



# **DRAFT** **LICENSING POLICY**

October 2007

Deleted: December 2004

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## 1. Introduction to the Policy

- 1.1 The Government has introduced legislation to reform the country's licensing laws. The Licensing Act 2003 requires Bracknell Forest Borough Council to publish a 'Statement of Licensing Policy' which sets out the policies the Licensing Authority will apply to promote the four Licensing Objectives when making decisions on applications. In drafting this Policy, the Licensing Authority wants to improve the look and feel of Bracknell Forest, attracting visitors and making it a stimulating and enjoyable place in which to live, study or work.
- 1.2 In carrying out its licensing function, the Licensing Authority will promote the four Licensing Objectives. These are the only matters to be taken into account when determining an application. The four Licensing Objectives are:
- (a) Prevention of Crime and Disorder;
  - (b) Public Safety;
  - (c) Prevention of Public Nuisance; and
  - (d) Protection of Children from Harm.

1.3 The Council has adopted a Neighbourhood Notification policy for applications for new licences or the variation of existing licences. This is in accordance with paragraph 8.52 of the Guidance issued under section 182 of the Licensing Act 2003. A copy of the notification policy is attached to this document as Annex (). The notification policy will be kept under review by the Licensing and Safety Committee

**Comment:** The Notification policy was introduced by Committee to ensure that those persons in the immediate vicinity who maybe affected by activities at the premises are aware of an application and are therefore able to exercise their right of comment.

1.4 Where representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, Responsible Authorities or persons making relevant representations prior to the hearing.

**Comment:** The authority has since the Policy was introduced implemented such a facility which has been very successful in both reducing the need to hold hearings and encouraging open discussion within the local community.

- 1.3 There are four main licensable activities:
- a) the sale by retail of alcohol;
  - b) the supply of alcohol by or on the behalf of a club to, or to the order of, a member of the club;
  - c) the provision of regulated entertainment; and
  - d) the provision of late night refreshment.

This Licensing policy is about the regulating of licensable activities and as such is focussed on the direct impact of activities taking place on or in the vicinity of those premises. It is not a primary mechanism for controlling general nuisance unconnected to the Licensing Objectives.

- 1.4 This Policy is intended to shape the future of licensing, entertainment and related social activities within the Borough, and has been produced after consultation with the public and interested bodies, including the licensed trade and other agencies (Annexe A). Due consideration has been given to all relevant responses in the production of the final version of this Policy.
- 1.5 The Licensing Authority aims to ensure that licensed premises have good operating Practices, which assist in reducing the significant contribution that alcohol misuse makes to violent crime.
- 1.6 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and interested parties where appropriate in order that they have a clear understanding of both the legislative and operation requirements.

1.7 The Licensing Authority is committed to promoting the Borough's Sustainable Community Strategy and will actively encourage 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 circus and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.

**Comment:** New Strategy introduced in 2005

**Deleted:** Cultural

1.8 To ensure this Policy integrates with other cultural strategies, such as Safety Communities Strategy, Anti Social Behaviour Strategy and the Safer Communities Partnership, the Licensing authority has liaised and consulted with the appropriate groups and will continue to develop close working partnerships.

**Deleted:** Community

**Deleted:** Plan

**Deleted:** Local Strategic Plan,

**Deleted:** and Local Crime and Reduction

**Comment:** Updating changes to strategy and partnership names

**Deleted:**

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1.10 The changes which came into effect in November 2005, applied to:

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**Comment:** Updated tense

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- Pubs, nightclubs, and bars
- Indoor sporting events including boxing and wrestling wherever it takes place
- Off-licences and other places that sell alcohol, such as supermarkets and convenience stores
- Restaurants that serve alcohol
- Businesses offering hot food between 11pm and 5am, eg: late-night cafés, take-aways, street trading etc
- Hotels, guesthouses
- Private members clubs, sports and social clubs and clubs associated with business
- Theatres
- Garage forecourts selling alcohol and hot food after 11pm
- Cinemas
- Organisers of Regulated Entertainment, eg: Community Centres, Schools and Village Halls

However, this list is not exhaustive and the Policy covers a wide variety of premises and activities carried on in them as specified within the Act. For this reason the Licensing Authority cannot detail in the Policy all the factors that may influence the achievement of the Licensing Objectives.

1.11 When determining applications, the Licensing Authority must be satisfied that the applicant's Operating Schedule (described later in the Policy) seeks to promote the four Licensing Objectives. The Licensing Authority will make decisions guided by this Policy but will not fetter its right to discretion. In the interests of the safety and well-being of all users of the facilities it licences, the Licensing Authority expects licensees to adopt best practices for their industry. The Licensing Authority's Statement of Licensing Policy further outlines the expectations of the Licensing Authority and should assist applicants to understand the rationale behind its Policy.

**Comment:** Change following comment by the British beer & pub Association. There is no legal basis for the Licensing Authority to consult. The Authority does inform through various means including its website and assists through negotiations per 1.3

1.12 Every application to the Licensing Authority will be considered on its merit and will be treated fairly and objectively in accordance with the four Licensing Objectives. The Licensing Authority will regularly monitor race-equality to ensure a fair application of the Policy, with specific reference to the rate of approvals/refusals, the level of enforcement, and the attachment of additional conditions.

**Deleted:** On all applications the Licensing Authority will consult with interested parties and responsible authorities.

- 1.13 The Licensing Panel will take into account the views of Thames Valley Police who has issued guidance to its licensing officers regarding the criteria to work to when considering a licence application. It is recommended that all applicants consult with the local police licensing officer before submitting an application.
- 1.14 If there is a recognised need, 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.
- 1.15 The Policy will not undermine the applicant's right to apply under the Act for a variety of permissions, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate.
- 1.16 The Policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example the Disability Discrimination legislation, Health and Safety at Work etc Act 1974, The Environmental Protection Act 1990 and the Regulatory Reform (Fire Safety) Order 2005.
- 1.17 This Policy will be continually updated and reviewed. In any event the Policy will be reviewed every 3 years.
- 1.18 Comments on the Policy may be made to the Licensing Authority, Environment and Leisure Department, Bracknell Forest Borough Council, Time Square, Market Street, Bracknell or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk). All comments received will be considered and carefully monitored and where appropriate, included in the Policy.
- 1.19 The Licensing Authority will work with the Police where there is a need to determine whether any premises should be subject to a Police Closure Notice. Protocols for enforcement will be established between the Police and the Licensing Authority in order to target agreed problem and high risk premises that require greater attention whilst allowing a lighter touch in respect of well run, low risk premises.
- 1.20 The Licensing Authority will work with and actively encourage licensees to promote anti-drink driving campaigns, for example, licensees could participate in the Designated Driver (DES) Scheme promoted by the Portman Group and backed by the Department of Transport and the British Beer & Pub Association.
- 1.21 The Policy has in mind a wide range of licensed premises, from small off-licences, take-aways to cinemas and large nightclubs. The Licensing Authority has discretion to decide that parts of the Policy do not apply to particular premises, and also has a wide discretion as to what conditions, if necessary, are appropriate to attach to a licence. These conditions will be tailored to suit the circumstances and premises. Conditions will be proportionate and necessary to achieve the licensing objectives. If no representations are received, however, the application will be granted in the terms sought and no additional conditions attached.
- 1.22 The Licensing Authority will seek to protect the reasonable rights of residents and businesses, and other parties such as visitors and persons holding official

**Comment:** Wrong year

**Deleted:** 4

**Comment:** Dealt with by Planning and Building control legislation. See 1.16 of the DCMS guidance 2007

**Deleted:** However, the Licensing Authority would require that prior to a licensing application being submitted, the appropriate planning permission and, where appropriate, building control approvals will have been granted in respect of any premises and that any operating hours do not exceed those, if any, authorised by the planning consent.¶

offices/responsibilities. In determining applications, 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 Licensing Authority recognises that licensing law is not a primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises. Nonetheless, it is a key aspect of such a control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in the town centre.

