



DRAFT LICENSING POLICY

DRAFT

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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 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 Cultural 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.
- 1.8 To ensure this Policy integrates with other cultural strategies, such as Community Safety Plan, Local Strategic Plan, and Local Crime and Reduction Partnership, the Licensing Authority has liaised and consulted with the appropriate groups, as listed in Annexe B, and will continue to develop close working partnerships.

1.9 The Licensing Authority recognises that licensing is about the carrying on licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that conditions attached to various authorisations will be focussed on matters which are within the control of individual licensees and others in possession of relevant authorisations.

1.10 The changes will come into effect in November 2005 and will apply to:

- 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, e.g. late-night cafés, take-aways, etc
- Hotels, guesthouses
- Private members clubs, sports and social clubs and clubs associated with business
- Theatres
- Garage forecourts selling alcohol and hot food after 11p.m.
- Cinemas
- Organisers of Regulated Entertainment, e.g. 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.

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. 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 fire safety legislation. However, the Licensing Authority would normally 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.
- 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. 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 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.

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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 to help licensees to form strategies for actively preventing crime and disorder issues. This scheme will encourage the sharing of information through effective communication and will seek to address matters such as under-age sales, problems associated with drunkenness, prevention of illegal drug use, and anti-social behaviour. Where there is no scheme in place applicants are strongly encouraged to visit 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 (e.g. 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 Community Safety 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.
- 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 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 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.
 - (d) 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;

- (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 must 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 promote the Licensing Objectives. For example, promotion nights and special events which could attract large numbers of people. Though it is not a requirement of the Licensing Act this could be achieved through active membership within 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 crime and disorder. For example, where appropriate, a nominated person or persons in charge of bar areas, and 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, i.e. measures taken to deal with harassment, discrimination and inappropriate behaviour.
- 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 Home Office web site www.raceimpact.homeoffice.gov.uk, or by contacting the Community for Racial Equality (CRE) on 020 7939 0000.

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 (e.g. gardens)
- Capacity limits
- Proof of age cards
- Display of crime prevention notices
- Drinks promotions, such as Happy Hour, 2 for 1, etc.
- 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 web site, 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 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.
- 3.6 Prior to the determination of a licensing application a responsible authority may require sight of such determination which will demonstrate compliance with the above.
- 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 Where appropriate, applicants must provide evidence that regard will be taken to protect the hearing of the public.
- 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.
- 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
- 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, e.g. 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, 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:
- 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.

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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 (e.g. 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 at winding down periods during which alcohol service ceases but sales of hot and cold drinks and food continue, when announcements may be made requesting customers to leave quietly reinforced by door supervisors and written notices, and in nightclubs and discotheques for example, a lowering of the volume of the music and a raising of the lights during the last 30 minutes before closing time; and
 - (f) Measures taken to ensure the safe removal and dispersal of persons ejected from the premises.
- 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) 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 (e.g. 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 show what measures will be taken to prevent individuals from consuming excess alcohol whilst on the premises. The training of staff in alcohol abuse awareness is necessary in order for this control to be effective and meet the Public Safety, Prevention of Crime and Disorder, and Prevention of Public Nuisance 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

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 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.
- 5.7 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, e.g. designated areas for children and families, age (below 18) and hour limitations.
- 5.8 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and illegal substances.
- 5.9 With regard to children, licensees will be expected to consider and deal with in 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 gambling;
- (d) exposure to activities of an adult and/or sexual nature;
- (e) exposure to incidents of violence and disorder;
- (f) exposure to environmental pollution such as the effects of passive smoking and excessive noise;
- (f) the sale of cigarettes to Under 16's.

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 18's 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 guidance from the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.
- 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 web site 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, e.g. size of venue, fire safety, special effects, care of children.
- Compliance with the Portman Group retail alert bulletins (See 5.14).
- Proof of Age Cards

5.19 The Licensing Authority have named the Area Child Protection Committee as the responsible authority to advise on the protection of children from harm.

