisure and Arts provision
 - Libraries
 - Planning
 - Roads, transport, street lighting and car parking
 - Youth and Community Services
 - Public Health
 - Regeneration and economic development
 - Community Safety
- The following facilities:
 - 34 schools (including one Pupil Referral Unit and one special school)
 - two respite services (overnight and daytime)
 - 4 Children's Centres
 - 9 libraries
 - 5 leisure centres
 - Over 80 park sites totalling over 1,000 acres of land
 - 24 play areas, plus wheeled sports areas, tennis courts, soccer pitches, a baseball diamond and a sports pavilion
 - 14 community centres
 - One town centre office and the commercial centre

- The Council:
 - Is responsible for the education of around 17,000 children
 - Deals with around 1,200 planning applications per year
 - Manages and maintains around 456 kilometres of roads, 700+ kilometres of paths and cycleways, 200+ bridges, underpasses and other structures
 - Manages and maintains cutting almost 2.5 million square metres of grass and manages and maintains approximately 625,000 square metres of woodland
 - Is responsible for around 142 looked-after children
 - Licences 255 premises and clubs and 296 taxis
 - Currently has over 1,640 open cases on adults and provided long term services to over 1,263 people.

The Council must compete with other employers in the area (and, in many cases, in the country) to recruit and retain managers who are capable of meeting the challenges of delivering this diverse range of services to the required standards. This has an important bearing on the levels of remuneration it offers which has been kept under review on a regular basis by the Employment Committee. At the same time, the Council is under an obligation to secure the best value for money for its residents and tax-payers in taking decisions on pay levels. In recent years the Employment Committee has sought to strike a fair balance between these competing pressures.

In a report on senior pay in the public sector commissioned by the government in 2011, Will Hutton concluded that “Chief Executive Officers of [private sector] companies with a turnover of between £101million and £300 million earn more than twice their public sector counterparts.” He also observed that “The sharp increase in executive pay over the last decade, and the wider trend of growing income inequality, has been largely a private sector phenomenon”.

1.3 RESPONSIBILITIES OF SENIOR ROLES

To give further contextual information for remuneration levels, the main accountabilities of the Chief Executive and Directors are set out below.

- **Chief Executive**

The Chief Executive is the Council’s most senior employee who leads and takes responsibility for the work of the Council. It is a full time appointment and post holders are selected on merit, against objective criteria, following public advertisement.

The role of Chief Executive is complex with ultimate responsibility for managing expenditure of 263.9 million of public funds, serving around 122,549 people in the Council’s area.

As head of the paid service of the Council's employed staff, the Chief Executive is a non-political post. Whilst the elected councillors provide the policies, Council paid employees put them into practice. The Chief Executive is responsible to and accountable to, the Leader of the Council, the Executive and the whole Council in delivering their political and policy objectives.

The Chief Executive works closely with elected councillors to deliver:

Leadership: to ensure strong and visible leadership and direction, encouraging and enabling managers to motivate and inspire their teams;

Strategic direction: ensuring all staff understand and adhere to the strategic aims of the organisation and follow the direction set by elected councillors;

Policy advice: acting as the principal policy adviser to the elected councillors to lead the development of workable strategies which will deliver the political objectives set;

Partnerships: leading and developing strong partnerships across the local community to achieve improved outcomes and better public services for local people;

Operational Management: overseeing financial and performance management, risk management, people management and change management within the Council.

Staff under indirect management responsibility: 3521

- ***Executive Director – People***

This post has a statutory role in relation to both adult and children's social care, and is responsible and accountable for assessing local needs and ensuring the availability and delivery of a full range of services, and ensure that children and young people achieve the best possible outcomes for their lives through education

The directorate provides advice and information about the range of services that may be available to support individuals or families. Practitioners will work with individuals and their carers to identify needs for care and support and/or housing and how those needs can be met. If people are not eligible, the department can give them information about other ways of accessing support and organisations where they could go to get help. There is joint work with Children's Services to ensure support is in place when the young person reaches 18 years of age.

The focus of support is to enable people to maximise their ability and retain their independence, which will mean people can stay in their own homes for as long as possible. Support may be needed for a crisis or a longer period, and the directorate will generally commission this. Depending on assessed needs, a range of services could be provided in partnership with other organisations to meet the social care needs of adults and older people. Services include home support, day opportunities, the provision of equipment for daily living and residential and nursing care. The Directorate also has a responsibility to ensure that the needs of "informal" carers (usually family or friends) are identified, and appropriate support is offered to enable them to continue in their caring role, should this be what they wish.

The post is also responsible for ensuring the provision of Housing Advice and Homelessness Prevention as well as the provision of Housing and Council Tax Benefits.

Public Health functions, formerly part of the NHS, aim to improve the health and wellbeing of the population, tackle health inequalities and reduce premature mortality. One Public Health team covers the Bracknell area, and another covers strategic Public Health work across Berkshire.

The Welfare and Housing Service aims to maximise customers' income and independence. The Welfare Service provides national and local welfare payments to households in the Borough and provides advice to households so that they can maximise their income including budgeting advice and employment opportunities. The Housing service provides advice to households so that they can resolve their housing need, provides advice and if necessary, accommodation for homeless households and overall helps customers secure a home that meets their needs. The

Forest care service provides an emergency and re-assurance service to its customers so that they can maintain their independence in their home and feel safe and secure in the knowledge that if an emergency occurs there is help to call upon.

The Directorate includes the Bracknell Forest Public Health Team. Public Health work aims to improve the health and wellbeing of the population, tackle health inequalities and reduce premature mortality. The team commissions a range of services including health visiting and school nurses, stop smoking support, weight management, health checks, sexual health, falls prevention, mental health and substance misuse treatment. The team also provides support and advice on health matters direct to the community via campaigns, events and social media, as well as providing support to other professional agencies on issues such as infectious disease control or patterns of health and healthcare outcomes within the local population. Collaboration is central to work of the Public Health team, particularly with colleagues in social care, the NHS and the voluntary sector. In addition to the Bracknell Forest Public Health team, the Directorate also hosts the Berkshire-wide 'Shared' Public Health team which provides strategic, contracting and data support to the six unitary authority Public Health teams across the county. This team is led by the Strategic Director of Public Health.

Its duties include specific support for the following:

Children's Social Care

- Child Protection / Safeguarding
- Looked After Children
- Specialist Support
- Youth Offending Service

Adult Social Care

- Adult Community Team (ACT)
- Learning Disabilities
- Safeguarding

Mental Health and Out of Hours

- Mental Health
- Emergency Duty Team
- Forestcare
- Drug and Alcohol Services (DAAT)

Early Help and Communities

- Housing
- Strategy, Resources and Early Help

Education and Learning

- School Advisory team
- School Sufficiency and Commissioning
- Community Learning
- Governor Services
- Targeted Services
- Education Centre and Education Library Service
- Education Psychology & SEN
- Education Capital & Property

Commissioning

- Financial Assessments (Support Hub)
- Financial Assessments (Income)
- Joint Commissioning
- Performance Management & Governance

Public Health

- Shared Team

Budget responsibility: £55.9 million per annum

Staff under direct or indirect line management responsibility: 682 (excluding schools)

- ***Executive Director – Delivery***

The directorate is responsible for the strategic planning and operational delivery of services covering a wide range of functions and activities. It targets its services to meet the high standards residents, local businesses and visitors expect. Some of these services are delivered directly, others in partnership with the voluntary and charitable sectors and some through contracts with private companies. The directorate operates with 5 service divisions as follows:

- Customer Experience
 - Digital Services
 - Libraries, Arts & Heritage
 - Transport and Support
- Legal Services
- Democratic Services
 - Elections
 - Registrars
- ICT
- Contract Services
 - Environmental services
 - Leisure Services
 - Operational Support
 - Cemetery and crematorium
- Property

The Director also acts as Statutory Overview & Scrutiny Officer

Budget responsibility: £15.6 million per annum

Staff under direct or indirect line management responsibility: 184

- ***Director – Place, Planning and Regeneration***

This post is responsible and accountable for the effective planning and delivery of the regeneration, development and future infrastructure of the Borough, within the statutory policy guidelines and planning framework agreed by the Council. The

directorates target its services to meet the high standards residents, local businesses and visitors expect.

The directorate operates with 6 service divisions including:

- Town and country planning
- Building Control and land charges
- Transport Development
- The Look Out Discovery Centre
- Highway Asset Management
- Parks and countryside management
- Regeneration and economy
- Public Health – Local Team

Budget responsibility: £7.2 million per annum

Staff under direct or indirect line management responsibility: 159.

- ***Director – Resources***

This role fulfils the statutory obligations of the Chief Financial Officer, as set out in Section 151 of the Local Government Act 1972, Sections 112, 113 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2015, in order to ensure that the financial affairs of the Authority are properly administered. This role is the prime adviser to the Council on financial matters including the development and monitoring of financial strategies, policies, programmes and procedures. This role is also responsible for the strategic implementation of Organisational Development and Human Resources to support the Council Plan, Service Plans and associated budgets.

Areas of responsibility include:

- Accountancy
- Audit
- Finance & Business Services
- Procurement
- Revenue Services
- Human Resources
- Organisational Development

Budget responsibility: £5.9 million per annum

Staff under direct or indirect line management responsibility: 91

1.4 OVERALL POLICY ON REMUNERATION FOR SENIOR ROLES

The Council's overall approach to remuneration for its senior employees is based on:

Compliance with equal pay, discrimination and other relevant employment legislation, plus recognition of the demanding nature of the challenges which the Council faces, and the requirement to offer competitive remuneration in relation to the rest of the local government and public sectors, in order to secure the most talented managers. This means that, on the advice of the Employment Committee, the Council has always taken account of:

- pay levels in the local area, including neighbouring public sector employers
- the relative cost of living in the local area, particularly housing costs
- the responsibilities and accountabilities of posts which may be exceptionally demanding.

The Council seeks to maintain this overall approach by carefully monitoring pay data provided by the Joint National Councils (JNCs) for Chief Officers and Chief Executives, the Local Government Association/Employers, and other relevant pay surveys.

In terms of pay differentials, the Council recognises that the role of Chief Executive leads the organisation's workforce and has the greatest level of accountability, and so warrants the highest pay level in the organisation.

At Director level:

- The Council recognises that all its Executive Directors and Directors have a collective and corporate responsibility for contributing to and delivering the overall strategy of the organisation, however the size and scope of their responsibilities differ and therefore an appropriate grade from the senior salaries structure is determined through a job evaluation conducted by Korn Ferry.

At Assistant Director level:

- The Council recognises that certain roles are more demanding than others and has identified those with a greater level of accountability through job evaluation, (which provides a careful analysis of job demands) and offers them higher remuneration than other Assistant Director posts. Evaluation is based upon the Hay system and evaluations are carried out independently by the Korn Ferry Group including the Director of Public Health.

Below Assistant Director level, the Council recognises that the demands on and accountabilities of different management roles vary considerably and seeks to align pay levels with the relative importance and responsibilities of jobs, using a process of job evaluation, and including Market Premia where applicable to match certain posts with the market rate for similar jobs. There are, additionally, some posts which are on other national payscales such as the teaching payscales, NHS payscales or Soulbury conditions. Some of the posts below Assistant Director level are specifically listed later in this report as earning more than £50,000 pa because they either receive a Market Premia payment or are subject to other national payscales.

1.5 SPECIFIC REMUNERATION OFFERED TO SENIOR EMPLOYEES

At Chief Executive, Executive Director, Director and Assistant Director level, the Council offers only an annual salary and access to the Local Government Pension Scheme. No

other cash benefits or benefits in kind are offered - except any benefits purchased by the employee under the Council's Flexible Benefits scheme under which all employees may purchase benefits from a range offered to all staff. The only one of these benefits which gives an opportunity to increase income is the selling of annual leave, which is available to most employees but not to those at Assistant Director level and above (see section 4). Other than the five Director Posts, the Council does not offer performance related payments or bonuses to its senior employees.

Geographical/location allowance (local weighting) is not payable to the Chief Executive, Executive Directors, Directors or Assistant Directors.

The Chief Executive, Executive Directors, Directors and Assistant Directors are not eligible to participate in the Council's flexible leave scheme whereby employees are able to "buy and sell" annual leave within certain parameters (See section 4, below).

Annual salaries

Annual salary levels for senior employees are fixed in accordance with the overall principles set out in section 1.4. At Chief Executive, Executive Director, Director and Assistant Director level and for other senior managers, they consist of a grade range which is determined locally by the Council. This grade range consists of several incremental salary points. Progression through to the top of the grade is dependent on annual performance ratings, until the top of the grade is reached.