1.23 The Licensing Authority recognises that longer licensing hours for the sale of alcohol aims to:

- ensure that large numbers of customers leaving premises simultaneously are avoided,
- meet its Public Safety, Public Nuisance and Crime and Disorder Licensing Objectives,
- encourage the development of a thriving and safer night time economy, and
- offer a greater choice and flexibility to the community.

1.24 Most licensable activities are listed in the Glossary, however where a member of the public is uncertain as to whether an activity is licensable or not they should contact the Licensing Section through the Customer Service Centre on 01344 352000 or e-mail [licence.all@bracknell-forest.gov.uk](mailto:licence.all@bracknell-forest.gov.uk).

## PART A

### 2. Licensing Objective 1: Prevention of Crime and Disorder

2.1 The Licensing Authority is committed to reducing crime and disorder across the Borough through its statutory duty under the Crime and Disorder Act and the Community Safety Strategy. In addition, the Council is committed to further improving the quality of life for the people of Bracknell Forest by continuing to reduce crime and the fear of crime.

2.2 National and local crime statistics evidence that the consumption of alcohol is a significant contributory factor to levels of crime and disorder. Good management and good practice procedures in licensed premises can and do make an important contribution to lessening that impact. An example of good practice would be for licensees to join a local Pub and Drug Watch Scheme, where operational.

2.3 The Licensing Authority, Police and licensees are encouraged to work in partnership with a local Pub and Drug Watch Scheme within the Borough to help licensees to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information through effective communication and seeks to address matters such as under-age sales, problems associated with drunkenness, prevention of illegal drug use, and anti-social behaviour. ↓

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Comment: Web site no longer exists and a scheme is operational in Bracknell Forest

Deleted: Where there is no scheme in place applicants are strongly encouraged to visit [www.uniquepubs.com/pubwatch](http://www.uniquepubs.com/pubwatch) to obtain further information and advice on setting up a scheme

2.4 It is imperative that all forms of crime are prevented in licensed premises. A responsible licensee or their staff shall deter, prevent and report other instances of crime, such as offences under the Theft Acts (eg: handling stolen goods), violence related or any other activity likely to constitute or conspiring to commit crime, including activities associated with the sex industry.

2.5 The Licensing Authority and Thames Valley Police through their Safety Communities Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol. Applicants for new licences or existing licences under a review process will need to satisfy the Licensing Authority in their Operating Schedule that they will take reasonable steps to reduce and prevent Crime and Disorder on their premises or in the vicinity in line with Local Crime Prevention Strategies.

Deleted: Community

2.6 In considering licensing applications, the Licensing Authority will expect applicants to set out, where necessary and based on individual risk assessment:

(a) What measures will be taken by the licensee to promote intolerance of drugs and illegal substances, to prevent their use, sale or supply on the premises, and what provision will be made for facilities to store seized items.

(b) What measures will be taken by the licensee to raise staff awareness of both drug and alcohol abuse, for example training to recognise symptoms of drug abuse.

Deleted: <#>What measures will be taken by the licensee to prevent alcohol abuse such as drinking games and continuous drink promotions, including the adoption of advice by the British Beer and Pub Association and the Portman Group.¶

(c) What action will be taken when drugs have been found. The Licensing Authority may require a log to be kept and all entries in the log to be witnessed. This log should be made available to any Police Constable or authorised officer of the Licensing Authority. The Licensee should advise the Police at the earliest possible opportunity of any confiscated item.

(d) What measures will be taken by the licensee to prevent alcohol abuse such as drinking games and continuous drink promotions, including the adoption of advice by the British Beer and Pub Association and the Portman Group.

Comment: Changed order

- (e) What features are currently in place or planned for physical security at the premises. For example, CCTV. (As a preventative measure in the planning/licensing application process, all new applicants are advised to liaise with the Thames Valley Police Crime Reduction Team in writing in order to satisfy the requirements of the Crime and Disorder Objective.)
- (f) How licensees propose to work in partnership with the Licensing Authority, Police and other traders to establish an agreement on co-ordinating operating hours to prevent large numbers of people moving between premises. For example, disco nights, promotion nights and special events which could attract large numbers of people. Such co-ordination, though it is not a requirement of the Licensing Act, could be achieved through a local Pub Watch Scheme.
- (g) What arrangements will be made for the adoption and use of a recognised or appropriate age-monitoring scheme.
- (h) What active management measures will be taken for the prevention of violence or public disorder. For example, where appropriate, employment of registered door staff to control entry, persons awaiting entry to the premises, flashpoints within the premises, and the dispersal of customers. This might include women safety and race issues, ie: measures taken to deal with harassment, discrimination and inappropriate behaviour.

**Comment:** BBPA suggestion that it is not a legal requirement.. Agreed best practice and changed

**Deleted:** must

- 2.7 Applicants should address in their Operating Schedule the individual style and characteristics of their premises and the proposed events and activities. This could include, for example, seating provided in pubs, bars, nightclubs and late night refreshment houses because research has shown that the amount of seating can be relevant to the prevention of crime and disorder.
- 2.8 The Licensing Authority is aware that retail outlets will be able to sell alcohol for consumption off the premises at any time they are open for trade including 24-hour opening, Sundays and Bank Holidays. However, restrictions on sales may be imposed where representations are made by the Police under the Crime and Disorder and Public Nuisance licensing objectives and are imposed by Committee where an agreement cannot be reached with the retailer.
- 2.9 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have considered and taken action to address those issues. New applications, or applications for variation, may be refused where there are significant outstanding issues.
- 2.10 In the interests of the Public Safety and Crime and Disorder Licensing Objectives, the Licensing Authority will advise, where appropriate, that where alcohol is consumed in designated outside areas, provision is made to ensure that glasses and bottles will be of a type which, when broken, do not enable the remnants to be hazardous, or used as a weapon. This would not be a ban on glass bottled products per se, merely on the serving of drinks in glass bottles. A ban would be based on risk assessment and would only be applied where necessary.
- 2.11 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 Commission for Racial Equality website, <http://www.cre.gov.uk> or by contacting them on 020 7939 0000.