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PART B

6. Premises Licence

- 6.1 The Premises Licence, which is valid indefinitely subject to occasional review, 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 responsible authorities and interested parties can consider the adequacy of proposals to promote the four licensing objectives. Where there is no relevant representation, its contents will become licence conditions.
- 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, at least 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.
- 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 shall be precise and clear about the measures proposed to promote the licensing objectives 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@bii.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. 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. 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.
- 6.13 In determining the grant, variation or renewal of a licence, the Licensing Authority will consult with interested parties, and responsible authorities. These include:
- (a) Thames Valley Police
 - (b) Royal Berkshire Fire and Rescue Service
 - (c) Environmental Health
 - (d) Social Services
 - (e) Persons living in the vicinity of the premises
 - (f) Bodies representing persons living in that vicinity, including local Town and Parish Councils;
 - (g) Individuals involved in a business in the vicinity
 - (h) Bodies representing persons in such businesses

- 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. The Licensing Act 2003 places limitations on objections to a subsequent application for a full premises licence, when such representations could have been made to the application for the provisional statement.
- 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.

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.

Amusement with Prizes

- 6.25 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.
- 6.26 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.

Disability Access

- 6.27 Due regard is expected to be given to the Disability Discrimination Act 1995 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.

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

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 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 or by calling the Licensing Authority on 01344 3512000.
- 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 T.E.N 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. The Licensing Authority will notify the Fire Authority of Temporary Event Applications.
- 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 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 where 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 For premises selling or supplying alcohol, 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 clearly displayed 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 licensee 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 no more than 24 hours after submission to the licensing authority. 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.
- 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. 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 (e.g. 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 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 and Leisure 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 licensee 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.
- 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 Department of Trade and Industry 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 and from the offices of the Environment and Leisure Department, Time Square, Market Street, Bracknell.

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 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.

14. Applications for Review

- 14.1 Reviews of Premises Licences represent a key protection for the community where problems associated with disorder, public safety or disturbances are occurring. 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.

15. Policy Review

- 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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LICENSING ACT 2003: POOL OF MODEL CONDITIONS

1. General

- 1.1 The Licensing Authority will only attach conditions that are required by the Licensing Act 2003, conditions that are consistent with the operating schedule and any other conditions imposed as a result of representations being made that are necessary to ensure that the licensee complies with the four Licensing Objectives.
- 1.2 Necessary conditions for the licence or certificate will also depend on local knowledge of the premises. Under no circumstances should the following measures be regarded as standardised conditions to be automatically imposed in all cases. Each application for a licence will be considered on its own merit.

PART A – Conditions relating to the prevention of crime and disorder

In certain premises where existing legislation does not provide sufficiently for the prevention of crime and disorder, some or all of the following model conditions may be applied. This will be determined by the individual circumstances of the premises and will depend on a range of factors including the nature and style of the premises, its location, the activities being conducted there, the anticipated clientele of the business concerned, and local knowledge of the premises.

2. Text/Radio pagers/SMS

- 2.1 Where necessary, text/radio pagers shall be provided linked to Thames Valley Police and to other licensed premises, as may be required by the Licensing Authority. Such two-way communication will enable:
 - a) licence holders, managers, and designated premises supervisors to immediately report incidents to the police;
 - b) rapid response by the police to situations of disorder; and
 - c) the police and/or other licensed premises to give advance warning of potential troublemakers and individuals suspected of criminal behaviour who are in the vicinity of the area.
- 2.2 The text/radio pager equipment shall be maintained and kept in working order at all times and shall be operated appropriately in accordance with the manufacturer's instructions.
- 2.3 The pager link shall be operated and monitored by the designated premises supervisor or (a named responsible member of staff) at all times the premises is open to the public.
- 2.4 All incidents of crime and disorder shall be reported via a text/radio pager link by the designated premises supervisor or (a named responsible member of staff) to an agreed police contact point.

3. Door Supervisors

- 3.1 Conditions relating to the provision of door supervisors at a premises may be imposed, in appropriate circumstances, to:
 - a) prevent the admission and ensure the orderly departure from the premises of drunk and disorderly individuals;