Remuneration of senior employees on recruitment

The Council's policy is that any newly appointed senior employee will normally commence employment at the lowest pay point in the pay range for their job, other than when taking account of the successful applicant's current salary and the market requirements. Any decision to appoint a senior employee on a higher pay point within the relevant pay range would be made by the Appointments Committee. In the case of one Director, an additional recruitment and retention payment was agreed by the Chief Executive and the Chair of Employment Committee as a result of market conditions and the need to recruit to this key position.

Pay progression

Pay progression within a specific grade is normally by annual increment, payable from 1 April, until the employee reaches the top pay point of their grade. However, for employees at Director grade and above progression is dependent on annual performance ratings.

- Pay progression is based on the period the employee has served in that grade, subject to performance as evidenced by annual performance ratings.
- Senior employees who are considered to have demonstrated exceptional performance may receive accelerated incremental progression within the grade at the discretion of the Chief Executive or relevant Director or, in the case of the Chief Executive, at the discretion of the Leader of the Council.

Pay awards

The salaries of senior employees are reviewed annually in line with any pay award agreed in the Joint National Councils (JNCs) for Chief Executives/Chief Officers, the National Joint Council (NJC) for Local Government Services, NHS or Soulbury conditions, as appropriate for the contracts of the senior managers. Periodic reassessments will benchmark the grades against market rates for similar roles in the region.

Bonuses

The Council does not pay bonuses to any of its employees.

Local Government Pension Scheme (LGPS)

The Council offers all its senior employees' access to the Local Government Pension Scheme, in accordance with the statutory provisions of the scheme, on the same basis as all its employees. Any pension payments made to its senior employees on termination of employment either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of ill health are made within the statutory terms of the LGPS.

- The employer's contribution rate for senior employees who join the scheme is the same as for all other employees, as set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**"
- The discretions which the Council can apply under the scheme upon termination of employment are the same for senior employees as for all other employees who are LGPS members and are set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**".

Payments on Termination of Employment

Other than payments made under the LGPS, the Council's payments to managers whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as set out in Section 4 "**POLICIES COMMON TO ALL EMPLOYEES**".

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination payments to its senior employees. The only exception to this, which is very rarely used, is where it has received specific legal advice to the effect that a payment is appropriate to settle proceedings in an Employment Tribunal or court of law or may be required to eliminate risk of claims against the Council. Any severance payment of £100,000 or more which falls outside the agreed policy parameters will be referred to full Council for approval.

Election fees

Election fees are paid separately. Returning Officer fees for national elections are set by central government. Local election fees are paid in accordance with a scale of fees which is based on national election rates and agreed locally.

1.6 RE-ENGAGEMENT OF SENIOR MANAGERS

Re-engagement of Chief Executives, Executive Directors, Directors and Assistant Directors who have left Bracknell Forest Council with a severance or termination payment

Re-engagement as employees

(1) Subject to any relevant provisions in employment and equalities legislation, the Council's policy is not to re-employ *in any capacity* any former Chief Executive, Executive Director, Director or Assistant Director who was in receipt of a severance or termination payment for any reason other than compulsory redundancy, for a period of three years from the date of termination of employment.

(2) Where a Chief Executive, Executive Director, Director or Assistant Director's employment has been terminated compulsorily on grounds of redundancy, they will not

be re-employed in the same or a similar post for a period of three years following the date of termination of employment. If they are re-employed in another post within four weeks after the effective date of redundancy, they will lose their right to a redundancy payment, including any enhancements under the provisions of the LGPS or the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. Any re-employment will be subject to the Council following the strict application of the normal process of competitive selection for employment. New legislation has been introduced regarding a cap on Local Government exit payments. The cap includes introducing a limit on the salary used for redundancy calculations (£80,000) and ensuring the exit package does not exceed £95,000 (including pension strain costs).

(3) Any former Chief Executive, Executive Director, Director or Assistant Director who is employed by the Council who has previously received a severance, termination or redundancy payment from this or any other Council or related body will not have previous service counted when determining any further entitlements to notice periods, sickness payments, annual leave or other benefits/entitlements based on continuous service.

Re-engagement under a contract for services

The Council's policy is not to re-engage under a contract for services any former Chief Executive, Executive Director, Director or Assistant Director who left the Council for any reason and was in receipt of a redundancy, severance or termination payment, for a period of three years from the cessation of employment.

Policy variation

This re-engagement policy may be varied only in exceptional circumstances and then subject to the agreement of the Employment Committee.

Employment of those in receipt of an LGPS pension

General:

Policy is set out in Section 4 **POLICIES COMMON TO ALL EMPLOYEES.**

Flexible retirement:

The LGPS regulations permit the Council to offer flexible retirement to employees (including Chief Executive, Executive Directors, Directors and Assistant Directors) aged 55 or over, so that they can reduce their hours of work, and receive a pension in respect of the proportion of full-time hours they are no longer required to work. This policy is set out in Section 4 **POLICIES COMMON TO ALL EMPLOYEES.**

1.7 PUBLICATION OF DETAILS OF EMPLOYEE REMUNERATION

In accordance with 39 (5) of the Localism Act, this policy will be published on the Council's website.

The Council is also required to publish information about the remuneration of senior officers under The Accounts and Audit (Amendment No. 2) (England) Regulations 2009, and the Local Government Transparency Code 2015.

For ease of reference, remuneration data for posts identified under these Regulations is set out below, individual annual salaries for staff in post can be found on the Council's website.

The table below indicates the grades at 1 April 2020.

Chief Executive	£169,784 - £185,112
Executive Director - People	£141,487 - £164,544
Executive Director - Delivery	£118,430 - £137,295
Director of Finance	£100,613 - £114,237
Director: Place, Planning and Regeneration	£100,613 - £114,237
Director of Public Health	£92,228 - £107,949
Asst Director: Adult Social Care	£92,228 - £107,949
Asst Director: Children's Social Care	£92,228 - £107,949
Asst Director: Early Help & Housing	£92,228 - £107,949
Asst Director: Education and Learning	£92,228 - £107,949
Asst Director: Commissioning	£92,228 - £107,949
Borough Solicitor	£92,228 - £107,949
Asst Director: Contract Services	£92,228 - £107,949
Asst Director: Customer Experience, ICT & Digital Services	£92,228 - £107,949
Asst Director: Property	£88,771 - £94,123
Consultant in Public Health	£88,771 - £94,123
Asst Director: HR and OD	£79,850 - £86,395
Head of Highways and Transport	£79,850 - £86,395
Head of Planning	£79,850 - £86,395
Chief Accountant	£79,850 - £86,395
Head of Finance and Business Services	£79,850 - £86,395
Head of Transformation and Engagement	£79,850 - £86,395

Figures as at 1 April 2020 and are inclusive of supplements and/or market premia where payable. Teaching staff not included.

SECTION 2: REMUNERATION OF LOWEST PAID EMPLOYEES

This section sets out the Council's policies in relation to the remuneration of its lowest-paid employees, as defined in this Pay Policy Statement.

2.1 ORGANISATIONAL CONTEXT

The Council considers it is important that its policy with regard to the remuneration of its lowest paid employees is seen within the broader organisational context, in particular the range and diversity of services for which it is responsible, either directly or indirectly, the number of residents within the local community, the level of its financial responsibilities and the numbers of staff directly employed.

2.2 OVERALL REMUNERATION POLICY: LOWEST PAID EMPLOYEES

Aims, Objectives and Key Principles

The Council aims to develop, implement and maintain fair and equitable remuneration arrangements which enable it to recruit, retain, motivate and develop staff with the skills and capabilities necessary to ensure the continued provision of high-quality services and which are cost effective and provide value for money.

The Council's remuneration policy complies with all equal pay, discrimination and other relevant employment legislation.

When setting pay levels for specific posts the Council takes account of both internal differentials, as measured by job evaluation, and external relativities, as measured against the relevant employment market. The Council aims to ensure its pay rates for specific posts are set at a level which enables it to recruit and retain staff with the appropriate knowledge, skills and capabilities necessary for the role.

2.3 DEFINITION OF LOWEST PAID EMPLOYEES

The definition of the "lowest-paid employees" adopted by the Council for the purposes of this statement is as follows:

The lowest paid employees within the Council paid on the Council's lowest hourly pay rate.

The current annual full-time equivalent value of this pay level, based on a 37-hour standard working week and including local weighting, is £18,468.

2.4 REMUNERATION OF LOWEST PAID EMPLOYEES

Pay structure

The Council's lowest paid employees are on a grade range derived from the national pay spine, as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service. This grade range consists of a number of incremental salary points through which employees may progress until the top of the grade is reached.

Pay Progression

Pay progression is normally by annual increment, payable from 1 April.

Pay progression is based on the period the employee has served in that grade, subject to satisfactory performance. Directors may accelerate incremental progression within the grade for employees who are considered to have demonstrated exceptional performance.

Annual Pay Review

The basic pay of the Council's lowest paid employees is reviewed annually at a national level, with any cost-of-living, or other, increase normally applied on 1 April in each year.

Any increase will normally be applied in accordance with that agreed by the National Joint Council for Local Government Services.

Pension Provision

The Council's lowest paid employees may participate in the Local Government Pension Scheme in accordance with the statutory terms of that scheme.

Contributions are made to this scheme in respect of each participating employee as set out in Section 4, **Policies Common to all Employees**.

Any increases in or enhancements to the pension entitlement of the Council's lowest paid employees would be made in accordance with the discretions available to it under the statutory provisions of the Local Government Pension Scheme, as exercised by the Council and set out in the relevant policy statement (see Section 4 of this Pay Policy Statement, **Policies Common to all Employees**).

Termination or Severance Payments

Any termination or severance payments made by the Council to its lowest paid employees, either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of permanent ill-health, will be made in accordance with the statutory terms of the Local Government Pension Scheme, as applicable, and/or in accordance with the discretions available to it under that Scheme or under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as set out in the relevant policy statement (see Section 4 of this Pay Policy Statement, **Policies Common to all Employees**).

Other than payments pursuant to the LGPS (including the exercise of the Council's discretions) or payments in accordance with the Council's policies under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council's policy is not to make any other termination or severance payments to its lowest paid employees, other than where it has received specific legal advice to the effect that a payment may be necessary to eliminate risk of claims against the Council.

Other elements of remuneration

The other elements of remuneration which it is the Council's policy to offer to its lowest paid employees (where applicable) are listed below and are as set out in section 4, "Policies common to all employees":

Recruitment/retention payments

Reimbursement of removal/relocation costs/mortgage subsidy on appointment

Geographical/location allowance (local weighting)

Car allowances/mileage rates

Payment of professional subscriptions or membership fees

Subsistence or other expenses allowance

Provision of mobile telephones/personal devices

Honorarium/acting up/additional responsibility payments

Payment for reduced leave entitlement

Discounted loans

In addition, the Council's lowest paid employees may have access to the following payments where patterns of work make them appropriate:

Working arrangements

Employees on national conditions, who are required to work beyond the Council's normal full-time equivalent working week of 37 hours and/or work other non-standard working patterns, as listed below, will receive payment in accordance with the provisions of the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service for:

- Additional hours
- Saturday and Sunday working
- Night work
- Public and Extra Statutory holidays
- Sleeping-in duty

Standby and/or call-out payments

Employees who are required to be on standby at times which are outside their normal working week and/or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy.

2.5 OTHER TERMS AND CONDITIONS

The other terms and conditions which apply to the Council's lowest paid employees are as set out in the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, as amended and/or supplemented by any local agreements which may apply.

2.6 REMUNERATION OF EMPLOYEES WHO ARE PAID MORE THAN THE LOWEST PAID EMPLOYEES BUT WHO ARE NOT ASSISTANT DIRECTORS

The Council's policy and practice with regard to the remuneration of employees who are paid more than its lowest paid employees but who are not Assistant Directors is the same as that which applies to its lowest paid employees, other than where any differences are indicated in this policy statement. Some specific groups of employees are paid on nationally determined Soulbury Conditions or Youth and Community Conditions.

2.7 EMPLOYEES WHO ARE PAID LESS THAN THE COUNCIL'S LOWEST PAID EMPLOYEES, AS DEFINED IN THIS PAY POLICY STATEMENT

The following categories of employees *may* be paid less than the Council's lowest paid employees, as defined in this Pay Policy Statement:

- Apprentices
- Casual workers

The Council may apply a lower pay rate and/or different remuneration arrangements to these categories of employees, which reflects the nature and/or duration/frequency of their employment.

SECTION 3: PAY RELATIONSHIPS

This section sets out the Council's overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation, including the current pay multiples which apply, and its policy toward maintaining acceptable pay multiples in the future.