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[www.raceimpact.homeoffice.gov.uk](http://www.raceimpact.homeoffice.gov.uk)

Comment: Updating website details

Deleted: Community for Racial Equality (CRE) on

2.12 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:

- The use of text pagers
- Door supervisors
- Banning of bottles
- Plastic containers and toughened glass
- CCTV – to a standard required by Thames Valley Police
- Preventing the taking of alcoholic and other drinks from the premises in open containers
- Restriction on the hours of use of particular drinking areas (eg: gardens)
- Capacity limits
- Proof of age cards
- Display of crime prevention notices
- Irresponsible drinks promotions
- Appropriate signage, for example: advertising the normal hours under the terms of the licence and/or, where appropriate, restrictions on admission of children
- Ratio of tables and chairs to customers based on capacity

### 3. Licensing Objective 2: Public Safety

3.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to 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. Advice is available through the Bracknell Forest Borough Council website, or by contacting the Licensing Authority.

3.2 The Licensing Authority is committed to ensuring public safety across the Borough, by working in close partnership with Thames Valley Police, Royal Berkshire Fire and Rescue Service, and licensees.

3.3 In order to ensure public safety, the Licensing Authority will consider the attachment, where applicable, of a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority, to control access to and egress from the premises during events.

3.4 Where applicable, the Licensing Authority will consider the attachment of a condition to the licence requiring the use of stewards whose role is not to carry out security activity but to provide advice and ensure the safety of those visiting the premises.

3.5

3.6

3.7 Where occupancy limits for a premises, or part of a premises, have been set by the Fire Authority, the Licensing Authority will not normally need to set a capacity limit by way of a licence condition because that would be to duplicate an existing control imposed under another regime.

3.8 Where the Fire Authority has not set an occupancy limit the Licensing Authority will, on advice of the Fire Authority, consider setting an occupancy limit for premises wishing to supply alcohol, on the premises, to customers after 11pm and/or where regulated entertainment is provided, where this may be beneficial in achieving the licensing objectives.

3.9 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.

3.10 When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to Bracknell Forest Borough Council's Safety Advisory Group.

3.11

3.12 In the interests of public safety and to prevent accidents occurring, where appropriate applicants may be required as part of the licence conditions to provide toughened glass and/or plastic containers for refreshments. This may be particularly relevant for an auditorium, theatre, cinema, sporting occasion or outdoor event.

**Comment:** This duplicates provisions within the Fire Safety order 2005

**Deleted:** The Licensing Authority will consider the implications relating to Fire Safety of each individual application for, or variation of, a Premises Licence. The Licensing Authority, with the aim of protecting the safety of persons, both public and employees at all licensed premises, will expect the applicant to have carried out a suitable and sufficient risk assessment and put into place measures:¶

¶  
(a) to reduce the risk of fire on the premises and the risk of the spread of fire on the premises;¶  
(b) in relation to the means of escape from the premises;¶  
(c) for securing that, at all material times, the means of escape can be safely and effectively used;¶  
(d) in relation to the means for fighting fires on the premises;¶  
(e) in relation to the means for detecting fire on the premises and giving warning in case of fire; and¶  
(f) in relation to the arrangement for action to be taken in the event of fire on the premises including measures relating to the instruction and training of staff.

**Deleted:** Prior to the determination of a licensing application a responsible authority may require sight of such determination which will demonstrate compliance with the above.

**Comment:** This is a matter of Public Health and as such is beyond the scope of the Act

**Deleted:** Where appropriate, applicants must provide evidence that regard will be taken to protect the hearing of the public.

- 3.13 In the interests of public safety, nightclub owners and dance event promoters are encouraged to seek guidance to ensure the health and safety of anyone attending dance events from the Safer Clubbing Guide by visiting [www.drugs.gov.uk](http://www.drugs.gov.uk).
- 3.14 Where appropriate, there should be provision of drinking-water and trained first aiders with appropriate up-to-date training able to recognise the symptoms caused by the combination of drugs (including controlled drugs) and alcohol, which can lead to overheating and exhaustion.
- 3.15 The licensee may have a responsibility to develop a Drugs Policy. Advice on methods of preventing the misuse of drugs and related matters can be sought from Bracknell Forest Borough Council's Drug Action team. For example, the use of sharp boxes and personal protective equipment in the disposal of drug-related articles found on licensed premises.
- 3.16 The use of special effects such as lasers, pyrotechnics, smoke and foam machines can be dangerous. If it is intended to use any special effects, full details of when and how the effects will be used must be set out in the Operating Schedule and appropriate risk assessments of the location, use and type of special effects, should be provided.
- 3.17 If at any time consideration is given to allowing onto the premises animals with the potential to cause harm, eg: animals specified in the Dangerous Wild Animals Act and Dangerous Dogs Act (1976), the Operating Schedule should set out the circumstances in which such animals would be admitted to the premises, purposes for which they would be there, and the steps which would be taken to ensure the safety of the public, both staff and patrons, while the animals are present.
- 3.18 In appropriate cases where there are no statutory requirements, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:

**Comment:** Aspects of the matters below maybe covered by legislation and as such must not be duplicated by the Licensing Act

- Disabled people – effective alarm and evacuation procedures
- Maintenance of all escape routes and exits including external exits and routes
- Safety checks and provision of log book
- Curtains, hangings, decorations and upholstery – maintained and flame-retardant
- Accommodation capacity limits
- Fire action notices
- Notification to fire control centre if water supply is cut off or restricted
- Fire outbreaks – contacting the Fire Brigade and appropriate record-keeping
- Access for emergency vehicles
- First Aid equipment and the number of up-to-date trained first-aiders on site
- Lighting
- Monitoring and logging of noise levels by responsible personnel
- Temporary electrical installation inspections and notification
- Ventilation
- Alterations to the premises
- Use of special effects
- Additional conditions may be attached to Theatres, Cinemas, Concert Halls and similar places

- 3.19 For indoor sports entertainment, or where special provision must be made for the safety of the public or club members and guests, the Licensing Authority may consider attaching conditions, such as, but not limited to:

- Provision of qualified medical practitioners throughout a sports entertainment.

- Where a ring is involved, that it be constructed by a competent person and inspected by a competent authority and any material used 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 adequately trained staff in rescue and life safety to be made available who should remain in the vicinity at all times.

#### 4. Licensing Objective 3: The Prevention of Public Nuisance

- 4.1 The Licensing Authority is committed to minimising the level of public nuisance in the Borough by working in close partnership with the Thames Valley Police, Planning, Environmental Health and licensees. 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.
- 4.2 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.
- 4.3 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the Operating Schedule:
- (a) Measures taken or proposed to be taken to reduce noise and vibration escaping from the premises. This would include music, noise from fixed or mobile equipment (eg: air conditioning, generators), and human voices, whether or not amplified.
  - (b) Measures taken or proposed to be taken to prevent unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
  - (c) Measures taken 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.
  - (d) In the absence of locally available public transport, sufficient provision for access to taxis and private hire services. For example, lists of licensed taxi companies displayed by the public telephone.
  - (e) Measures taken to encourage patrons to arrive and disperse quickly and quietly from the immediate vicinity of the premises. This might include, for example in nightclubs and discotheques, lowering the volume of the music and raising lights during the last 30 minutes before closing time.
  - (f) Measures taken to ensure the safe removal and dispersal of persons ejected from the premises.