POOL OF MODEL CONDITIONS

- b) prevent entry to the premises of excluded individuals (subject to court bans or bans imposed by the licence holder);
 - c) search and exclude, if necessary, individuals suspected of possessing illegal drugs, or carrying offensive weapons; and
 - d) maintain orderly queuing.
- 3.2 The licensee must ensure that all door supervisors carrying out security activities at the premises are registered with the Security Industry Authority (SIA).
- 3.3 All door supervisors, at all times when they are on duty, shall wear an SIA approved identity badge that is clearly and conspicuously displayed, and carry proof of registration.
- 3.4 Accurate and up-to-date information must be held pertaining to all door supervisors employed at the premises, whether directly or through an agency. A log-book shall be maintained in a format prescribed by the Licensing Authority which provides details of all such door supervisors in respect of the premises. This log book shall contain, in relation to each door supervisor:
- a) his/her name, address, and telephone number;
 - b) his/her registration number;
 - c) the name, address, and telephone number of the agency where the door supervisor in question is not employed directly
 - d) the dates and times at which he/she commences and finishes work at the premises, and his/her signature in respect of both;
 - e) details of any incident in which the door supervisor is involved, including the calling of the police and any police action taken.
- 3.5 There shall be a minimum of two door supervisors on duty at the premises at all times during opening hours.
- 3.6 There shall be a minimum of one door supervisors for every 100 persons or part thereof at functions attended by adults.
- 3.7 Where the audience includes minors there shall be either:
- a) a minimum of two door supervisors for every 100 persons or part thereof;
 - b) at least one door supervisor per exit, whichever is the greater.
- 3.8 At least one female door supervisor shall be employed and available where appropriate (for example, if female customers are the subject of body searches).

4. Bottle bans, plastic containers and toughened glass

- 4.1 As glass bottles may be used as weapons inflicting more serious harm during incidents of disorder, no glass bottles containing beverages of any kind, whether open or sealed, shall be given to customers for consumption on the premises, whether at the bar or by staff service away from the bar
- 4.2 Bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.
- 4.3 No customers carrying open or sealed containers shall be admitted to the premises at any time that the premises are open to the public
- 4.4 Drinking vessels shall only be made from shatterproof material, e.g. toughened glass.

POOL OF MODEL CONDITIONS

- 4.5 The Licensing Authority will take into consideration the location and style of the premises in assessing whether a condition on the use of plastic or toughened glass is necessary. The use of plastic or paper drinks containers and toughened glass may be relevant as a measure to promote public safety.

5. CCTV

- 5.1 The licensee shall specify precisely where on the premises CCTV cameras will be located. The appropriate signage must be in place either on or surrounding the premises, or both where necessary, to alert staff and customers that CCTV is in operation.
- 5.2 Equipment shall be operated and maintained in good working order and recordings shall be kept in date order, numbered consequently and retained for a period of at least a month.
- 5.3 There shall be a suitable facility for the recording and storage of images collated from CCTV, and a capability of CCTV to work effectively in low levels of light.

6. Open containers not to be taken from the premises

- 6.1 Customers shall be prevented from taking any alcoholic drinks, or other drinks, from the premises in open containers (e.g. glasses and opened bottles).

7. Restriction on drinking areas

- 7.1 It may be necessary to restrict the areas where alcoholic drinks may be consumed in a premises after they have been purchased from the bar. Such a condition should not only specify these areas, but also clearly state the circumstances in which the ban would apply and the times at which it shall be enforced.

8. Capacity Limits

- 8.1 Conditions which set capacity limits for licensed premises may be necessary to ensure the safety of the public and prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration shall also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

9. Proof of Age

- 9.1 A valid proof of age card or UK passport shall be required to be produced by any person appearing to those selling or supplying alcohol to be under 18 (or 16 in the case of the consumption of beer, wine and cider in the company of adults during a table meal) and who is attempting to buy alcohol.

10. Crime Prevention Notices

- 10.1 Notices shall be prominently displayed and prevented from damage and deterioration advising customers of the prevalence of crime that may target them (e.g. notices warning customers about the need to be aware of pickpockets or bag snatchers, and to guard their property).

POOL OF MODEL CONDITIONS

11. Signage

- 11.1 Signs shall be prominently displayed and prevented from damage or deterioration:
- (a) advising normal hours of permitted licensable activities; and/or
 - (b) prohibiting access to children from all or specified areas of the premises.

12. High Volume Vertical Drinking

- 12.1 Where necessary and appropriate, conditions may be attached to premises licences requiring adherence to:
- (a) a prescribed capacity; and
 - (b) an appropriate ratio of tables and chairs to customers based on the capacity

PART B – Conditions relating to public safety

In certain premises where existing legislation does not provide sufficiently for the safety of the public, some or all of the following model conditions may be applied. This will be determined by the individual circumstances of the premises and will depend on a range of factors including the nature and style of the premises, its location, the activities being conducted there, the anticipated clientele of the business concerned, and local knowledge of the premises.

13. Disabled People

- 13.1 Adequate arrangements shall exist to enable the safe evacuation of disabled people in the event of an emergency; and disabled people on the premises shall be made aware of those arrangements.