The Council believes that the principle of fair pay is important to the provision of high quality and well-managed services and is committed to ensuring fairness and equity in its remuneration practices. The Council's pay policies, processes and procedures are designed to ensure that pay levels are appropriately aligned with and properly reflect the relative demands and responsibilities of each post and the knowledge, skills and capabilities necessary to ensure they are undertaken to the required standard, as well as taking account of relevant market considerations. This includes ensuring that there is an appropriate relationship between the pay levels of its senior officers, as defined in this Pay Policy Statement, and of all other employees.

The Council has adopted several policies and practices to ensure fairness in the overall pay relativities within the Authority. These include:

- Using an analytical job evaluation scheme to determine the grading of all posts below Assistant Director level
- Jobs at Assistant Director level and above are also subject to measurement using a separate job evaluation scheme
- Applying a clear and objective methodology for evaluating all new and changed jobs to ensure they are properly graded and that pay levels properly reflect their level of responsibility
- Establishing a defined procedure for employees who wish to request a review of their job grade or who wish to appeal against their grading outcome
- Providing for additional payments and allowances, with clearly defined eligibility criteria, to recognise and reward any working arrangements or requirements not reflected in basic pay levels
- Undertaking corporate monitoring of the application of pay progression arrangements to ensure these are applied and operated on a fair and consistent basis across the organisation
- Reviewing the roles and responsibilities of individual posts on a regular basis, for example, as part of the annual appraisal process, when a vacancy arises, as part of any organisational restructuring
- Undertaking an equal pay audit at intervals, investigating and addressing the outcomes, as appropriate

Under the provisions of the Code of Recommended Practice for Local Authorities on Data Transparency, issued by the Department for Communities and Local Government under Section 2 of the Local Government Planning and Land Act 1980, the Council is required to publish its "pay multiple", i.e. the ratio between the highest paid salary and median full time equivalent salary of the whole of the local authority's workforce. The current pay multiple, based on full time equivalent earnings in the financial year ending 31 March 2020 including base salary, overtime pay, and any lump sum car allowances is 6.3 (Last year's multiple was 7).

The figures are not a direct comparison because of the number of hours actually worked; for example, senior officers do not have a specific number of required work hours/week in their contract of employment and will often work more than the standard 37 hours used in non-senior contracts.

The median salary is the salary value at which 50% of the full-time equivalent salaries which apply to the whole of the Council's workforce are below that salary value and 50% are above it. The lowest pay point in the overall salary range which has been used by the Council in calculating the median salary is that which applies to its lowest paid employees, as defined in section 2 of this Pay Policy Statement.

If the mean salary is used in the above calculations instead of the median, the pay multiple is 5.7. (Last year's multiple based on mean was 6.2).

The Council considers that the current pay multiple, as identified above, represents an appropriate, fair and equitable internal pay relationship between the highest salary and that which applies to the rest of the workforce and has adopted the following actions to ensure an acceptable level is maintained:

Periodic benchmarking against the market rate for the Chief Executive will continue to take place and changes such as job evaluation outcomes or outsourcing of functions may impact on the median payment levels; both may affect the pay multiple. However, the multiple will be reviewed annually by means of this document to ensure it remains acceptable.

SECTION 4: POLICIES COMMON TO ALL EMPLOYEES

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its Chief Executive, Executive Directors, Directors and Assistant Directors), regardless of their pay level, status or grading within the Council:

Contracts of Employment

It is the Council's policy to engage all of its permanent employees on standard contracts of employment and to apply Pay As You Earn taxation arrangements to all remuneration under those contracts in accordance with HMRC rules.

Access to Local Government Pension Scheme

The Council offers all its employees' access to the Local Government Pension Scheme in accordance with the statutory provisions of the scheme (except where the Teachers' Pension Scheme applies). The employers' contribution rate for employees who join the scheme is currently 14.3% of salary for all employees. The employee contribution rate ranges from 5.5% to 12.5% dependent on salary. All employees, including casuals and those on very short-term contracts, have a right to be in the scheme.

Local Government Pension Scheme (LGPS) - discretions on termination of employment

Any termination or severance payments made by the Council to all its employees, either on grounds of redundancy, in the interests of the efficiency of the service or on grounds of permanent ill-health, will be made in accordance with the statutory terms of the Local Government Pension Scheme, as applicable, and/or in accordance with the discretions available to it under that Scheme.

The Council's policies on the exercise of these discretions under the LGPS are set out in the policies it has published under the requirements of the Local Government Pension Scheme Regulations. These are shown in Appendix A1.

Payments on Termination of Employment

Other than payments made under the LGPS, the Council's payments to any employee whose employment is terminated on grounds of redundancy or in the interests of the efficiency of the service will be in accordance with the policy the Council has adopted for all

its employees in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. This policy has been published in accordance with the requirements of Regulation 7 of these regulations and, in summary, is:

- Actual weekly pay is used in all redundancy calculations
- Those with immediate access to pension are paid in accordance with the statutory number of weeks' pay
- Those with no immediate access to pension are paid 1.75 times the statutory number of weeks' pay

New regulations are awaited on a proposed cap on severance payments which would limit any severance payment (including the capitalised cost of early pension release) to £95,000. The details, when known, will be the subject of a separate report to Employment Committee but so far, no implementation date has been announced.

Employment of those in receipt of an LGPS pension

Subject to the administering authority's policy, pension benefits built up under regulations in force prior to 1 April 2014 (i.e. final salary benefits) may be subject to abatement where an individual in receipt of such a pension is re-employed. However, the policy of the administering authority to the Berkshire Pension Fund is not to abate pensions in these circumstances.

The only occasion where a re-employed pensioner may suffer some abatement to their pension is where they have previously been awarded compensatory added years in accordance with regulations 16 or 19 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2000.

Flexible retirement

The LGPS regulations permit the Council to offer flexible retirement to employees aged 55 or over, so that they can reduce their hours of work, and draw a pension in respect of the proportion of full-time hours they are no longer required to work. The Council uses this discretion in the same way for all employees. The Council will consider requests for flexible retirement on a case by case basis. Approval will be sought through the Employment Committee for any flexible retirement where there is a cost to the Council, and all costs and business benefits will be made explicit before any decision is taken on whether to grant flexible retirement. Where the flexible retirement is at no cost to the Council, it may be granted by a Director, considering the business benefits.

Market Premia

The job evaluation scheme does not recognise market pay rates when determining the grade for a job. If Directors identify market scarcity through difficulty with recruitment and/or a lack of success with advertising, they may discuss the need for a market premium with the Director: OD, Transformation and HR, who will, using pay surveys and research of the prevailing job market, suggest a level of supplement. The Employment Committee decide whether to authorise a market premia payment which is then periodically reviewed.

Recruitment/retention payments

Recruitment payments are a recruitment incentive which can be used for positions where there is a nation/regional/local shortage of qualified persons. They are used to induce an individual to take up employment within the Council and are in the form of a one-off lump sum. These are infrequently used and are repayable on a sliding scale if the individual leaves within 3 years of appointment.

Key staff retention payments may be given where it is important to retain the services of an employee to the end of a specific project. The period of tie in will not normally exceed three years and any lump sum payment will not be made if the employee leaves before the relevant date. Employees in some children's social work teams and Approved Mental Health Practitioners are currently in receipt of retention payments as part of strategies to retain these key staff in a recruitment shortage area.

Geographical/location allowance (local weighting)

The Council applies London and Fringe Area Allowances in accordance with the provisions of and rates agreed by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service, or Soubley or Youth and Community Conditions as appropriate. There are certain employees whose pay is determined locally who do not receive this type of allowance, and it is not payable to the Chief Executive, Directors or Assistant Directors.

Reimbursement of removal/relocation costs on appointment

The Relocation Scheme provides assistance to people moving house in order to take up an appointment with the Council. The scheme will not necessarily cover the full expenses of moving and is not intended to do so. The maximum amount payable under the relocation scheme is £8,000, plus mortgage subsidy where appropriate. The scheme does not apply to all advertised roles, only to those where there is less likelihood of recruiting suitable staff locally.

Honorarium or ex gratia payments/acting up/additional responsibility allowances

The Council pays honoraria or *ex gratia* payments to employees only in accordance with its corporate scheme for such payments, and all such payments are made only with the express approval of the relevant Director. Where employees are required to "act-up" into a higher-graded post or take on additional responsibilities beyond those of their substantive post for a temporary/time-limited period, they may receive an additional payment. Merit payments are like honoraria payments but are generally paid as a "one off" sum. They can be for a variety of reasons including examination success or for a particularly demanding or meritorious piece of work.

Car provision – employees using their own cars on Council business

The Council compensates:

- Employees who are required to use their own car on Council business paying an Essential Car User payment of £963pa plus mileage at below the HMRC rate; and
- Employees who are otherwise authorised to use their own car on Council business by paying a casual user mileage rate based on the HMRC rate.

Payment of professional subscriptions or membership fees

The Council will pay one professional subscription or membership fee on behalf of any employee where the subscription or membership is appropriate to the duties of the post.

Subsistence or other expenses allowance

The Council reimburses expenditure on meals and overnight accommodation and any other expenses necessarily incurred by employees on Council business, in line with the Council's Expenses policy.

Car loans

All employees have access to loans at a favourable rate of interest for the purchase of bicycles or the purchase of season tickets for travel. There is no subsidy for these loans.

Flexible benefits

The Council offers a range of flexible benefits which enable employees to elect to buy certain benefits from their salary. The only part of the range which enables employees to increase their pay is a flexible leave scheme whereby employees can “buy and sell” annual leave within certain parameters. Under this scheme, employees may be able to receive a day’s additional pay for each day of leave they “sell” to the Council and agree to work. Assistant Directors and above may not participate in this scheme, although they may elect to buy other flexible benefits in the range. The maximum number of days that can be sold is 5 (pro rata for those working less than 5 days per week.)

Provision of mobile telephones and personal devices

Chief Executive, Directors and Assistant Directors are issued with mobile phones and are required to be on an emergency duty list, other staff are issued phones in accordance with their workstyle in order to be more effective. Usually this means that Free workers will be issued with a mobile phone. The council funds the phone.

All employees working flexibly are issued with a softphone and a business case needs to be made if a mobile phone/device is required in addition to this.

SECTION 5: CONTRACTORS AND OTHER ORGANISATIONS WORKING FOR THE COUNCIL

There may be occasions where the Council procures, commissions or contracts-out one or more of the services for which it is responsible. This section sets out the Council’s approach to and policies on the pay policies of contractors, partners and other organisations who may undertake work for, or on behalf of, the Council.

The terms and conditions of employment by contractors of their workers are non-commercial matters, so we are required to procure without reference to them (S17 (1) and (5) LGA 1988).

Where any of the Council’s services are contracted-out or re-tendered or where a previously outsourced service returns to the Council, any matters relating to the remuneration of the transferred employees will be managed, as appropriate, in accordance with the relevant provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

Any payments to agency workers who may undertake work for the Council will be made in accordance with the terms and conditions of the contract between the Council and the relevant agency provider, having due regard to the relevant provisions of the Agency Workers Regulations 2010 and any other relevant employment legislation.

SECTION 6: DECISION MAKING ON PAY

The Council recognises the importance of ensuring openness, transparency and high standards of corporate governance, with clear lines of accountability, in its pay decision-making processes and procedures. Any pay-related decisions must be capable of public scrutiny, be able to demonstrate proper and appropriate use of public funds and ensure value for money. The arrangements adopted by the Council are designed to reflect these requirements, as well as ensuring compliance with all relevant legislation and other statutory regulation.

The Council has agreed that the following roles and responsibilities about decision-making in remuneration matters will apply within the Authority as follows:

Full Council: consideration and approval of the annual Pay Policy Statement, as required under the Localism Act 2011. Approval of both the senior salary pay structure, within which senior appointments are made, and the severance policy, within which severance payments are made. Approval of any salary or severance payment over £100,000 which is not consistent with these policies.

Employment Committee: responsible for decisions relating to changes to terms and conditions of employment other than those dictated by employment law/statute, including scrutiny of this statement.

The provisions of this Pay Policy Statement will apply to any determination made by the Council in the relevant financial year in relation to the remuneration or other terms and conditions of senior officers of the Authority and of its lowest paid employees, as defined in this statement, and other employees who are paid more than the lowest paid employees but who are not senior officers.

The Council will ensure that the provisions of this Pay Policy Statement are properly applied and fully complied with in making any such determination.

This Pay Policy Statement has been approved by full Council.

The full Council will approve the appointment or dismissal of the Chief Executive (Head of Paid Service) following the recommendation of such an appointment by a Committee or Sub-Committee of the Council, which will include at least one Member of the Executive. Council will resolve that the post is remunerated in accordance with the Senior Salary Pay Structure.

For Director posts, unless otherwise directed by the Council, a Committee or Sub-Committee of the Council, the Council will appoint. The Committee or Sub-Committee will include at least one Member of the Executive. Council will resolve that the post is remunerated in accordance with the Senior Salary Pay Structure.

