

LICENSING AND SAFETY COMMITTEE  
14 OCTOBER 2010

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**REVIEW OF STATEMENT OF LICENSING POLICY  
(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 Section 5 of the Licensing Act 2003 requires the licensing authority to prepare and publish a statement of its licensing policy every three years. The statement of policy outlines the general approach of the licensing authority when making licensing decisions under the Act.
- 1.2 The Bracknell Forest Statement of Licensing Policy must undergo a review and be re-published on 7 January 2011. The purpose of this report is to bring the Policy, with suggested amendments, to the Committee for comment prior to approval by Council on 24 November 2010.

**2 RECOMMENDATION**

- 2.1 That the Committee notes the proposed amendments and agrees that the revised policy be put forward to Council on 24 November 2010 for approval.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

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

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

**4 SUPPORTING INFORMATION**

- 4.1 Consultation on the Policy started on 8 July and ended on 1 October. Attached to the report as **Annex A** and **Annex B** are the two responses received. The comments received have been considered and where appropriate included within the Policy.
- 4.2 Attached as **Annex C** to this report is the proposed new Policy, marked to show changes together with comments as to why those changes are suggested.

Background Papers

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003 (March 2010)

Bracknell Forest Statement of Licensing Policy (January 2008)

Contact for further information

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## **Annex A**

### **THAMES VALLEY POLICE RESPONSE TO THE CONSULTATION ON BRACKNELL FOREST COUNCIL STATEMENT OF LICENSING POLICY**

#### **1. Introduction to the policy.**

Paragraph 1.6 – change other agencies to “Responsible Authorities”?

Paragraph 1.8 – operation to operational?

Paragraph 1.15 – strongly recommended?

Paragraph 1.21 – The Police will use s161 of the Act when they deem it necessary to close a premises at any time. There is no consultation with any other agency in the use of this power?

#### **2. Prevention of Crime and Disorder.**

Paragraph 2.2 – Last sentence, omit “where operational” as it is?

Paragraph 2.2 C – Last sentence add, or any found illegal drug related items?

#### **3. Public Safety.**

Paragraph 3.3 – Last sentence, add, “and the safety of patrons using the premises whilst it is being used under the terms of the premises licence”.

Paragraph 3.11 – add, including controlled drugs, “and prescribed medicines”

Paragraph 3.12 – first sentence, should relate to Model Pool Conditions CD 36?

Paragraph 3.15 – are some of the contents covered by other primary legislation?

#### **4. Prevention of Public Nuisance.**

Paragraph 4.6 add, “and the safety of patrons using the premises whilst it is being used under the terms of the premises licence”.

#### **5. Protection of Children from Harm.**

Paragraph 5.8 – add, cigarettes? see Model Pool Conditions PC26?

Paragraph 5.18 – last sentence, the responsibility for this function was delegated to Thames Valley Police by the LSCB.

#### **6. Temporary Event Notices.**

Paragraph 7.3 – second sentence, change “within the ten day time frame” the SDOs at Bracknell and Crowthorne Police Stations are not manned for twenty four hours a day.

#### **7. Personal Licences.**

Paragraph 8.4 – inform the issuing Licensing Authority?

#### **8. Complaints against Licensed premises.**

Paragraph 11.7 – add, in a public or private domain?

#### **9. ANNEX A.**

This process applies to the following – add Late Night Refreshment?

#### **10. ANNEX B.**

Licensing Qualifications – other agencies other than the BII can provide qualification.

Regulated Entertainment – entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance?

>>> "Adele Swadling" <[Clerk@CrowthornePC.org.uk](mailto:Clerk@CrowthornePC.org.uk)> 08/09/10 11:54 >>>

Dear Sue/Mary

Licensing Act 2003 - Review of Licensing Policy Statement

Crowthorne Parish Council reviewed the Statement of Licensing Policy at the Parish Council meeting of the 7 September 2010, and the following comments were agreed:-

Crowthorne Parish Council has reviewed the Licensing Policy dated January 2008 and would like to comment as follows:- The four licensing objectives as set out in the 'Statement of Licensing Policy' are retained by the Licensing Authority, Bracknell Forest Council, these are:-

- (a) Prevention of Crime and Disorder
- (b) Public Safety
- (c) Prevention of Public Nuisance and
- (d) Protection of Children from Harm

Kind Regards,

Adele Swadling  
Clerk to the Council