(g) Measures to control nuisance that might be associated with the use of the external areas, particularly late at night.

**Comment:** Request from EH to deal particularly with the use of smoking shelters

**Formatted:** Bullets and Numbering

- 4.4 Applicants should note that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include, but are not limited to:
- (a) Planning controls
  - (b) CCTV surveillance
  - (c) The designation of restricted areas for consumption of alcohol
  - (d) Police enforcement
  - (e) Review of Licences
  - (f) Other local initiatives

4.5 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of Regulated Entertainment provided and hours of operation will be suitable for the location in which the premises are situated (eg: areas of dense residential accommodation).

4.6 In appropriate circumstances, to prevent public nuisance, the Licensing Authority will consider attaching a condition to the licence requiring the use and number of Door Supervisors, licensed by the Security Industry Authority, in order to control access to and egress from the premises during events.

4.7 The applicant will be expected to demonstrate within the Operating Schedule what actions will be taken to train staff on those measures necessary to stop customers consuming excessive amounts of alcohol whilst on the premises. The effective training of staff in alcohol abuse awareness is appropriate to meet the Prevention of Public Nuisance, Public Safety, and Prevention of Crime and Disorder Licensing Objectives.

4.8 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:

- Hours – for example: restrictions when licensable activities take place, such as recorded/amplified music and/or speech, after a certain time in indoor and outdoor areas
- Noise and vibration – abatement, monitoring and logging
- Noxious smells
- Light pollution
- Litter

Comment: To re word paragraph to add clarity

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## 5. Licensing Objective 4: Protection of Children from Harm

- 5.1 When addressing the protection of children, 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. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.
- 5.2 Applicants are required, where appropriate, to set out in the Operating Schedule the arrangements they have in place to prevent the sale of alcohol and illegal substances to children. This should include an age-monitoring scheme. The Licensing Authority would accept that the licensee obtains any of the following as an acceptable proof of age scheme:
- (a) Passport
  - (b) Photo Card driving licence issued in the European Union
  - (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.
- 5.3 The Licensing Authority will expect applicants to set out in the Operating Schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter or waitress in a specially designated part of the premises and alcohol is sold only with a table meal.
- 5.4 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. For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.
- 5.5 Applicants from retail outlets who use self scanning devices will be expected to demonstrate how they are going to control the sale and purchase of alcohol by persons under the age of 18.

5.6 Licensees retain the right to permit or not to permit children into their premises at any time. Where appropriate, applicants should state in the Operating Schedule:

- (a) whether or not they will admit children to the licensed premises;
- (b) whether or not children will be admitted to all parts of the premises;
- (c) where children are to be admitted, the steps that will be taken to protect children from harm, for example where deemed appropriate the provision of designated areas for children and families, age (below 18) and hour limitations.

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

5.8 With regard to children, where appropriate licensees will be expected to consider and deal within the Operating Schedule the risk of children being exposed to and the steps that will be taken to protect them from:

- (a) the purchase, acquisition and consumption of alcohol;
- (b) likely exposure to drugs, drug-taking or drug-dealing;
- (c) exposure to activities of an adult and/or sexual nature;
- (d) exposure to activities of an adult and/or sexual nature;

**Comment:** This duplicates a legal requirement within the Act

**Deleted:** <#>Wherever alcohol is either sold or supplied for consumption on premises, applicants should set out in the Operating Schedule the steps that they will take to ensure that children between 16 and 17 will only be permitted to consume beer, wine or cider if they are with an adult aged 18 or over and eating a table meal (excluding snacks) and are under the supervision of that adult at all on times whilst on the premises. ¶

**Comment:** BBPA felt this was misleading as there is no legal requirement

**Deleted:** eg:

**Comment:** This makes it clear that it is not a requirement in all cases

**Comment:** Dealt within Gambling Act 2005

**Deleted:** exposure to gambling

- (e) exposure to incidents of violence and disorder;
- (f)
- (g)

**Comment:** Dealt with by Health Act 2006 and is not just a children issue

**Deleted:** exposure to environmental pollution such as the effects of passive smoking and excessive noise;

**Comment:** Dealt with by Children and cigarettes legislation

**Deleted:** the sale of cigarettes to Under-16s.

**Comment:** Health Act 2006 provisions

**Deleted:** In appropriate cases, the Council may expect consideration to be given to a specific 'No Smoking' area to be set aside for use by children.

5.10 Where appropriate, and particularly with regard to large public events, the Licensing Authority will expect to see in the Operating Schedule procedures for lost and found children.

5.11 The Operating Schedule should, in appropriate circumstances, set out the details of the training and information that will be provided for all staff responsible for the sale of intoxicating liquor in premises where children will be admitted.

5.12 Where events are taking place that are solely provided for children, for example, an Under-18s disco, no alcohol will be served.

5.13 In appropriate cases, the Licensing Authority will expect the licensee to evidence how they will supervise children who are performing in a Regulated Entertainment event and what consideration will be given to the welfare of children as performers and customers. Where children are supervised, the Licensing Authority will expect the Operating Schedule to demonstrate that these supervisors have been appropriately checked by the Criminal Records Bureau. These will be enhanced checks.

5.14 Where there is a sale by retail of alcohol, the Licensing Authority would expect licensees 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.

**Comment:** Removal of named guidance to keep up to date

**Deleted:** from the Portman Group Code of Practice

5.15 Protection of Children from Harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual content. In appropriate cases, the Licensing Authority will expect the licensee to evidence how they intend to prevent these occurrences. This concerns any activities of an adult nature, not just films and videos.

5.16 In relation to cinemas and places where films are shown, the Licensing Authority will expect the Operating Schedule to demonstrate that entry shall be controlled as part of an age-monitoring strategy.

5.17 The Licensing Authority propose to abide by the recommendations of the British Board of Film Classification but for the Protection of Children from Harm Licensing Objective, the Licensing Authority reserves the right to re-classify any film, and information regarding such classifications will be published on Bracknell Forest Borough Council's website and advertised in the Local Press.

5.18 In appropriate cases, and where its discretion is engaged, the Licensing Authority may attach conditions in line with the achievement of the Licensing Objectives, as listed in the core model conditions, relating to but not limited to:

- Access for children to licensed premises
- Specific age restrictions
- Age restrictions in cinemas and theatres
- Performances especially for children
- Children in performances, eg: size of venue, fire safety, special effects, care of children



- Proof of Age Cards

**Comment:** No longer available

**Deleted:** <#>Compliance with the Portman Group retail alert bulletins (See 5.14)¶

5.19 The Licensing Authority has named the Bracknell Area Child Protection Agency (ACPC) as the responsible authority to advise on the protection of children from harm. The ACPC is judged by the Licensing Authority to be a competent body in relation to these matters.

## PART B

### 6. Premises Licence

6.1 The Premises Licence, ~~↓~~ will detail the operating conditions. The purpose of these conditions is to regulate the use of the premises for licensable activities in keeping with the Licensing Objectives. The Operating Schedule is essential so that the Licensing Authority and responsible authorities can establish what measures may be necessary to meet the four Licensing Objectives.