14. Capacity

- 14.1 The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupant capacity (this includes occupancy limits set on ground and first floors respectively), as specified by the Fire Authority (such number to be inclusive of staff and performers working at the premises), and overcrowding in any part of the premises which would interfere with the safety or comfort of the public shall not be permitted.
- 14.2 A suitable method of determining the number of persons on the premises at any one time shall be employed, such as a log book, to ensure that the maximum permitted number is not exceeded.
- 14.3 The licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and shall inform any authorised person on request.
- 14.4 A notice, in a format to be prescribed by the Licensing Authority, shall be displayed prominently at the entrance to the premises so as to be visible and easily understood, indicating the maximum number of persons permitted on the premises at any one time. Where the Licensing Authority has specified maximum numbers for particular parts of the premises, notices in a format prescribed by the Licensing Authority shall be displayed at the entrances to these parts, indicating the maximum number of persons that may be present there at any one time.

15. Escape Routes

- 15.1 All exit doors are kept unobstructed, are easily openable without the use of a key, card, code or similar means, and are clearly identified.
- 15.2 Doors at such exits are regularly checked to ensure they function satisfactorily and a record of checks kept.
- 15.3 Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.
- 15.4 All fire resisting doors to ducts, service shafts and cupboards shall be kept locked and shut.
- 15.5 The edges of the threads of steps and stairways are maintained so as to be conspicuous.
- 15.6 All internal gangways are kept unobstructed.

16. Safety Checks

- 16.1 Safety checks are carried out before the admission of the public, and details of such checks are kept in a logbook.

17. Curtains, hangings, decorations, and upholstery

- 17.1 Hangings, curtains, and temporary decorations are maintained in a flame- retardant condition.
- 17.2 Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.
- 17.3 Curtains, hangings, and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.
- 17.4 Temporary decorations are not used without the consent of the Licensing Authority.

18. Fire Action Notices

- 18.1 Notices dealing with actions to be taken in the event of a fire or other emergency, including how the fire brigade are summoned, are prominently displayed and protected from damage and deterioration.

19. Outbreaks of Fire

- 19.1 The fire brigade must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire log-book.

20. Loss of Water

- 20.1 The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

21. Access for Emergency Vehicles

- 21.1 Access routes for emergency vehicles are kept clear and free from obstruction.

22. First Aid

- 22.1 An adequate and appropriate supply of first aid equipment and materials is available on the premises.
- 22.2 At least one suitably trained first aider who is responsible for first aid shall be on duty when the public are present. If more than one suitable trained first-aider is present their respective responsibilities are clearly defined.

23. Lighting

- 23.1 All electrical wiring, fittings and appliances shall be constructed and maintained in a safe and satisfactory condition to the satisfaction of the Licensing Authority.
- 23.2 In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation during all time when they are present. Fire Safety signs shall be adequately illuminated.
- 23.3 A system of emergency lighting, independent of the normal lighting of the premises shall be provided and shall illuminate all escape routes. The system shall operate automatically on failure of the normal lighting or be on at all times, and shall be maintained in efficient working order and tested at specified intervals to the satisfaction of the Licensing Authority and Fire Authority, with details of tests recorded in the Fire log-book.
- 23.4 Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- 23.5 In the event of the failure of normal lighting where the emergency lighting battery has a capacity of one hour, arrangements shall be in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.
- 23.6 Corridors, passageways and stairways shall be evenly illuminated to a level not less than that required by the current British Standard Code of Practice.
- 23.7 A minimum of three electrical hand-lamps shall be available at the premises at all times for use by appointed staff and the head-lamps shall be properly maintained at all times and ready for use in an emergency.

24. Temporary Electrical Installations

- 24.1 Temporary electrical wiring and distribution systems shall not be provided without notification to the licensing authority at least ten days before commencement of the work.
- 24.2 Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable, BS 7909.
- 24.3 Temporary electrical installations shall only be installed by a competent person; or, where they have not been installed by a competent person, temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put to use.

POOL OF MODEL CONDITIONS

25. Ventilation

- 25.1 The premises shall be effectively ventilated. Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure shall be maintained whenever the public, member or guests are present in that part of the premises.
- 25.2 Ventilation ductings are kept clean, and air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

26. Alterations to Premises

- 26.1 Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule, which reflects the proposed alteration to the premises, how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

27. Special Effects

- 27.1 No laser beams (pyrotechnics or real flame), strobe lights, explosives, flammable or smoke-producing agents, toxic or hazardous substances and any similar entertainment involving special effects or special risks shall be used on the premises without prior notification to the Licensing Authority at least ten days in advance.
- 27.2 Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers or staff.
- 27.3 Signs shall be prominently displayed at the entrance to the premises where appropriate to advise members of the public that special effects will be used during the performance and what those special effects will be.