For Assistant Director posts, the Chief Executive or his nominated representative, with the relevant Executive Member or members and the Leader of the Council, may determine whether any appointment to an Assistant Director post is to be made exclusively from the Council's existing officers. Where the Chief Executive or his or her nominated representative, determines that it is to be made from existing Officers, the appointment may be made by the Chief Executive or his/her representative. Where a recruitment process is undertaken involving external candidates, a Committee or Sub-Committee will be appointed to interview the shortlisted candidates and make the final appointment. That Committee or Sub Committee will include at least one member of the Executive.

The above arrangements ensure that the Council meets the requirement of the Localism Act that any proposal to offer a new appointment on terms and conditions which include a total remuneration package of £100,000 or more, including salary, bonuses, fees or allowances which would routinely be payable to the appointee and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer's pension contributions), will be referred to the full Council for approval before any confirmed offer is made to a particular candidate, if they fall outside the scope of the agreed senior salary pay scales.

SECTION 7: AMENDMENTS TO THIS PAY POLICY STATEMENT

This Pay Policy Statement relates to policy for the financial year 2020/21.

The Council may agree any amendments to this Pay Policy Statement during the financial year to which it relates in accordance with the decision-making arrangements set out in the introduction to this document.

SECTION 8: PUBLICATION OF AND ACCESS TO INFORMATION

The Council will publish this Pay Policy Statement on its website as soon as is reasonably practicable after it has been approved by the Council. Any subsequent amendments to this Pay Policy Statement made during the financial year to which it relates will also be similarly published.

The information advised to be published by the Council in accordance with the requirements of the Local Government Transparency Code 2014 and in accordance with the requirements of the Accounts and Audit (Amendment No. 2) (England) Regulations 2009, as referred to in this Pay Policy Statement, is also available on its website.

The Council's policies in relation to the exercise of discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 and under the Local Government Pension Scheme Regulations 2013, are set out in this policy statement.

For further information about this Pay Policy Statement, please contact the Council as follows:

Trish Barnard
Assistant Director:HR and Organisational Development
Trish.Barnard@Bracknell-forest.gov.uk

EMPLOYER DISCRETIONS**PART A – Formulation of COMPULSORY policy in accordance with Regulation 60 of the****Local Government Pension Scheme Regulations 2013****Regulation 16 – Additional Pension Contributions**

The Scheme employer may resolve to fund in whole or in part any arrangement entered into by an active scheme member to pay additional pension contributions by way of regular contributions in accordance with **Regulation 16(2)(e)**, or by way of a lump sum in accordance with **Regulation 16(4)(d)**.

The Scheme employer may enter into an APC contract with a Scheme member who is contributing to the MAIN section of the Scheme in order to purchase additional pension of not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

The amount of additional contribution to be paid is determined by reference to actuarial guidance issued by the Secretary of State.

Consideration needs to be given to the circumstances under which the Scheme employer may wish to use their discretion to fund in whole or in part an employee's Additional Pension Contributions.

Scheme Employer's policy concerning the whole or part funding of an active member's additional pension contributions

The Employing Authority has resolved not to adopt this discretion

Regulation 30(6) – Flexible Retirement

An active member who has attained the age of 55 or over and who with the agreement of their employer reduces their working hours or grade of employment may, with the further consent of their employer, elect to receive immediate payment of all or part of the retirement pension to which they would be entitled in respect of that employment as if that member were no longer an employee in local government service on the date of the reduction in hours or grade (*adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State – separate policy required under Regulation 30(8)*).

As part of the policy making decision the Scheme employer must consider whether, in addition to the benefits the member may have accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw all, part or none of the pension benefits they built up after 31 March 2008 and before 1 April 2014 and all, part or none of the pension benefits they built up after 1 April 2014.

Due consideration must be given to the financial implications of allowing an employee to draw all or part of their pension benefits earlier than their normal retirement age.

Scheme Employer's policy concerning flexible retirement

The Employing Authority will consider requests for flexible retirement on a case by case basis. Approval will be sought through the Employment Committee where all costs and benefits will be explicit; requests which carry no costs to the Employing Authority will be dealt with by officers and reported back to the Committee.

Regulation 30(8) – Waiving of Actuarial Reduction

Where a Scheme employer's policy under regulation 30(6) (flexible retirement) is to consent to the immediate release of benefits in respect of an active member who is aged 55 or over, those benefits must be adjusted by an amount shown as appropriate in actuarial guidance issued by the Secretary of State (commonly referred to as actuarial reduction or early payment reduction).

A Scheme employer (or former employer as the case may be) may agree to waive in whole or in part and at their own cost, any actuarial reduction that may be required by the Scheme Regulations.

Due consideration must be given to the financial implications of agreeing to waive in whole or in part any actuarial reduction.

Scheme Employer's policy concerning the waiving of actuarial reduction

The Employing Authority has resolved to examine such issues on a case by case basis.

Regulation 31 – Award of Additional Pension

A Scheme employer may resolve to award

- (a) an active member, or
- (b) a member who was an active member but dismissed by reason of redundancy, or business efficiency, or whose employment was terminated by mutual consent on grounds of business efficiency,

additional annual pension of, in total (including any additional pension purchased by the Scheme employer under Regulation 16), not more than the additional pension limit (£6,500 from 1st April 2014 subject to annual increase in line with the Pensions (Increase) Act 1971).

Any additional pension awarded is payable from the same date as any pension payable under other provisions of the Scheme Regulations from the account to which the additional pension is attached.

In the case of a member falling within sub-paragraph (b) above, the resolution to award additional pension must be made within 6 months of the date that the member's employment ended.

Scheme Employer's policy concerning the award of additional pension

The Employing Authority resolves to use the scheme for awarding additional pension in cases of redundancy, efficiency of the service and severance, only in exceptional circumstances.

Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014

Schedule 2 – paragraphs 2 and 3

Where a scheme member retires or leaves employment and elects to draw their benefits at or after the age of 55 and before the age of 60 those benefits will be actuarially reduced unless their Scheme employer agrees to meet the full or part cost of those reductions as a result of the member otherwise being protected under the 85 year rule as set out in previous Regulations.

So as to avoid the member suffering the full reduction to their benefits the Scheme employer can 'switch on' the 85 year rule protections thereby allowing the member to receive fully or partly unreduced benefits but subject to the Scheme employer paying a strain (capital) cost to the Pension Fund

Scheme Employer's policy concerning the 'switching on of the 85 year rule

The Employing Authority resolves not to adopt this discretion.

PART B – Formulation of RECOMMENDED policy in accordance with the

Local Government Pension Scheme Regulations 2013

Regulation 9(1) & (3) – Contributions

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the Scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9(2)) should be applied.

Where the Scheme employer makes such a determination it shall inform the member of the revised contribution rate and the date from which it is to be applied.

Scheme Employer's policy concerning the re-determination of active members' contribution bandings at any date other than 1st April

The Employing Authority has resolved to make changes to employee contribution rates throughout the year from the effective date of any change in employment or material change to the rate of pensionable pay received.

Regulation 17(1) – Additional Voluntary Contributions

An active member may enter into arrangements to pay additional voluntary contributions (AVCs) or to contribute to a shared cost additional voluntary contribution arrangement (SCAVCs) in respect of an employment. The arrangement must be a scheme established between the appropriate administering authority and a body approved for the purposes of the Finance Act 2004, registered in accordance with that Act and administered in accordance with the Pensions Act 2004.

The Scheme employer needs to determine whether or not it will make contributions to such an arrangement on behalf of its active members.

Scheme Employer’s policy concerning payment of Shared Cost Additional Voluntary Contributions

The Employing Authority has resolved not to adopt this discretion

Regulation 22 – Merging of Deferred Member Pension Accounts with Active Member Pension Accounts

A deferred member’s pension account is automatically aggregated with their active member’s pension account unless the member elects within the first 12 months of the new active member’s pension account being opened to retain their deferred member’s pension account.

A Scheme employer can, at their discretion, extend the 12 month election period.

Scheme Employer’s policy concerning merging of Deferred Member Pension Accounts with Active Member Pension Accounts

The Employing Authority has resolved not to extend the 12 month election period

Regulation 100(6) – Inward Transfers of Pension Rights

A request from an active member to transfer former pension rights from a previous arrangement into the Local Government Pension Scheme as a result of their employment with a Scheme employer must be made in writing to the administering authority and the Scheme employer before the expiry of the period of 12 months beginning with the date on which the employee first became an active member in an employment (or such longer period as the Scheme employer and administering authority may allow).

Scheme Employer’s policy concerning the extension of the 12 month transfer application period

The Employing Authority has resolved to examine such issues on a case by case basis

Regulation 21(5) – Assumed Pensionable Pay

A Scheme employer needs to determine whether or not to include in the calculation of assumed pensionable pay, any 'regular lump sum payment' received by a Scheme member in the 12 months preceding the date that gave rise to the need for an assumed pensionable pay figure to be calculated.

Scheme Employer's policy concerning inclusion of 'regular lump sum payments' in assumed pensionable pay calculations

The Employing Authority has resolved that "Regular lump sum payments" will always be included in the calculation of assumed pensionable pay

Regulation 74 – Applications for Adjudication of Disagreements *(see guidance note 9 in employer's guide)*

Each Scheme employer must appoint a person ("the adjudicator") to consider applications from any person whose rights or liabilities under the Scheme are affected by:

- (a) a decision under regulation 72 (first instance decisions); or
- (b) any other act or omission by a Scheme employer or administering authority,

and to make a decision on such applications.

Responsibility for determinations under this first stage of the Internal Disputes Resolution Procedure (IDRP) rests with "the adjudicator" as named below by the Scheme employer:

Name: Tim Wheadon
Job Title: Chief Executive
Full Address: Time Square, Market Street, Bracknell
Post Code: RG12 1JD
Tel No: 01344 355609

Adjudicator's Signature: _____

Date: _____

Or alternatively:

Name: Stuart McKellar
Job Title: Director of Resources
Full Address: Time Square, Market Street, Bracknell
Post Code: RG12 1JD
Tel No: 01344 355605

Adjudicator's Signature: _____

Date: _____

APPENDIX B1 – EMPLOYER DISCRETIONS: INJURY ALLOWANCE

Formulation of COMPULSORY policy in accordance with Regulation 14 of the

Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011

Regulation 3 - Reduction in remuneration

Whilst an employee is receiving reduced pay as a direct result of an injury or disease contracted in the course of carrying out their employment, a relevant employer may consider paying the employee an allowance while the reduction in pay continues.

The relevant employer shall from time to time determine whether the employee should be entitled to continue to receive the allowance.

Any allowance payable must be paid directly by the relevant employer and, when added to the value of the reduced pay being received by the employee, must not be of a value that means the employee receives total pay in excess of the pay that they would normally expect to have received but for their injury or disease.

Employer's policy concerning the award of an allowance due to reduction in remuneration

The Employing Authority has resolved to examine such issues on a case by case basis in line with its existing Standing Orders.

Regulation 4 – Loss of employment through permanent incapacity

Where an employee ceases employment due to permanent incapacity as a direct result of injury or disease contracted in the course of carrying out their employment, a relevant employer may consider paying the employee an allowance not exceeding 85 per cent of the employee's annual rate of remuneration at the point the employment ceased.

The relevant employer shall from time to time determine whether the employee should be entitled to continue to receive the allowance.

Any allowance payable must be paid directly by the relevant employer and, where the employee was receiving no pay or reduced pay at the time the employment ended because of absence, the employer must assess the remuneration on the basis of the pay the employee would have received but for being absent.

The relevant employer may suspend or discontinue the allowance if the (former) employee secures gainful employment (paid employment for not less than 30 hours in each week for a period of not less than 12 months).

Employer's policy concerning the award of an allowance due to loss of employment

The Employing Authority resolves not to adopt this discretion.

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To: Council
13 January 2021

Review of Statement of Licensing Policy Executive Director of Delivery

1 Purpose of Report

- 1.1 Bracknell Forest Council is required to prepare and publish a Statement of Licensing Policy every five years in accordance with section 5 of the Licensing Act 2003 ('the Act'). The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time.
- 1.2 The Bracknell Forest Statement of Licensing Policy must undergo a review and be re-published and agreed by Council by the end of January 2021.

2 Recommendation

- 2.1 **That the Council agree the Bracknell Forest Statement of Licensing Policy.**

3 Reasons for Recommendation

- 3.1 To comply with the Licencing Act 2003 a statement of Licencing Policy must be published.

4 Alternative Options Considered

- 4.1 None. It is a legal requirement to produce and publish the statement.