Comment: Removed for clarity

Deleted: which is valid indefinitely subject to occasional review

6.2 Where a premises licence is in force and an event outside of the normal Operating Schedule is taking place, the licensee is legally required to notify the Licensing Authority no later than 10 working days prior to an event. However, ~~where possible~~ 3 months' notification of an event is advised to allow full consultation and consideration of the risks involved. Where a premises licence is in force and a licensee wishes to amend the licence application to have a particular licensable event on a regular basis, they must go through the variation process.

Deleted: , at least

6.3 In the case of circuses, festivals and carnivals, where a Premises Licence or Temporary Event Notice is required, it is the responsibility of the event organiser to ensure that the appropriate licence is in place.

6.4 The Licensing Authority encourages local Town and Parish Councils to seek premises licences for land or buildings under public ownership within the community. This could include village greens, market squares, community halls and similar public areas, thus allowing festivals, carnivals and circuses to take place encouraging a livelier community.

6.5 The Licensing Authority will not require raffles and tombolas which include alcohol to be licensed provided that:

- (a) the proceeds are not for personal gain;
- (b) there are no money prizes;
- (c) alcohol is in a sealed container; and
- (d) tickets are only sold at the place where the entertainment occurs.

In all other circumstances, a lottery licence will be required.

6.6 The Operating Schedule, which will form part of the Premises Licence, must include:

- (a) the name of the person (including a business or public body holding a licence);
- (b) the address of the premises;
- (c) the licensable activities to be conducted on the premises;
- (d) the location of licensable activities on the premises (e.g. bar downstairs);
- (e) the times during which it is proposed that the licensable activities are to take place;
- (f) any other times when the premises are to be open to the public;
- (g) where the licence is required only for a limited period, that period must be specified;
- (h) where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
- (i) where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- (j) the licensed area identified by a scaled map;
- (k) a scale drawing of the internal arrangements of the premises; and
- (l) the steps which the applicant proposes to take to promote the 4 Licensing Objectives.

The Operating Schedule should be precise and clear about the measures proposed to promote the licensing objectives.

**Comment:** No particular emphasis should be given to any particular Licensing objective DCMS guidance

**Deleted:** shall

**Deleted:** and in particular the protection of children from harm.

6.7 In order to support the Licensing Objectives, the Licensing Authority would recommend that consideration be given to the training and development of staff. A range of qualifications covering staff development and risk assessments designed to support these objectives are available from the British Institute of Innkeeping at [info@bi.org](mailto:info@bi.org).

6.8 It is essential that the Licensing Authority and interested parties know the nature of any licensable activities that take place at the premises, at the time of application. This is in order that the Licensing Authority can discharge its statutory responsibilities under the Licensing Objectives.

**Comment:** Removed as conflicts with 1.16

**Deleted:** Applicants should normally have planning permission before applying for a Premises Licence.

6.9 There is a Standard Pool of Conditions that may be applied in appropriate circumstances. The Licensing Authority's discretion to impose conditions is engaged only if it receives a relevant representation. If relevant representations are made to the licensing authority and 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 necessary and proportionate for the promotion of the four licensing objectives. Licences are sought at very different scales and the Licensing Authority will apply a level of conditions proportionate to the individual style and characteristics of the event or premises concerned. At any rate where measures to promote the Licensing Objectives are included in the Operating Schedule, these will automatically be attached as conditions to the licence.

6.10 Where appropriate, for example in nightclubs and discotheques, the Licensing Authority recommends a calming atmosphere to be created to assist in the orderly and quiet dispersal of customers. For example, lowering the volume of music and raising lights during the last 30 minutes before closing time.

6.11 Prior to submitting an application, the Licensing Authority recommends an applicant seeks advice and guidance on matters relating to the Licensing Objectives when completing their Operating Schedules. Details are available in the Guidance Notes for Applicants. This will ensure the application is processed efficiently and will reduce the likelihood of hearings.

6.12 Applicants for Premises Licences are expected to conduct a thorough risk assessment on the activities proposed to be carried at the premises in consideration of the Licensing Objectives. Where necessary, applicants are advised to seek advice on risk assessments. The licensee will be expected to record the actions to be taken as a result of the risk assessment in their Operating Schedule. These actions may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.

**Comment:** Added to clarify what the risk assessment is supposed to cover

**Comment:** This did not include all groups and was wrongly phrased to indicate that the Licensing Authority would do all of this which is incorrect

**Deleted:** or renewal of

**Deleted:** Licensing Authority will consult with

**Deleted:** d

**Deleted:** Social Services

**Comment:** Missed of original list

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**Deleted:** f

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6.13 In determining the grant, or variation of a licence, the following interested parties, and responsible authorities will be consulted. These include:

- (a) Thames Valley Police
- (b) Royal Berkshire Fire and Rescue Service
- (c) Environmental Health
- ~~(d) Trading Standards~~
- ~~(e) Area Child Protection Committee Health and Safety Executive~~
- (f) Persons living in the vicinity of the premises
- ~~(g) **Bodies or persons** representing persons living in that vicinity, including local Town and Parish Councils **and Ward Councillors?**~~

- (g) Individuals involved in a business in the vicinity
- (h) Bodies representing persons in such businesses
- (i) Planning Authority

- 6.14 The Licensing Authority will consider any relevant representations received from these parties. Any of these individuals or groups may specifically request a representative to make representations on his or her behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. However, a Ward Councillor who is a member of the Licensing and Safety Committee will be advised not to become involved in making either written or oral representations on behalf of constituents regarding matters covered by the Licensing Act 2003. In order for representations to be taken into account, they must concern at least one of the Licensing Objectives. Where a representation is made by an interested party, the Licensing Authority will decide if the representation is relevant and not vexatious or frivolous.
- 6.15 Where the responsible authorities and interested parties do not raise any representations, it is the duty of the Licensing Authority to grant the licence or certificate subject to the conditions of the operating schedule and any mandatory conditions of the Licensing Act 2003 itself.
- 6.16 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of a representation and it has been satisfied at a hearing of the necessity of additional conditions based on the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations.
- 6.17 Hearings may be avoided when interested parties, licensees and responsible authorities through negotiation, arrive at an amicable solution to the issues raised. The Licensing Authority will seek to facilitate such negotiation.
- 6.18 In determining the application the Licensing Authority will consider:
- (a) the case and evidence presented by all parties;
  - (b) the promotion of the four Licensing Objectives;
  - (c) Guidance issued by central Government; and
  - (d) the Licensing Authority's own Statement of Licensing Policy.

#### Provisional Statement

- 6.19 ~~Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be consulted on in the same way as a new licence. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to go through the new licence procedure. It is acknowledged that unless representations are made at the provisional statement stage, or are not given without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensed activity taking place there, the licence will be granted.~~
- 6.20 The applicant will be required to submit a full schedule of works, including a statement of the licensing 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.