28. Combating the Supply of Drugs

- 28.1 An outer body search shall be carried out where there is reasonable suspicion that an individual is in possession of an illegal drug or an offensive weapon.
- 28.2 Notices shall be displayed advising the public that an outer body search is a condition of entry and that the Police will be informed if anyone is found in possession of illegal drugs or offensive weapons.
- 28.3 Persons who are known to have been convicted of drug and drug-related offences which are not spent shall be excluded from the premises.

29. Premises used for closely seated audiences

29.1 Attendants

- 29.1.1 The number of attendants on each floor or tier in a closely seated auditorium shall be as set out in the table overleaf:

POOL OF MODEL CONDITIONS

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1-101	1
101-250	2
251-500	3
501-750	4
751-1000	5
And one additional attendant for each additional 250 persons (or part thereof)	

29.1.2 Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.

29.1.3 Any attendant shall be readily identifiable in public.

29.2 Standing and sitting in gangways etc.

29.2.1 Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

29.2.2 Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.

29.2.3 In no circumstances shall anyone be permitted to:

- (a) sit in the gangway;
- (b) stand or sit in front of the any exit; or
- (c) stand or sit on any staircase including any landings.

29.3 Drinks

29.3.1 Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or consumed by a closely-seated audience except in plastic/paper containers.

29.4 Balcony Fronts

29.4.1 Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

29.5 Ceilings

29.5.1 All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Licensing Authority following each inspection.

29.6 Safety Curtain

29.6.1 Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

29.7 Seating

29.7.1 The premises shall not be used for a closely-seated audience except in accordance with plans previously submitted to and approved by the Licensing Authority, a copy of which shall be kept available at the premises and shall be shown to any authorised person upon request.

POOL OF MODEL CONDITIONS

- 29.7.2 Where any part of the premises is used for a closely-seated audience exceeding 250 people there shall be an unobstructed seatway or space of at least 305mm (12 ins) measured between perpendiculars between the back of one seat and the foremost portion of the seat arm or frame immediately behind.
- 29.7.3 Where the potential audience exceeds 250, all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.
- 29.7.4 If tiered seating is provided, the back of the highest level and the ends of the rows shall be provided with an effective safety barrier to the satisfaction of the Licensing Authority.
- 29.7.5 No article shall be attached to the back of any seat which would reduce clear width of seatways or cause a tripping hazard or obstruction.
- 29.7.6 A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

30. Premises used for film exhibition

30.1 Attendants – premises without a staff alerting system

- 30.1.1 Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty
1-250	2
And one additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least one attendant shall be present in any auditorium or on any floor

30.2 Attendants – premises with a staff alerting system

- 30.2.1 Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of other staff on the premises who are available to assist in the event of an emergency
1-500	2	1
501-1000	3	2
101-1500	4	4
1501-more	5 plus one for every 500 (or part thereof) persons over 2000 on the premises	5 plus one for every 500 (or part thereof) persons over 2000 on the premises

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30.2.2 Staff shall not be considered as being available to assist in the event of an emergency if they are:

- (a) the holder of the premises licence or the manager on duty at the premises; or
- (b) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his or her response in an emergency situation; or
- (c) a member of staff whose usual location when on duty is more than 60 metres from the location to which he or she is required to go on being alerted to an emergency situation.

30.2.3 Attendants shall as far as reasonably practicable be evenly spread throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

30.2.4 The staff alerting system shall be maintained in good working order.

30.3 Flammable Films

30.3.1 No flammable films shall be allowed on the premises without the prior notification of Licensing Authority and Fire Authority.

30.4 Minimum Lighting

30.4.1 The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film.

30.4.2 The level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007 (Maintained Lighting for Cinemas).

PART C – Conditions relating to the prevention of public nuisance

In certain premises where existing legislation does not provide sufficiently for the prevention of public nuisance, some or all of the following model conditions may be applied. This will be determined by the individual circumstances of the premises and will depend on a range of factors including the nature and style of the premises, its location, the activities being conducted there, the anticipated clientele of the business concerned, and local knowledge of the premises.

31. Hours

31.1 The permitted opening hours shall be.....; or

31.2 The premises shall be closed to the public between.....hours and.....hours.

31.3 Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours of.....and
(Regulated entertainment) or (consumption of alcohol) shall not be permitted in the following areas - -
between the times ofhours and.....hours.