5 Supporting Information

- 5.1 Prior to determining the policy for any five-year period, the licensing authority must consult the persons listed in section 5(3) of the Act. These are:
- The chief officer of police for the area
 - The fire and rescue authority for the area
 - Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates
 - Persons or bodies representative of businesses and residents in its area
- 5.2 Consultation has taken place with statutory bodies the Executive, Licencing & Safety Committee and other agencies and associations (as above) via public meetings, email, web site and letter from 26 October to 4 December 2020.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The relevant legal provisions and Licensing Authority considerations are contained within the body of the report

Financial Advice

- 6.2 There are no financial implications arising from this report.

Other Consultation Responses

- 6.3 Included within the main policy report

Equalities Impact Assessment

- 6.4 An equalities screening has been undertaken and confirmed a full assessment was not required.

Strategic Risk Management Issues

- 6.5 The policy is required in order to comply with the Licensing Act 2003.

Contact for further information

Sean Murphy – Public Protection Manager, Delivery, reporting to Damian James: Assistant Director: Contract Services
Sean.murphy@westberks.gov.uk



Statement of Licensing Policy

January 13th 2021

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Explanatory Note

The Council, as Licensing Authority for the purposes of the Licensing Act 2003, is under a statutory duty to publish this Statement of Licensing Policy on a regular basis.

It explains the general approach that the Authority will take in relation to the licensing of premises for alcohol sales, entertainment and late night refreshment. It is not a set of hard and fast rules: rather it is an outline of principles and processes.

The purpose is to assist applicants, licensees and the general public, and to provide a consistent starting point for consideration of licensing matters. As it is a policy, it is not binding on the authority and the authority can depart from it when the circumstances justify such a decision. It must be read alongside the Licensing Act 2003 1, the Regulations made under the Act 2, and the Guidance published by the Secretary of State 3.

The authority and its officers cannot provide legal advice to anyone. It is the licensing authority and in addition, it is one of the regulators under this legislation. If legal advice is required it should be obtained from independent lawyers.

1 Available at <https://www.legislation.gov.uk/ukpga/2003/17/contents>

2 Also available at <https://www.legislation.gov.uk> but these regulations are numerous and more difficult to find. Various textbooks are also available and these may be found in public libraries.

3 Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

1. Introduction, Purpose and Scope

- 1.1 The Licensing Act 2003 ('the Act') requires Bracknell Forest Council, as the Licensing Authority, to publish a 'Statement of Licensing Policy' ('policy') every five years. In drafting this policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of Bracknell Forest, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.
- 1.2 Bracknell Forest lies 28 miles west of London, at the heart of the Thames Valley. The borough covers 109 sq. km of central Berkshire and includes the former New Town of Bracknell, together with Sandhurst town and the villages of Crowthorne and Binfield, along with a number of smaller settlements across Warfield and Winkfield. The area has easy access to the motorway network (M3, M4, M40 and M25), Heathrow, and direct train links into London. Bracknell town centre is currently undergoing regeneration to create a centre which provides a vibrant economic, social and cultural heart to the borough.
- 1.3 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Licensing Authority will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.4 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of the town centre as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 1.5 The Licensing Authority is committed to promoting a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circuses and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.
- 1.6 The Licensing Authority recognises the licensed activities make an important contribution to the economy of the Borough. By regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these often conflicting, positions and all views will be taken into account when making licensing decisions or determining on course of action.
- 1.7 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Licensing Authority will give full reasons for departing from this policy.
- 1.8 The Licensing Authority will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
 - (a) Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance; and
 - (d) Protection of Children from Harm.

- 1.9 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and other persons where appropriate in order that they have a clear understanding of the legislative requirements. To ensure this policy integrates with other strategies, the Licensing Authority has liaised and consulted with the appropriate groups, such as the Community Safety Partnership, and will continue to develop close working partnerships with such groups.
- 1.10 If it is deemed necessary, the Licensing Authority will form a liaison group that includes representation from responsible authorities and the community, to assess the impact of current licensable activities and the possible cumulative effect in an area. The purpose of this will be to:
- a) monitor developments in the area;
 - b) identify and resolve any issues within the community;
 - c) assess cumulative impact of a concentration of licensed premises; and
 - d) ensure the licensing objectives are being met.

The Licensing Authority may consider the implementation of an additional policy after full consultation with all responsible bodies and examination of the supporting evidence.

- 1.11 This policy does not:
- a) Prevent any application being made for any matter or activity regulated by the Licensing Act 2003
 - b) alter the fact that each application will be considered on its individual merits; or
 - c) prevent any person or responsible authority from making representations on an application, or seek a review of a licence or certificate, where the Act allows.
- 1.12 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.
- 1.13 In addition, it must be recognised and acknowledged that the planning and licensing regimes are separate. There is no requirement for planning permission to be in place before a licence application can be made (and if appropriate) granted. A licence application cannot be refused due to an absence of planning permission
- 1.14 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.
- 1.15 In some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.
- 1.16 This policy takes effect on the 14th January 2021 and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation, with appropriate consultation on any material changes.
- 1.17 Comments on the policy may be made in writing to the Licensing Authority, Bracknell Forest Council, Time Square, Market Street, Bracknell, RG12 1JD or by email to licensing@bracknell-forest.gov.uk. All comments received will be carefully considered and, where appropriate, included in the policy.

2. Licensing Principles and Process

- 2.1 The Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the borough. The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives. In general, this policy refers to premises licences, but the same principles will be relevant and be applied in relation to club premises certificates and temporary event notices (TENs) subject to modifications required by the legislation.
- 2.2 There are four main licensable activities under the Act:
- a) retail sales of alcohol;
 - b) the supply of alcohol by or on behalf of a club
 - c) the provision of regulated entertainment; and
 - d) the provision of late-night refreshment.
- 2.3 The licensing functions of the licensing authority are the responsibility of the statutory licensing committee. The licensing committee can then delegate matters to subcommittees of that committee or to officers, subject to the restrictions and limitations contained within the legislation. The scheme of delegation is set out at Annex A.
- 2.4 This policy sets out the process the Licensing Authority will adopt in dealing with licence applications and will be used as a basis in arriving at consistent and transparent decisions in respect of licence applications. The overriding principle adopted by the Licensing Authority will be that each application is determined on its merits. Every application will be treated fairly and objectively, taking into account the four licensing objectives, this policy and the statutory guidance issued under section 182 of the Act.
- 2.5 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Act is not a mechanism for controlling general nuisance unconnected to licensable activities or the licensing objectives.
- 2.6 It is acknowledged that increases in disorder in particular may be thought to be a result of licensing legislation only. The Licensing Authority can only have regard to the provision of the Licensing Act 2003 when determining an application. However the Licensing Authority recognises that other mechanisms exist to control disorderly behaviour, e.g planning controls, town centre management arrangements, confiscation of alcohol from adults and children in designated area, and Policy enforcement powers. Where these powers lie with the Council, they will be used as appropriate.
- 2.7 The Licensing Authority will make decisions on the merits of each individual matter, guided by, but not bound by this policy. It will always be able to exercise its discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.
- 2.8 When determining applications, the Licensing Authority must be satisfied that the applicant's operating schedule (please see section 4) seeks to promote the four licensing objectives.

- 2.9 If no representations are received, there is no provision for a Licensing Authority to impose conditions on a licence other than the mandatory conditions and those proposed within the application.
- 2.10 Following relevant representations, the Licensing Authority recognises that any conditions attached to various authorisations will be focussed on matters which are within the control of the licence holders. Conditions attached to licences will be proportionate and appropriate to achieve the promotion of the licensing objectives and will be tailored to suit the circumstances and premises.

3. Making an Application

- 3.1 The relevant application forms and associated documents are obtainable from the council's website or from the Customer Service Centre during normal office hours. Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application. The Licensing Team can assist in co-ordinating this process. It may be appropriate to submit a draft application for comments.
- 3.2 A plan must be attached to an application for a premises licence or a club premises certificate. The plans do not have to be professionally drawn, however they must be to scale and contain the relevant information as required under regulation. The plan should be at a scale of 1:100; however the Licensing Authority will accept plans of an alternative scale provided this is approved prior to submitting the application.
- 3.3 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to submit a new licence application. It is acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place, the licence will be granted. The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use, in order to allow the Licensing Authority to make an informed decision.
- 3.4 A similar process applies to applications for variations of existing licences. The operating schedule must address the 4 licensing objectives. Responsible authorities and other persons are likely to address compliance or non-compliance with the conditions of the existing licence in any representations they may make. The determination will only concern the proposed variation: the existing licence will remain unaffected even if the application is refused, because action against the existing licence can only be taken following a review.
- 3.5 For large scale events, it is strongly suggested that the event should be referred to the Safety Advisory Group in advance of submission of an application. It is best practice for local ward members to be involved in the SAG process for large scale events.

4. The Operating Schedule

- 4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application, and this is contained in the statutory application form (referred to at paragraph 3.1 above). This is a key document and, if completed comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Licensing Authority expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.
- 4.2 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:
- a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - b) The times during which licensable activities will take place;
 - c) Any other times when the premises are to be open to the public;
 - d) Where the licence is only required for a limited period, that period;
 - e) Where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be designated premises supervisor;
 - f) Whether alcohol will be supplied for consumption on or off the premises or both; and
 - g) The steps the applicant proposes to promote the licensing objectives.
- 4.3 Where particular steps to promote the licensing objectives are included in the operating schedule, these may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous. If they are not, they will be reworded to meet those objectives.
- 4.4 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.
- 4.5 A pool of model conditions is available on request from the Licensing Team. Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measure(s) to promote the licensing objectives.
- 4.6 Arrangements must be made to ensure that all staff are properly and adequately trained to fulfil and discharge their particular functions, as well as understanding the overall requirements of the Licensing Act and other relevant legislation. In particular all staff must undertake safeguarding training. Records of all such training must be maintained and refresher training provided and undertaken as required.

5. Licensing Objective 1: Prevention of Crime and Disorder

- 5.1 The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of Bracknell Forest. National and local crime statistics demonstrate that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. Good management and practice procedures in licensed premises can make an important contribution to reducing that impact. The Licensing Authority and Thames Valley Police through their Community Safety Partnership will regularly monitor and review crime statistics within the borough and their association with alcohol.

- 5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.
- 5.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example
- Prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items.
 - Prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions.
 - Security features such as provision and storage of CCTV.
 - A prescribed capacity limit
 - Use of door staff to control entry to the premises
 - Procedures for ejection or dispersal of persons from the premises
 - Procedures for dealing with harassment, discrimination and inappropriate behaviour.
 - Use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers
 - Display of crime prevention notices
 - An appropriate ratio of tables and chairs to customers based on capacity

This is not an exhaustive list: rather these are examples of matters that may be included, and applicants must ensure that their approach is tailored to the specific nature of their premises and activities.

- 5.4 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity. The Licensing Authority recommends licensees seek guidance from the Equality and Human Rights Commission <http://www.equalityhumanrights.com/> or by contacting them on 0808 800 0082.
- 5.5 Applicants (and licensees) should undertake a terrorism threat risk assessment, in consultation with TVP if local and national threat levels determine a necessity, and put in place measures to reduce the risk to their customers and staff. Applicants (and licensees) should have considered the National Counter Terrorism Security Office (NaCTSO) Crowded Places Guidance when carrying out their risk assessments relating to the risk of terrorism. The guidance is comprehensive, easily accessed at <https://www.gov.uk/government/publications/crowded-places-guidance> , and should be considered essential reading for all who manage premises open to the public.
- 5.6 Licensees must maintain a log of refusals to serve customers alcohol due to their intoxication or an inability to prove that they are aged 18 years or over. This log must be in a format (either in writing or by electronic means) which allows entries to be made easily and not amended or tampered with after the event. It must be kept securely and be made available to the officers of the licensing authority and police constables on request

at all times the premises are open for the sale of alcohol. All staff involved in the sale of alcohol must be trained in how to use and maintain the log.

5.7 The log must contain the following (but additional information can be recorded):

- a) Description of person attempting to purchase alcohol
- b) Time that person attempted to purchase alcohol
- c) The reason for refusing a person alcohol
- d) Name of staff member dealing with the refusal

The log must be signed off weekly by the Designated Premises Supervisor or nominated representative.

6. Licensing Objective 2: Public Safety

6.1 When visiting licensed premises, members of the public have a right to be confident that proper consideration has been given to, and steps have been taken to protect, their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. It should be noted there is an overriding legal duty to comply with the provisions of Health and Safety at Work legislation, including risk assessments and control.

6.2 The Licensing Authority has a Safety Advisory Group and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event which is not specifically indicated in the operating schedule may be invited to approach the Safety Advisory Group. When applying for licensable events on Local Authority property, the applicant may be required to present an event safety management plan to Bracknell Forest Council's Safety Advisory Group.