Comment: There is no compulsion

Deleted: will be required to

#### Late-Night Refreshment

- 6.21 Where late-night refreshment is provided, applicants must demonstrate in their Operating Schedule how they will achieve the requirements of the Licensing Objectives.
- 6.22 Where appropriate, the Licensing Authority may recommend takeaway containers to display the company name in order for the Licensing Authority to discourage problem litter areas and in any event, the licensee is expected to provide waste disposal bins on or around the premises.

Mobile Premises

- 6.23 Where licensable activities are taking place moveable vehicles require a Premises Licence and the Operating Schedule must indicate the specific pitch from which they will trade. This is in addition to other licensing requirements for mobile trading vehicles.
- 6.24 The Licensing Authority requires the Operating Schedule to demonstrate how the applicant will promote the Licensing Objectives. With regard to controlling litter, the above paragraph will also apply to mobile premises with a late night refreshment licence.

Disability Access

- 6.27 Due regard is expected to be given to the Disability Discrimination Act 2004 particularly to access and egress for disabled persons.
- 6.28 The Licensing Authority has produced guidance on making the physical environment accessible to disabled people. Advice can be obtained from “Designing for Accessibility in Berkshire”. Further information is available on the Bracknell Forest Borough Council’s website or at the Council’s offices, Time Square, Market Street, Bracknell. RG12 1JD.

Cumulative Effect

- 6.29 Where the Licensing Authority receives relevant representations regarding the ‘cumulative impact’ of granting a licence, it will fully consider the effect it may have on the promotion of the licensing objectives, in particular Crime and Disorder and Public Nuisance, and make a decision accordingly.
- 6.30 If the Licensing Authority receives representation that a particular area of the Borough is reaching a concentration of licensed premises which is adversely affecting the promotion of the licensing objectives, it will consider the implementation of an additional policy after full consultation with all responsible bodies and examination of the supporting evidence.

**Comment:** Dealt with under Gambling legislation

**Deleted:** Amusement with Prizes  
¶  
<#>The Licensing Authority will expect the licensee to operate to the British Amusement Catering Trade Association (BACTA – the gaming machines trade representative body) Code of Practice with regard to children and gaming machines.¶  
¶  
<#>Where premises intend to provide more than two AWP machines, the Licensing Authority may deem it necessary to hold a hearing where relevant representations have been made in respect of this application. This applies only to variations or new licence applications, not to conversions of existing Gaming licences.¶

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**Comment:** This clarifies that any decision will be made on the available evidence

**Comment:** There is no need to state this.

**Deleted:** This principle will be taken into consideration within the proposed programme of the town centre re development.¶

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## 7. Temporary Events Notices

- 7.1 Where there is an event with less than 500 attendees which includes Regulated Entertainment and/or the sale of alcohol, for a limited period that is not otherwise authorised by the premises licence or club premises certificate, a Temporary Events Notice will need to be served on the Licensing Authority. Temporary Events Notices are not applications for permission to trade, they are notices of intent and are therefore served on the Licensing Authority and the Police. If there are 500 or more attendees, a Premises Licence must be applied for.
- 7.2 In accordance with the 2003 Act, any individual person aged 18 or over may give a temporary event notice, whether or not they hold a personal licence. An individual who is not a personal licence holder may only give a temporary event notice 5 times a year, and no more than 50 times a year if the individual does hold a personal licence. However, no more than 12 temporary events notices covering a maximum of 15 days may be given in respect of any particular premises in a single calendar year.
- 7.3 Organisers of temporary events are encouraged to submit their notification to the Licensing Authority as soon as is reasonably practicable in order for the Police 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. In order for the Temporary Event Notice to be processed within the time frame, licensees should submit their application to a 24-hour manned police station, details of which are available on [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk) or by calling the Licensing Authority on 01344 352000.
- 7.4 Event organisers are advised to submit their application to the Licensing Authority on a weekday and before 12 midday on a Friday to ensure a quick and efficient response. It is advised to submit the application in an envelope marked for the urgent attention of the Licensing Manager and for TEN to be written in red in the top right-hand corner.
- 7.5 Although the legal requirement is 10 working days, the Licensing Authority recommends that at least 3 months' notice be given to hold such events, to allow it to help organisers to plan their events safely to allow appropriate publicity and to consult with responsible authorities and interested parties prior to an application being submitted. 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.
- 7.6 The Licensing Authority recommends that organisers of a Temporary Event notify the Fire Authority of the event at the earliest opportunity to ensure that full discussion may occur in order that the event can take place with due regard to fire safety matters.
- 7.7 In the event of a relevant representation from the Police, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.
- 7.8 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 laws, for example sales of alcohol to children or to a drunk individual.
- 7.9 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 open for specified extended hours. A minimum of 6 months' notice

**Comment:** Clarity and accuracy

**Deleted:** 1

**Comment:** This does not happen and is not a statutory requirement. In the larger outdoor events this will be picked up as part of the Safety Advisory Group

**Deleted:** The Licensing Authority will notify the Fire Authority of Temporary Event Applications.

must be given to the Secretary of State so that consultation can take place and approval of both Houses of Parliament obtained.

## 8. Personal Licences

- 8.1 Personal Licences, which are renewable every ten years, authorise 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 that activity.
- 8.2 There is no strict legal requirement for the holder of the Personal Licence to be on the premises at all times, but merely for all sales to be so authorised by such a person, either directly or under authority that has been delegated. There may be circumstances where the holder of the Personal Licence is not on the premises, such as when that person is off duty, absent through illness, or on vacation. Where the Personal Licence holder has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the actions of those they have authorised to make those sales.
- 8.3 The Act requires a Designated Premises Supervisor to be nominated who is also a Personal Licence holder, the main purpose being to ensure that there is always one specified individual who can be swiftly identified in cases of emergency. The Designated Premises Supervisor should be an individual who it is clear is in charge of the day-to-day running of the premises.
- 8.4 Where the Designated Premises Supervisor 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. For example, this would apply to local organisations and groups renting shared community facilities where the Designated Premises Supervisor is a caretaker of the building, not normally present during operational hours when the community hall is rented but who is otherwise in charge of the premises.
- 8.5 The Premises Licence will specify the name of the Designated Premises Supervisor. It is the responsibility of the Premises Licence holder to notify the Licensing Authority immediately of any change of the Designated Premises Supervisor.
- 8.6 Where there is to be a new Designated Premises Supervisor, the Licensing Authority will require the Premises Licence holder to evidence that the individual concerned consents to taking on the role and to notify the Police of the application within 7 days. In this case, the whole Premises Licence does not have to be submitted for amendment, only the relevant part of the licence.
- 8.7 Personal Licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions prior to making an application.
- 8.8 Where the Police object to a Personal Licence on the Crime and Disorder Licensing Objective, the Licensing Authority will arrange for a hearing to take place at which the issue can be considered.
- 8.9 It is an offence for a Personal Licence holder who is convicted of a relevant offence not to inform the Licensing Authority in order that their licence can be amended.
- 8.10 Where a Personal Licence holder is convicted of a relevant offence as listed in the Act during the period when the application is being considered, the licence holder is required to advise the Licensing Authority forthwith.