6.3 Applicants may wish to consider inclusion of the following steps within their operating schedule with a view to the safety of persons attending the premises:

- Evacuation procedures including measures for disabled persons
- Maintenance of alarm systems and emergency lighting
- Maintenance of all escape routes and exits
- Safety checks and records in a log book
- Access for emergency vehicles
- First aid equipment and trained first aiders
- Appropriate lighting and ventilation and monitoring of noise levels
- Checks on temporary electrical installations
- Use of special effects such as lasers, pyrotechnics and smoke machines
- Control of any animals at the premises
- Use of door supervisors or stewards
- Procedures to ensure safety of women and vulnerable persons
- Provision of potable water

This is not an exhaustive list: rather these are examples of matters that may be included, and applicants must ensure that their approach is tailored to the specific nature of their premises and activities.

6.4 For indoor sports entertainment or where special provision must be made for the safety of the public, applicants may wish to consider inclusion of the following steps within their operating schedule:

- Provision of qualified medical practitioners
- Where a ring is involved, that it be constructed and inspected by a competent person and any material used to be flame retardant
- Where there is wrestling or similar entertainment that the public do not occupy any seat within 2.5 metres of the ring
- Where there is a water sports event, appropriate provision of staff adequately trained to be available and remain in the vicinity at all times.

7. Licensing Objective 3: The Prevention of Public Nuisance

7.1 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.

7.2 The Licensing Authority is committed to minimising the adverse impact of licensable activity, whilst not unduly restricting the reasonable provision of licensed activity. It is noted that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include planning controls and Public Spaces Protection Orders.

7.3 The Licensing Authority, whilst recognising the need to treat every application on its own merits, must be satisfied that the type of licensable activities proposed and hours of operation will be suitable for the location in which the premises are situated (e.g. areas of dense residential accommodation). Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.

7.4 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

7.5 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:

- Measures to reduce noise and vibration escaping from the premises; including noise from music and voices whether or not amplified
- Consideration of the licensed hours and restrictions on when licensable activities can take place both indoors and outdoors
- Monitoring checks and logs of any checks carried out
- Prevention of noise from deliveries or waste collections, or disposal of glass bottles etc., at unsociable hours
- Measures to encourage quick and quiet dispersal by customers and staff including provision for access to book taxis, lowering the volume of music during the last 30

minutes before closing time and procedures for the safe removal and dispersal of persons ejected from the premises

- Measures to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses
- Measures to control nuisance that might be associated with the use of the external areas, particularly late at night, including supervision of the areas and specified times during which food and drink will not be permitted to be consumed in the external areas.
- Measures to control litter and odour associated with use of the premises.

This is not an exhaustive list: rather these are examples of matters that may be included, and applicants must ensure that their approach is tailored to the specific nature of their premises and activities.

8. Licensing Objective 4: Protection of Children from Harm

- 8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, activities of an adult and/or sexual nature and exposure to incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 8.2 The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.
- 8.3 Where appropriate, applicants should state in their operating schedule:
- a) whether or not they will admit children to any or all parts of the licensed premises;
 - b) where children are to be admitted, the steps that will be taken to protect children from harm, for example supervision requirements, provision of designated areas for children and families, and hours during which children will not be permitted to be on the premises.

The applicant will also be expected to consider provision for lost and found children (in particular at large scale public events).

- 8.4 Where appropriate, the Licensing Authority will expect the applicant to evidence how they will supervise children who are performing in an event with regulated entertainment event and what consideration will be given to the welfare of children at attractions or performances likely to attract children. Where children are supervised, the Licensing Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately checked by the Disclosure and Barring Service.
- 8.5 Where events are taking place that are provided solely or mainly for children, for example an under-18s disco, the expectation is that no alcohol will be served.
- 8.6 Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age-restricted items

to children. This should include an age-monitoring scheme. The Licensing Authority recommends use of any of the following as an acceptable proof of age:

- a) Passport
- b) Photocard driving licence issued in Great Britain, Northern Ireland or the European Economic Area
- c) Proof of Age Standards Scheme Card (PASS)
- d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

8.7 Staff employed to work on licensed premises should undergo training upon induction before they are allowed to work. This shall include, but not be limited to:-

- a) Dealing with refusal of sales
- b) Knowledge of the Four Licensing Objectives
- c) Identifying signs of intoxication
- d) Conflict management
- e) How to identify and safeguard vulnerable persons who attend and leave the premises
- f) Proxy purchasing and identifying attempts by intoxicated persons to purchase alcohol.

This training is to be documented and refreshed every six months. All training sessions are to be documented in English. Records of training shall be kept for a minimum of two years and be made available to an authorised officer of Bracknell Borough Council or Thames Valley Police upon request.

8.8 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity they should ask the customer if they have been approached by children to purchase alcohol, refuse to sell that alcohol if they are uncertain as to the honesty of the customer's answer and if necessary contact the Police.

8.9 Licensees must maintain a log of suspected proxy sales. This log must be in a format (either in writing or by electronic means) which allows entries to be made easily and not amended or tampered with after the event. It must be kept securely and be made available to the officers of the licensing authority and police constables on request at all times the premises are open for the sale of alcohol. All staff involved in the sale of alcohol must be trained in how to use and maintain the log.

8.10 The log must contain the following (but additional information can be recorded):

- a) Description of person attempting to purchase alcohol
- b) Time that person attempted to purchase alcohol
- c) The reason for suspecting a proxy sale and refusing to sell a person alcohol
- d) Name of staff member dealing with the refusal

The log must be signed off weekly by the Designated Premises Supervisor or nominated representative.

8.11 Applicants from retail outlets which use self-scanning devices will be expected to demonstrate how they are going to prevent the purchase of alcohol by persons under the age of 18. Where retail outlets offer delivery of alcohol, applicants will be expected to demonstrate how they are going to prevent the delivery of alcohol to persons under the age of 18.

8.12 The Licensing Authority will expect applicants to set out in their operating schedule the measures that they will take to ensure that alcohol is not sold by persons under the age of 18 unless specifically approved by a responsible person (aged 18 or over), unless they are working as a waiter/waitress in a specially designated part of the premises and alcohol is sold only with a table meal, in which case similar measures will need to be demonstrated to ensure that only specified alcohol (beer, cider and wine) is made available to persons aged 16 or 17 when accompanied by an adult (aged 18 or over).

8.13 Where appropriate, the Licensing Authority would expect applicants to demonstrate in their operating schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.

8.14 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and/or illegal substances.

8.15 In relation to exhibition of film, the Licensing Authority will expect the operating schedule to demonstrate that entry of children will be restricted in accordance with the classification of the film determined by the British Board of Film Classification (BBFC).

8.16 The Licensing Authority will abide by the recommendations of the BBFC, but the Licensing Authority reserves the right to re-classify any film. Information regarding such classifications will be published on the Council's website. In relation to a film that has not been classified by the BBFC, any requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Licensing Authority being unable to classify the film. Requests will be assessed against the BBFC guidelines and the licensing objectives.

8.17 The Licensing Authority recognises the Bracknell Forest Safeguarding Board as the competent body and responsible authority to consult and advise on matters relating to the protection of children from harm.

8.18 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:

- Limiting the hours that children may be present
- Excluding children when particular specified activities are taking place
- Limiting the parts of the premises to which children have access
- Age limitations
- Excluding under 18s from the premises when licensable activities are taking place
- Requiring that an accompanying adult be present
- Arrangements for restricting children from viewing age-registered films
- Arrangements to ensure that sufficient adult staff are present to ensure that the children are protected from harm

This is not an exhaustive list: rather these are examples of matters that may be included, and applicants must ensure that their approach is tailored to the specific nature of their premises and activities.

9. Representations and Mediation

- 9.1 The Licensing Authority (Council) has adopted a Neighbour Notification policy for applications for new licences and variations to existing licences. A copy of the policy is attached to this document as Annex B.
- 9.2 Where relevant representations have been submitted, the Licensing Authority will aim to facilitate negotiations between the applicant, objectors and any relevant responsible authorities prior to the hearing and submit any such agreements to the hearing to be determined by members,
- 9.3 In determining the grant or variation of a licence, the following responsible authorities may make representations:
- a) The Licensing Authority itself
 - b) Thames Valley Police
 - c) Royal Berkshire Fire and Rescue Service
 - d) Environmental Health (or for Council-operated premises, the Health and Safety Executive)
 - e) Trading Standards
 - f) Environmental Protection
 - g) Public Health
 - h) Bracknell Forest Safeguarding Board (for adults and children)
 - i) Planning Authority
 - j) Navigation authority in the case of a vessel
 - k) The Home Office (Secretary of State) in respect of applications for alcohol sales or the provision of late-night refreshment
- In addition to this, any other person may make a representation.
- 9.4 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 9.5 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.
- 9.6 The Licensing Authority will consider all relevant representations received within the specified period. Any of these individuals or groups may request a representative to make representations on their behalf. This could be a legal representative, a friend, an MP or a Ward Councillor.
- 9.7 The Licensing Authority itself is able to make representations. If the Licensing Authority makes a representation there will be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.

9.8 For a representation to be relevant it must:

- a) relate to the effect of the grant of the application on the promotion of the licensing objectives;
- b) not be 'frivolous or vexatious', and
- c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a responsible authority, and
- d) if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection, and
- e) if it concerns a change of designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

Representations can include positive/supportive representations as well as objections.

10. Cumulative Impact

- 10.1 The Licensing Authority recognises that the commercial demand for another premises in an area is not a matter for licensing considerations, but more a matter for the planning process and the market.
- 10.2 The Licensing Authority also recognises that where there are several premises providing licensable activity in the same vicinity, additional premises may have an adverse effect on the community; in particular from nuisance and disorder. Accordingly, the Licensing Authority may refuse an application if it believes that to grant a licence would undermine one or more of the Licensing Objectives, and representations have been received from a responsible authority or another person. In addition, the Licensing Authority has to be satisfied that the criteria set out in the legislation are met. As detailed earlier in this Policy, each application will be considered on its own merits.
- 10.3 If the Licensing Authority considers that a 'Special Policy' is needed to deal with the cumulative impact of licensed premises, it will only do so following consultation as specified in the Licensing Act 2003 and following the proper process.
- 10.4 The Licensing Authority will expect licensees and potential licensees within an area to communicate with each other and prepare their Operating Schedules so that they complement each other and collectively meet the Licensing Objectives.

11. Determination of Applications

- 11.1 The Licensing Authority will seek to carry out its responsibilities under the Licensing Act 2003 efficiently and cost-effectively. To do this, functions are delegated from the Licensing and Safety Committee.
- 11.2 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation as at Annex A.
- 11.3 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule. The Licensing Authority has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.

12. Licensing and Safety Committee and Panel Hearings

- 12.1 The Licensing Committee will consist of between 10 and 15 members. Licensing Panels (sub-committees) usually made up of 3 members of the Committee members will determine any applications where relevant representations have been received or objection notices in respect of standard temporary event notices.
- 12.2 In determining the application the Licensing Authority will consider:
- a) the application and evidence presented by all parties;
 - b) the promotion of the four licensing objectives;
 - c) guidance issued by central Government; and
 - d) this Statement of Licensing Policy.

and will take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers appropriate for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - to refuse to specify a particular person as the designated premises supervisor;
 - to reject the application.
- 12.3 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.
- 12.4 The decision of the Panel will be accompanied with clear, detailed and cogent reasons for that decision. The decision and reasons for that decision will be sent to the applicant and those who have made relevant representations. A summary of the decision shall be posted on the Licensing Authority's website as soon as is reasonably possible after the decision has been confirmed.

13. Temporary Event Notices

- 13.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present at any one time. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at any one time, a premises licence will be required.
- 13.2 In accordance with the 2003 Act, any individual person aged 18 or over may give a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only give a TEN 5 times a year, and a personal licence holder no more than 50 times a year. However, no more than 15 TENs covering a maximum of 21 days may be given in respect of all or part of any particular premises in a single calendar year.
- 13.3 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider

whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns.

- 13.4 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least 3 months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 13.5 The processing of TENs by the council is controlled by a strict statutory timetable; therefore, the council will not accept a notice unless it is complete in all respects at the time of submission. In order for the TEN to be processed within the appropriate time frame, it is recommended that TENs are submitted via the online facility on the Council's website.
- 13.6 Objections to TENs can only be made by the police or the environmental health department, but those can be based on any of the four licensing objectives. They must be made within three working days of the notice being copied to them.
- 13.7 In the event of an objection in relation to a standard TEN, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place. In relation to a late TEN, any objection by the police or environmental health prevents the use of that notice and there can be no consideration of that matter by the licensing authority.
- 13.8 Organisers of events are reminded of the police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to intoxicated persons.
- 13.9 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to allow premises to open for specified extended hours.