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Comment: Having clearly displayed may cause problems of harassment for the DPS from an aggrieved customer. Enforcement bodies have a right to access the information

Deleted: clearly displayed

Comment: Licensee is no longer a legal term

Deleted: licensee

8.11 The syllabus for the personal licence qualifications is available on the Department of Culture, Media and Sport (DCMS) website, which can be found at [www.culture.gov.uk](http://www.culture.gov.uk). The syllabus sets out the structure for any course that will result in a licensing qualification. Details of those bodies which are accredited to award licensing qualifications are available on the DCMS website.

## 9. Club Premises Certificates

- 9.1 In order for Qualifying Clubs to supply alcohol and provide other licensable activities on Club premises, a Club Premises Certificate is required.
- 9.2 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 to support that the club is non-profit making.
- 9.3 The Licensing Authority will require the Club to produce an Operating Schedule, which demonstrates how it will promote the Licensing Objectives. The Operating Schedule, which will form part of the Club Premises Certificate, must include:
- (a) the name of the club;
  - (b) the address which is to be the relevant registered address;
  - (c) the address of the club premises to which the certificate relates;
  - (d) the qualifying club activities that will take place on the premises;
  - (e) the location of qualifying club activities on the premises (eg: bar downstairs);
  - (f) the times at which the qualifying club activities will take place;
  - (g) other times that the premises is open to members and guests;
  - (h) where the supply of alcohol is involved, whether supplies will be made for consumption on or off the premises or both;
  - (i) a plan of the premises drawn to scale; and
  - (j) the steps which the applicant proposes to take to promote the 4 Licensing Objectives.
- 9.4 The Act does not require any member or employee to hold a Personal Licence in order to supply alcohol to members and sell it to guests on the premises to which the certificate relates, nor is there a requirement for the club in question to specify a Designated Premises Supervisor. However, the Licensing Authority will require the Club Secretary's contact details to be readily available in the event of an emergency.
- 9.5 Where a Club intends to admit the general public to a Regulated Entertainment event, then a Premises Licence or a Temporary Events Notice is required. Where alcohol is sold and there is a Premises Licence, then there will also be a requirement for a person holding a Personal Licence to be named as the Designated Premises Supervisor.
- 9.6 If an applicant wishes to vary a Club Premises Certificate, the Act requires the application to be processed in the same manner as for a Premises Licence.



## **PART C**

### **10. Appeals**

- 10.1 Where any condition, decision or relevant representation aggrieves an applicant, there is a right of appeal. This appeal must be lodged within a period of 21 days from the day on which the applicant was notified by the Licensing Authority of the decision and must be made to the Justices' Chief Executive of the Magistrates' Court, at East Berkshire Magistrates Court, The Law Courts, Chalvey Park, Off Windsor Road, Slough, Berkshire, SL1 2HJ.
- 10.2 In respect of Personal Licences, appeals must be made to the Magistrates' Court in the area where the licence was issued. Appeals in relation to all other licences must be made to the Magistrates' Court where the premises or event is situated.

### **11. Complaints Against Licensed Premises**

- 11.1 All representations must in the first instance be addressed to the Licensing Manager, Environment and Leisure Department, Bracknell Forest Borough Council, Time Square, Market Street, Bracknell, RG12 1JD.
- 11.2 All relevant representations against premises licensed by the Licensing Authority will be investigated by the Licensing Authority. Whilst complainants will be encouraged to raise any concerns directly with the licensee or business concerned, they will additionally be encouraged to bring the matter to the attention of the Licensing Authority. Where it is a valid complaint, the Licensing Authority will endeavour to seek a resolution through informal means.
- 11.3 The Licensing Authority is responsible for considering representations in the context of this Policy and legal requirements in order to determine whether it is relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 11.4 Where it is considered a relevant representation, then the Licensing Authority shall ensure that it is investigated and enforcement action taken where necessary.
- 11.5 Where a representation is received from an interested party, the Licensing Authority may consider a representation to be frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and to the promotion of the Licensing Objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the complaint will be informed of this in writing with full reasons being given for the decision.
- 11.6 The Licensing Authority recognises that promotion of the Licensing Objectives relies on partnership between licensees, authorised persons, interested parties and responsible authorities. Where there are any concerns or problems identified at the premises or there is need for improvement, authorised persons and responsible authorities will work closely with the licensees at an early stage to address these concerns.
- 11.7 The details of the objector or objectors will be made known to the licensee if his or her representations are deemed relevant and are to be heard in a public domain.

## 12. Enforcement

- 12.1 In order to ensure compliance with the law and licensing conditions, the Licensing Authority will carry out regular programmed inspections, based on risk assessments. During performance inspections will be carried out without notification to the Premises Licence holder based on risk assessment and complaint history. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure the Licensing Objectives are being promoted. Inspection and enforcement will take into account the principles set out in the Hampton report "Reducing Administrative Burdens"
- 12.2 The Licensing Policy has been written in conjunction with the Licensing Authority's Enforcement Policy. This Enforcement Policy has been adopted in accordance with the principles of consistency, transparency, proportionality and objectivity set out in the Enforcement Concordat.
- 12.3 Any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.
- 12.4 The Licensing Authority's Enforcement Policy is available on the Bracknell Forest Borough Council website [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk) and from the offices of the Environment & Leisure Department, Time Square, Market Street, Bracknell, RG12 1JD.

**Comment:** Not relevant term

**Deleted:** licensee

**Comment:** To take account of new provisions on regulatory enforcement

**Comment:** DTI no longer exists

**Deleted:** Department of Trade and Industry

## 13. Licensing and Safety Committee

- 13.1 Decisions on all licensing matters will be taken in public in accordance with an approved scheme of delegation (see Annexe B) aimed at underlining the principles of timely, efficient and effective decision-making.
- 13.2 The Licensing Committee will consist of between 10 and 15 members. Licensing Panels of 3 Committee members will hear any relevant representations from responsible authorities and interested parties.
- 13.3 Where there are no relevant representations on an application to the grant of a Premises Licence, Club Premises Certificate and Temporary Events Notice, the Act provides that this application shall be granted with no further conditions other than those stipulated as mandatory in the Act or issues raised in the operating schedule.
- 13.4 Where there are relevant representations to an application for a Premises Licence, Club Premises Certificate or Temporary Events Notice, the application will be referred to the Licensing Panel.
- 13.5 The decision determined by the Panel shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other legislation. 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. This will form part of the statutory licensing register which is kept by the Licensing Authority.

**Comment:** To allow for flexibility of the Committee size within legal requirements

## 14. Applications for Review

- 14.1 A Review of a Premises Licences represents a key protection for the community where problems associated with the Licensing Objectives, are occurring after the grant or variation of a premises licence. Where a request to review the licence is made by a responsible body, the Licensing Authority will hold a hearing in respect of this, unless it, the applicant and responsible authorities agree that a hearing is not necessary.

**Comment:** To clarify and accurately record circumstances

**Deleted:** s

**Deleted:** disorder, public safety or disturbances

14.2 Where the request originates from an interested party – eg a local resident, residents association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of the above grounds and will give reasons to the applicant for such a refusal

**Comment:** Missed form original Policy

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▼ **15. Policy Review**

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15.1 The Policy takes effect on (7 February 2005) and will remain in force for not more than 3 years. It will be subject to periodic reviews and further consultation. The Licensing Authority is also required to take into account guidance issued by the Secretary of State.

15.2 The Licensing Authority is required to review its Licensing Policy Statement every 3 years and shall take into account the views of:

- (a) Responsible Authorities;
- (b) Holders of Premises and Personal Licences and Club Premises Certificates;
- (c) Local businesses, residents and representatives of these bodies.

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**DELEGATION OF FUNCTIONS**

Following approval by the Licensing and Safety Committee on 13 December 2004, delegated authority will be as follows.

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Licensing Panel</b>	<b>Officers</b>
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Applications for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

## LICENSING ACT 2003 GLOSSARY

<b>Authorised Persons</b>	<p>Bodies empowered by the Act to carry out inspection and enforcement roles. This group includes:</p> <ul style="list-style-type: none"> <li>• Fire Authority Inspectors</li> <li>• Inspectors responsible for the Health and Safety at Work Act 1974</li> <li>• Environmental Health Officers</li> <li>• Social Services officers responsible for the Protection of Children from Harm</li> </ul> <p>Thames Valley Police are separately empowered.</p>
<b>Capacity Limit</b>	<p>Where the Licensing Authority in conjunction with the Fire Authority will set a limit on the number of people allowed in a premises or part of a premises, thus preventing overcrowding which can lead to crime and disorder, and concerns over public safety.</p>
<b>Child</b>	<p>Any person who is under the age of 18 years.</p>
<b>Club Premises Certificate</b>	<p>A Licence to supply alcohol to members of a Qualifying Club and sell it to guests on the premises without the need for any member or employee to hold a Personal Licence.</p>
<b>Council</b>	<p>As far as this Policy is concerned, any reference to Council shall be interpreted as the Licensing Authority.</p>
<b>Cumulative Impact</b>	<p>Where there is a potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.</p>
<b>Designated Premises Supervisor</b>	<p>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.</p>
<b>Interested Parties</b>	<p>Bodies or individuals who are entitled to make relevant representations or seek a review of a Premises Licence. This group includes:</p> <ul style="list-style-type: none"> <li>• A person, or body representing persons, living in the vicinity of the premises in question.</li> <li>• A person involved in a business in the vicinity of the premises in question.</li> <li>• A body representing persons involved in such businesses, eg: a trade association.</li> </ul>
<b>“In the vicinity of”</b>	<p>Whether or not an individual resides “in the vicinity of” the licensed premises is ultimately a matter of fact to be decided by the courts, but initially licensing authorities must decide if the individual or body making a representation qualifies as an interested party. In making their initial decision, licensing authorities should consider, for example, whether the individual’s residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on those premises or immediately outside the premises. In essence, the decision will be approached with common sense and individuals</p>

	living and working in the neighbourhood or area immediately surrounding the premises will be able to make representations.
<b>Late-Night Refreshment</b>	The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.
<b>Licence Types</b>	<ul style="list-style-type: none"> <li>• Premises</li> <li>• Club Premises Certificate</li> <li>• Personal Licence</li> <li>• Provisional Statement</li> <li>• Temporary Events Notice</li> </ul>
<b>Licensable Activities</b>	<ul style="list-style-type: none"> <li>• The sale of alcohol by retail</li> <li>• The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club</li> <li>• The provision of regulated entertainment</li> <li>• The provision of late-night refreshment</li> </ul>
<b>Licensing Objectives</b>	<ul style="list-style-type: none"> <li>• Prevention of Crime and Disorder</li> <li>• Public Safety</li> <li>• Prevention of Public Nuisance</li> <li>• Protection of Children from Harm</li> </ul>
<b>Licensing Qualification</b>	Qualification obtained from the British Institute of Innkeeping and a requirement for a Personal Licence.
<b>Operating Schedule</b>	<p>This forms part of the completed application form for a Premises Licence and must promote the 4 Licensing Objectives.</p> <p>It must include:</p> <ul style="list-style-type: none"> <li>(a) the relevant licensable activities;</li> <li>(b) the name and address of the person holding the licence;</li> <li>(c) the name of the premises;</li> <li>(d) the times during which the applicant proposes that the relevant licensable activities are to take place;</li> <li>(e) any other times during which the applicant proposes that the premises are to be open to the public;</li> <li>(f) the location of licensable activities on the premises;</li> <li>(g) where the applicant wishes the licence to have effect for a limited period, that period;</li> <li>(h) where the relevant licensable activities include the sale by retail of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified as the Designated Premises Supervisor;</li> <li>(i) whether the relevant licensable activities include the supply of alcohol, whether such sales are proposed to be for consumption on the premises on or off the premises, or both;</li> <li>(j) the licensed area identified by a scaled map;</li> <li>(k) a scale drawing of the internal arrangements of the premises;</li> <li>(l) the steps to promote the 4 Licensing Objectives.</li> </ul>
<b>Personal Licence</b>	A Licence to authorise 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. Valid for 10 years.

<b>Premises Licence</b>	A Licence in respect of any premises, such as 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 reviewed.
<b>Proprietary Clubs</b>	Clubs run commercially by individuals, partnerships or businesses for the purpose of profit.
<b>Provisional Statement</b>	A Licence where premises are being constructed or extended or substantially changed structurally.
<b>Qualifying Club</b>	<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"> <li>• Conservative, Labour and Liberal Clubs</li> <li>• Royal British Legion</li> <li>• Ex-Servicemen's Club</li> <li>• Working Men's Clubs</li> <li>• Social and Sports Clubs</li> </ul> <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>
<b>Regulated Entertainment</b>	<p>Entertainment that is provided to members of the public, to members of a qualifying club and is an event held with a view to profit. This includes:</p> <ul style="list-style-type: none"> <li>(a) Performance of a play</li> <li>(b) An exhibition of a film</li> <li>(c) Indoor sporting event</li> <li>(d) Boxing or wrestling entertainment (indoors or outdoors)</li> <li>(e) Performance of live music</li> <li>(f) Any playing of recorded music, except incidental</li> <li>(g) Performance of dance</li> </ul>
<b>Relevant Offences</b>	As set out in Schedule 4 to the Licensing Act 2003.
<b>Relevant Representations</b>	Representations (objections) made by authorised persons, interested parties and responsible authorities.
<b>Responsible Authorities</b>	<p>This group can make relevant representations and includes Public Bodies such as:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police</li> <li>• The Fire Authority</li> <li>• The Local Enforcement Agency for the Health and Safety at Work etc Act 1974</li> <li>• The Local Authority (Environmental Health, Planning)</li> <li>• Any body that represents those who are responsible for, or interested in, matters relating to the Protection of Children from Harm.</li> <li>• Any Licensing Authority, other than the originating Licensing Authority, in whose area part of the premises are situated.</li> </ul>

<b>SAG</b>	Safety Advisory Group. An advisory body whose sole purpose is to offer advice and guidance on event organisation.
<b>Temporary Events Notice</b>	A Licence for the temporary carrying 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. This Notice is subject to certain limitations as laid down by the Licensing Act 2003.