14. Personal Licences

- 14.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.
- 14.2 Personal licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions at the time of application. Where a personal licence holder is convicted of a relevant offence during the period when their application is being considered, the licence holder is required to advise the Licensing Authority forthwith.
- 14.3 Where the Police believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. Only the police can object to the grant of a personal licence. The Licensing Authority will arrange for a hearing to take place at which the application will be determined.

- 14.4 It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be amended. The personal licence holder must also notify the Court that they hold a personal licence.
- 14.5 Where a personal licence holder is convicted of a relevant offence or is subjected to an immigration penalty and the Court does not take action in relation to that licence, the licensing authority will consider whether it is appropriate to suspend or revoke that licence. The licensee will be invited to make representations about the proposed course of action which will be then considered by the licensing authority. If the licensing authority decide on any course of action apart from revocation, the licensing authority will then contact the police and invite their representations. The decision of the licensing authority will then be reconsidered in the light of the police representations.

15. Club Premises Certificates

- 15.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.
- 15.2 The processes of application, variation and review are almost identical to those already detailed in relation to premises licences. However there are some important differences. The responsible authorities do not include the Home Office. In addition, there is no requirement for any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to which the certificate relates, nor is there a requirement for the club to specify a designated premises supervisor. All alcohol supplies are made by or on behalf of the club or to the order of a member of the club. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

16. Appeals

- 16.1 Anyone aggrieved by a decision of the Licensing Authority has a right of appeal to the magistrates' court as set out in schedule 5 of the Act. This appeal must be lodged with the appropriate Court within a period of 21 days from the date on which the applicant was notified by the Licensing Authority of the decision. The council will inform all parties of their right of appeal in accordance with the Act when confirming a decision of the licensing panel.

17. Management of Licensed Premises

- 17.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The Licensing Authority encourages all licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.

- 17.2 Within all licensed premises, whether or not alcohol is to be sold, the Licensing Authority will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.
- 17.3 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises.
- 17.4 The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 17.5 Although the Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold, as detailed above the Licensing Authority normally expect the DPS to be present on a regular basis. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS or any other personal licensee authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS or any other personal licensee has delegated responsibility for the sale of alcohol to a person who does not hold a personal licence, the DPS or personal licensee still has a duty of responsibility for the action of those they have authorised to make those sales.

18. Complaints, Enforcement and Inspections

- 18.1 Complainants are encouraged in the first instance to raise any concerns directly with the licensee or business concerned. Complaints may be sent to the Licensing Team, Bracknell Forest Council, Time Square, Market Street, Bracknell, RG12 1JD or licensing@bracknell-forest.gov.uk for investigation.
- 18.2 Where there are any issues identified or need for improvement at a premises, officers and responsible authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 18.3 The Licensing Authority undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.
- 18.4 In terms of enforcement, the aim is to target those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact.

- 18.5 Protocols for enforcement will be established between responsible authorities and the Licensing Authority in order to ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent. In most cases, a graduated form of response is expected to resolving issues of non-compliance although it is recognised that in serious cases a prosecution or a review application will be the most appropriate means of disposal.
- 18.6 In addition to the Council's enforcement policy, the Licensing Authority will also have regard to the Regulators' Compliance Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

19. Reviews of Premises Licences

- 19.1 At any stage following the grant of a premises licence, a responsible authority or other person may ask the Licensing Authority to review a premises licence or club premises certificate because of a problem arising at the premises in connection with one or more of the four licensing objectives. However it is hoped that this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort.
- 19.2 Where the request originates from any person other than a responsible authority (e.g. a local resident, residents' association, local business or trade association) the Licensing Authority must consider whether the request for review is vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.
- 19.3 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application.

20. Early Morning Restriction Orders (EMROs)

- 20.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning alcohol restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing Licensing Authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 06:00 hours. Licensing Authorities may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives.
- 20.2 At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of Bracknell Forest Borough. However, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between midnight and 06:00 is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the Licensing Authority will consult the Community Safety Partnerships and similar sources of evidence. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

21 Late Night Levy (LNL)

- 21.1 Late night levy powers allow licensing authorities to raise a contribution from late opening alcohol retailers (from midnight to 06:00 hours) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the licensing authority.
- 21.2 At the time of writing this policy the Licensing Authority has no plans to collect a LNL. However the situation will be kept under review and prior to making a decision to implement a LNL, the licensing authority will have discussions with the Police and Crime Commissioner (PCC) and local Police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the licensing authority will consult the PCC, the police, licence holders and others about its proposal.

22 COVID-19 – 2020

- 22.1 Due to the pandemic guidance was issued from government to help the hospitality trade reopen
- 22.2 This guidance relates to the alcohol licensing provisions in the Business and Planning Act 2020 only. It is separate to the guidance on working safely during Covid-19 issued by the Department for Business, Energy and Industrial Strategy and the Department for Digital, Culture, Media and Sport.
- It includes information on:
- the purpose of the temporary off-sales extension
 - the difference between pavement licences and alcohol licence
 - the new summary off-sales review process
 - general advice on conducting off-sales
- 22.3 Applicants and Licencees must be mindful of any current government guidance in relation to Covid19

Annex A: Delegation of Functions:

Licensing Act 2003 & Regulations

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Cabinet – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 5	Creation of Statement of Licensing Policy	Council			
Section 5A	Consultation on possible Cumulative Impact Assessment and Subsequent Publication	Council			
Section 6	Creation of Licensing Committee	Council			
Section 8(1)	Maintaining a register				•
Section 8(3)	Providing facilities for inspecting register				•
Section 8(4)	Providing copies of entries in register				•
Section 8(5)	Determining a fee for providing copies of entries in register		•		
Section 10	Delegation of functions by Licensing Committee ¹		•	•	•
Various sections	Making representation as a responsible authority ²				•
Section 18(2)	Grant of premises licence where no representations				•
Section 18(3)	Determination of application for premises licence following representations			•	
Section 18(6)	Decision as to whether any representation in relation to a premises licence application is relevant				•
Section 18(7)	Decision as to whether any representation in relation to a premises				In consultation with Chair or

¹ S10(1) allows the Licensing Committee to delegate functions to a sub-committee or an officer (subject to certain exceptions contained in subsection 10(4)). This scheme of delegations must be made by the Licensing Committee, not Full Council. A sub-committee can also delegate (and again this must be a decision of the sub-committee) its functions to an officer (again subject to the s10(4) exceptions).

² This power is available in a wide range of circumstances, and is exercised under regulation 22 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 SI 2005/42. It is suggested it should be an officer decision, but the Licensing Authority must give careful consideration to:

- i) which officer it will delegate the power to; and
- ii) what the Licensing Authority will expect the officer to say in any representations so made.

	licence application from a person is frivolous, vexatious or repetitious				Deputy of Licensing Committee
Section 18(8)	Notification of decision that a representation in relation to a premises licence application from a person is frivolous, vexatious or repetitious				•
Section 23(1)&(2)	Notification of grant of premises licence and issue of premises licence following representations				•
Section 23(3)	Notification of refusal of application (rejection) of premises licence				•
Section 25(3)	Issue of copy premises licence				•
Section 31(2)	Grant of provisional statement where no representations				•
Section 31(3)	Determination of application for provisional statement following representations			•	
Section 31(3)(c) & (4)	Issue of provisional statement and copies following representations				•
Section 31(5)	Decision as to whether any representation in relation to a provisional statement is relevant				•
Section 31(7)	Decision as to whether any representation in relation to a provisional statement from a person is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 31(7)	Notification of decision that a representation in relation to a provisional statement from a person is frivolous, vexatious or repetitious				•
Section 35(2)	Grant of variation of premises licence where no representations				•
Section 35(3)	Determination of application for variation of premises licence following representations			•	
Section 35(5)	Decision as to whether any representation in relation to a variation of a premises licence is relevant				•
Section 35(6)(c)	Decision as to whether any representation in relation to a variation of a premises licence from				In consultation with Chair or Deputy of

	a person is frivolous, vexatious or repetitious				Licensing Committee
Section 36(5)	Notification of decision that a representation in relation to a variation of a premises licence from a person is frivolous, vexatious or repetitious				•
Section 36(1)	Notification of grant of variation of a premises licence and issue of premises licence following representations				•
Section 36(4)	Notification of refusal of application (rejection) for variation of a premises licence				•
Section 39(2)	Grant of variation of premises licence to specify new DPS where no representations				•
Section 39(3)	Determination of application for variation of premises licence to specify new DPS following representations			•	
Section 39(4)	Notification of grant or refusal (rejection) of application for variation of a premises licence to specify new DPS				•
Section 41B(3)	Determination of application for minor variation of premises licence (whether or not representations)				•
Section 41C(1)	Notification of grant of minor variation of premises licence				•
Section 41C(4)	Notification of refusal of application (rejection) for minor variation of premises licence				•
Section 44(2)	Grant of transfer of premises licence where no representations				•
Section 44(5)	Determination of application for transfer of premises licence following representations			•	
Section 44(6)	Determination to exempt applicant for transfer from obtaining existing licensees consent				•
Section 44(7)	Notification of refusal to exempt applicant for transfer from obtaining existing licensees consent				•
Section 45	Notification of grant or refusal (rejection) of				•

	application for transfer of a premises licence				
Section 47(7A)	Sending copy of interim authority notice sent by electronic facility to the police				•
Section 48(3)	Determination of interim authority notice following representations			•	
Section 48(4)	Notification of cancellation of interim authority notice				•
Section 48(5)	Sending copy of notification of cancellation of interim authority notice to police				•
Section 49(1)	Issue of certified copy of premises licence and summary to giver of interim authority notice				•
Section 51(4)(a)	Rejection of application for review of premises licence				•
Section 51(4)(b)	Rejection of application for review of premises licence from a person because it is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 51(6)	Notification of decision to reject an application for review of premises licence from a person because it is frivolous, vexatious or repetitious				•
Section 52(2) & (3)	Determination of application for review of premises licence			•	
Section 52(7)	Decision as to whether any representation in relation to a review of a premises licence is relevant				•
Section 52(8)(c)	Decision as to whether any representation in relation to a review of a premises licence from a person is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 52(9)	Notification of decision to reject any representation in respect of a review of premises licence from a person because it is frivolous, vexatious or repetitious				•
Section 52(10)	Notification of determination of a review of a premises licence				•
Section 53(2)	Application for review of				•

	a premises licence by a licensing authority				
Section 53A(2)	Determination of application for summary review of premises licence			•	
Section 53B(5)	Notification of imposition of interim steps				•
Section 53B(6)	Consideration of representations relating to interim steps			•	
Section 53B(7)	Notification of summary review hearing				•
Section 53C(2)	Determination of review of premises licence following summary review			•	
Section 53C(7)	Decision as to whether any representation in relation to a review of a premises licence following a summary review is relevant				•
Section 53C(8)(c)	Decision as to whether any representation in relation to a review of a premises licence following a summary review from a person is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 53C(9)	Notification of decision to reject any representation in respect of a review of premises licence following a summary review from a person because it is frivolous, vexatious or repetitious				•
Section 53C(10)	Notification of determination of review of a premises licence following a summary review				•
Section 55A(1) & (3)	Suspension of premises licence for failure to pay annual fee				•
Section 55A(5)	Issue of receipt for payment and lifting of suspension of premises licence following payment of annual fee				•
Section 56(1)	Amendments to premises licence and issue of revised summary				•
Section 56(2)	Requiring production of premises licence				•
Section 63(3)	Notice to club that it is no longer a qualifying				•

	club				
Section 72(2)	Grant of club premises certificate where no representations				•
Section 72(7)	Decision as to whether any representation in relation to a club premises certificate application is relevant				•
Section 72(8)	Decision as to whether any representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 72(9)	Notification of decision that a representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious				•
Section 72(3)	Determination of application for club premises certificate following representations			•	
Section 77(1)&(2)	Notification of grant of club premises certificate and issue of club premises certificate following representations				•
Section 77(3)	Notification of refusal of application (rejection) of club premises certificate				•
Section 79(3)	Issue of copy club premises certificate				•
Section 82 (4)	Amendment of club premises certificate				•
Section 83 (5)	Amendment of club premises certificate following notification of change of premises				•
Section 85(2)	Grant of variation of club premises certificate where no representations				•
Section 85(3)	Determination of application for variation of club premises certificate following representations			•	
Section 85(5)	Decision as to whether any representation in relation to a variation of a club premises certificate is relevant				•
Section 85(6)(c)	Decision as to whether any representation in relation to a variation of a club premises				In consultation with Chair or Deputy of

	certificate from a person is frivolous, vexatious or repetitious				Licensing Committee
Section 86(5)	Notification of decision that a representation in relation to a variation of a club premises certificate from a person is frivolous, vexatious or repetitious				•
Section 86(1)	Notification of grant of variation of a club premises certificate and issue of club premises certificate following representations				•
Section 86(4)	Notification of refusal of application (rejection) for variation of a club premises certificate				•
Section 86B(3)	Determination of application for minor variation of club premises certificate (whether or not representations)				•
Section 86C(1)	Notification of grant of minor variation of club premises certificate				•
Section 86C(4)	Notification of refusal of application (rejection) for minor variation of club premises certificate				•
Section 87(4)(a)	Rejection of application for review of club premises certificate				•
Section 87(4)(b)	Rejection of application for review of club premises certificate from a person because it is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 87(6)	Notification of decision to reject an application for review of premises licence club premises certificate from a person because it is frivolous, vexatious or repetitious				•
Section 88(2) & (3)	Determination of application for review of club premises certificate			•	
Section 88(7)	Decision as to whether any representation in relation to a review of a club premises certificate is relevant				•
Section 88(8)(c)	Decision as to whether any representation in relation to a review of a club premises certificate				In consultation with Chair or Deputy of

	from a person is frivolous, vexatious or repetitious				Licensing Committee
Section 88(9)	Notification of decision to reject any representation in respect of a review of club premises certificate from a person because it is frivolous, vexatious or repetitious				•
Section 88(10)	Notification of determination of a review of a club premises certificate				•
Section 89(2)	Application for review of club premises certificate by a licensing authority				•
Section 90(1)	Giving notice that club is no longer a qualifying club				•
Section 92A(1) & (3)	Suspension of club premises certificate for failure to pay annual fee				•
Section 92A(5)	Issue of receipt for payment and lifting of suspension of club premises certificate following payment of annual fee				•
Section 93(1)	Amendments to club premises certificate and issue of revised summary				•
Section 93(2)	Requiring production of club premises certificate				•
Section 100A(4)	Sending copy of temporary event notice sent by electronic facility to the police and environmental health				•
Section 102	Acknowledgement of temporary event notice				•
Section 104A	Issue of Counter notice				•
Section 105(2) & 106A(2)	Consideration of objection to temporary event notice and imposition of conditions (if possible under s106A)			•	
Section 105(3)(a)	Notice of decision following consideration of objection to temporary event notice where no counter notice issued				•
Section 105(3)(b)	Issue of counter notice following consideration of objection to temporary event notice				•
Section 106A(3)(b)	Issue of notice detailing conditions following consideration of				•

	objection to temporary event notice				
Section 107(1)	Issue of counter notice where temporary event notice limits exceeded				•
Section 107(11)	Issue of copy counter notice where temporary event notice limits exceeded to relevant persons				•
Section 110(4)	Issue of copy temporary event notice				•
Section 120(2) & (6)	Grant of personal licence where no representations				•
Section 120(3)	Refusal of application for personal licence where grant criteria not met				•
Section 120(4)	Giving notice to the police where applicant for personal licence has unspent relevant previous convictions				•
Section 120(7)	Determination of application for personal licence following police objections			•	
Section 121(2)	Giving notice to the police where applicant for renewal of personal licence has unspent relevant convictions since last grant or renewal				•
Section 121(5)	Grant of renewal of personal licence where no representations				•
Section 121(6)	Determination of application for renewal of personal licence following police objections			•	
Section 122(1) & (2)	Notification of grant or refusal (rejection) of personal licence				•
Section 124(2)	Giving notice to the police where applicant for personal licence (or renewal) has obtained a relevant conviction during the application process				•
Section 124(4)	Consideration of revocation of personal licence following notice from the police where applicant personal licensee has obtained a relevant conviction during the application			•	

	process				
Section 124(5)	Notification of decision to revoke or not following police notice where conviction during application process for personal licence				•
Section 125(1)	Issue personal licence				•
Section 126(3)	Issue of duplicate personal licence				•
Section 132A(4) & (5)	Giving notice to personal licensee that licensing authority is considering whether to suspend or revoke the personal licence				•
Section 134A(8)	Decision to suspend or revoke personal licence			•	
Section 134A(10)	Giving notice to the police of decision not to revoke a personal licence and inviting representations as to whether the licence should be suspended or revoked				•
Section 134A(12)	Decision to suspend or revoke personal licence following police representations				
Section 134A(13)	Notification of decision in relation to action against a personal licence				•
Section 134(2)	Endorsing personal licence following certain events				•
Section 134(4)	Requiring production of personal licence				•
Section 167(5)	Determination of review of premises licence following closure order			•	
Section 167(9)	Decision as to whether any representation in relation to a review of a premises licence following closure order is relevant or, if made by a person from a person is frivolous, vexatious or repetitious				In consultation with Chair or Deputy of Licensing Committee
Section 167(11)	Notification of decision to reject any representation in respect of a review of premises licence following closure order because it is not relevant, or if made by a person because it is frivolous, vexatious or repetitious				•

Section 167(12)	Notification of determination of a review of a premises licence following closure order				•
Section 172A(1)	Making, varying or revoking an Early Morning Alcohol Restriction Order EM(A)RO ³	Executive			
Section 172B(1)(a)	Advertising a proposal to introduce an Early Morning Alcohol Restriction Order (EM(A)RO) ⁴				•

³ Making an Early Morning Alcohol Restriction Order (EM(A)RO) is a Council function, and if any part of the procedure e.g. advertising the proposal under s172B(1)(a) it is to be undertaken by a body other than Full Council, it will need to be delegated under the Council scheme of delegations made under s101 Local Government Act 1972.

⁴ This is a delegation by Full Council, not under ss7 & 10 Licensing Act 2003 – see footnote 2 above

Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Regs 26B & 26C	Advertising various applications on Council Website Policy				•
Reg 27(1)	Copying various electronic applications to responsible authorities				•
Reg 28(1)	Copying various electronic applications to police				•
Reg 36A	Notification of summary review of premises licence				•
Reg 37	Notification of review of premises licence following closure order				•
Reg 38	Advertising review of premises licence or club premises certificate				•
Reg 40	Provision of application etc forms				•

Licensing Act 2003 (Personal Licences) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 10	Provision of application etc forms				•

Licensing Act 2003 (Hearings) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 4	Arranging hearings				•
Reg 6	Giving notice of hearings				•
Reg 7	Provision of information accompanying notice of hearing				•
Reg 6	Power to dispense with a hearing				•
Reg 11(1)	Power to extend time limits for hearings				In consultation with Chair or Deputy of Licensing Committee
Reg 11(2)	Notification of extension of period				•
Reg 12	Power to adjourn a hearing ⁵			•	In consultation with Chair or Deputy of Licensing Committee
Reg 12(2)	Notification of adjournment				•

⁵ It will depend on the situation whether this can be considered before the hearing, in which case the delegation should be to an officer in consultation with Chair or Deputy of Licensing Committee. Once the hearing has commenced, it will need to be a Licensing Committee decision (in which case it directly exercises the power of the Licensing Authority under s7(1) and no delegation is required) or a sub-committee (dependant on which body is hearing the matter) in which case delegation is required.

Reg 14	Power to exclude the public from a hearing ⁶		•	•	
Reg 20	Power to adjourn or continue a hearing in the absence of a party ⁷		•	•	
Reg 20(4)	Notification of adjournment of hearing in the absence of a party				•
Reg 21	Determination of proceedings for hearings		•		
Reg 22	Explanation of proceedings for hearings and determination of request for another person to appeal ⁸		•	•	
Reg 24	Allowing parties an equal period of time at a hearing ⁹		•	•	
Reg 25	Requiring a party to leave a hearing ¹⁰		•	•	
Reg 28	Notification of determination of hearing when not specified elsewhere				•
Reg 29	Details of rights of appeal to accompany notification of determination of hearing				•
Reg 30	Keeping record of hearings				•
Reg 32	Curing irregularities ¹¹		•	•	

The Licensing Act (Early Morning Alcohol Restriction Orders) Regulations 2012	Functions	Delegation - Licensing Authority (Council or Cabinet – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 4	Advertising proposed Early Morning Alcohol Restriction Order (EM(A)RO)				•
Reg 14	Publication of EM(A)RO				•

⁶ This will depend on whether the hearing is before the Licensing Committee (in which case it directly exercises the power of the Licensing Authority under s7(1) and no delegation is required) or a sub-committee.

⁷ See footnote 7 above.

⁸ See footnote 7 above.

⁹ See footnote 7 above.

¹⁰ See footnote 7 above.

¹¹ See footnote 7 above.

Police Reform and Social Responsibility Act 2011	Functions	Delegation - Licensing Authority (Council or Cabinet – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 125(2) & 132	Decision to impose a Late Night Levy (LNL) ¹² , and determination of levy year, late night supply period etc	Council			
Section 130(5) & (6)	Publication of statements of deductions and net levy				•
Section 131(2)	Payment of specified proportion of levy to police				•
Section 132	Determination of levy year, late night supply period etc	Council			
Section 133	Amendment of levy year, late night supply period etc	Council			
Section 133(2)	Determining exemption or reduction categories	Council			

The Late Night Levy (Application and Administration) Regulations 2012	Functions	Delegation - Licensing Authority (Council or Cabinet – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 8(1)	Payment of specified proportion of levy to police				•
Reg 8(2) & (3)	Using the LNL proceeds ¹³	• Council in England and Wales			•
Reg 9	Consultation before introduction or variation	Council in England and Wales			

¹² The decision to introduce a Late Night Levy (LNL) is not a licensing function under the Licensing Act 2003 and therefore cannot be exercised by the Licensing Committee. In the absence of any alterations to either the English or Welsh regulations, the power to determine a Late Night Levy (LNL) will lie with the Council.

¹³ Whilst on a day to day basis, this will be an officer decision, the overall policy will need to be set by the Council or delegated by the Council to a Council committee, sub-committee or officer.

Annex B Neighbour Notification Policy

Neighbour notification seeks to ensure that those persons within the borough who live immediately next to, opposite or behind

- a licensed premises or premises covered by club premises certificate, or
- the proposed site for a licensed premises or premises covered by club premises certificate

are notified when there is an application made relating to that premises or site. Neighbour notification will provide immediate neighbours with a further opportunity (beyond the statutory notices) to consider the application and respond if appropriate.

This process applies to any of the following:

- Application for new premises licence
- Application for a full variation of a premises licence
- Application for new club premises certificate
- Application for a full variation of a club premises certificate
- Application for a review of a premises licence
- Application for a review of a club premises certificate

The use of notification letters is in addition to the statutory requirements that are already in place for applicants to advertise applications in a local newspaper and on a blue notice outside the premises. The letter will contain the name of the premises, brief details of the application and how to get further information or make representations, as detailed on the public notices posted at the premises.

Properties to be notified

Properties to be notified are as follows:

- Properties sharing a common boundary with the premises, including outside areas
- Properties where part of the frontage is immediately in front of premises (on the opposite side of a road)

Annex C Glossary

Capacity Limit	Where the Licensing Authority and/or Fire Authority have set a limit on the number of people allowed in a premises or part of a premises, to prevent overcrowding which can lead to crime and disorder and concerns over public safety.
Child	Any person who is under the age of 18 years.
Club Premises Certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
Council	As far as this policy is concerned, any reference to the Council shall be interpreted as the Licensing Authority.
Cumulative Impact	Where there is a potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor	A specified individual, holding a personal licence, who is responsible for the day-to-day running of the business and whose name will appear on the premises licence.
Large scale event	large-scale action or event taking place over a very wide area or involves large numbers of people or things
Late Night Refreshment	The supply of hot food and drink between the hours of 23.00 and 05.00 for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Event Notice
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Qualification	Qualification accredited by the Secretary of State and a requirement for a personal licence.
Operating Schedule	This forms part of the completed application form for a premises licence and must promote the licensing objectives. See section 4 for more information.
Personal Licence	This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
Premises Licence	A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless

	revoked or surrendered.
Proprietary Clubs	Clubs run by individuals, partnerships or businesses for the purpose of making a profit.
Provisional Statement	Where premises are being constructed or extended or substantial structure changes are proposed.
Qualifying Club	<p>Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are:</p> <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs <p>A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.</p>
Regulated Entertainment	Entertainment that is provided to members of the public or to members of a qualifying club, or entertainment held with a view to profit. This includes plays, films, indoor sporting events, performance of dance and live and recorded music. For more detailed advice on whether a specific activity constitutes regulated entertainment, please contact the Licensing Team.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by a responsible authority or any other person which are deemed as relevant
Responsible Authorities	<p>This group can make representations and includes bodies such as:</p> <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The Local Enforcement Agency for the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm – Bracknell Forest Safeguarding Board • The Licensing Authority itself
SAG	Safety Advisory Group. An advisory body whose purpose is to offer advice and guidance on event organisation.
Temporary Event Notice	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.