32. Noise and Vibration

- 32.1 Plans for soundproofing the building shall be sent to the Licensing Authority and the use of the premises shall not commence until the licensing authority are satisfied that such soundproofing works are adequate. The soundproofing works shall be maintained thereafter to the satisfaction of the Licensing Authority.
- 32.2 Noise and vibration shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.
- 32.3 Doors and windows shall be kept shut during operating hours and, where appropriate, amplification equipment used at the premises shall be governed by a noise limiter set at a level approved by the licensing authority.
- 32.4 Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 32.5 All reasonable steps shall be taken to ensure that people entering or leaving the premises do so in an orderly manner and do not in any way cause annoyance to residents and people passing by the premises.
- 32.6 The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas shall be either prohibited altogether, or prohibited except following prior notification to the Licensing Authority at least ten days in advance.
- 32.7 The placing of refuse – such as bottles – into receptacles outside the premises shall only take place between the hours of 8.00am and 7.00pm.

33. Noxious Smells

- 33.1 The premises shall be properly ventilated and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

34. Light Pollution

- 34.1 Flashing or particularly bright lights which cause a nuisance to nearby properties shall not be permitted. Any such condition shall be balanced against the benefits to prevention of crime and disorder of bright lighting in certain places.

PART D – Conditions relating to the protection of children from harm

In certain premises where existing legislation does not provide sufficiently for the protection of children from harm, some or all of the following model conditions may be applied. This will depend on the individual circumstances of the premises and will be determined by a range of factors including the nature and style of the premises, its location, the activities being conducted there, the anticipated clientele of the business concerned, and local knowledge of the premises.

35. Access for Children to Licensed Premises

35.1 Age Restrictions – General

- 35.1.1 *It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.*

POOL OF MODEL CONDITIONS

35.1.2 *It is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice.*

35.2 Age Restrictions – specific

35.2.1 Children under the age of 18 are not permitted on the premises at any time; or children under the age of 18 are not permitted on the premises between.....hours and.....hours.

35.2.2 Children under the age of 18 are not permitted on the premises in the following areas -- between.....hours and.....hours and/or during the following licensable activities:
.....

35.2.3 Types of event or activity in respect of which no age restrictions may be needed include, for example, family entertainment, and/or non-alcoholic events for young age groups, such as under 18s dances. Similarly, types of event or activity which give rise to a more acute need for restrictions than normal include, for example, during “Happy Hours” or on drinks promotion nights, and/or during adult entertainment events.

35.2.4 Children under the age of 12 are not permitted on the premises.

35.3 Age Restrictions – cinemas

35.3.1 Films shall be classified in the following way:

- Universal (U) – suitable for audiences aged four years and over
- Parental Guidance (PG) – some scenes may be unsuitable for young children.
- 12A – passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.
- 15 – passed only for viewing by persons aged 15 years and over.
- 18 – passed only for viewing by persons aged 18 years and over.

35.3.2 Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.

35.3.3 Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category, no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:

PERSONS ADMITTED UNDER THE AGE OF (INSERT APPROPRIATE AGE) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

35.3.4 Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition shall not apply to members of staff under the relevant age while on-duty provided that prior written consent of the person’s parent or legal guardian has first been obtained.

POOL OF MODEL CONDITIONS

35.4 Age Restrictions – theatres

- 35.4.1 Admission of children under 18 shall not be permitted to entertainment incorporating adult entertainment.

36. Performances Especially for Children

- 36.1 A responsible adult member of staff shall be stationed in each area occupied by children, and in the vicinity of each exit, so that on each level occupied by children the minimum number of responsible adult members of staff on duty shall be one for every 50 children or part thereof.
- 36.2 Where the entertainment is music and dancing, two door supervisors licensed by the Security Industry Authority must be employed for every 100 children.

37. Children in Performances

- 37.1 Backstage facilities shall be of a sufficient size to accommodate safely the number of children taking part in any performance. All changing and toilet facilities should be carefully maintained at a standard suitable for children and young people.
- 37.2 All chaperones and production crew on the show shall receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- 37.3 Special effects may trigger adverse reactions especially with regard to children, such as smoke, dry ice, rapid pulsating or flashing lights, and shall not be used without the consent of the Licensing Authority.
- 37.4 Children performing shall be kept under adult supervision at all times including transfer between stage and dressing room and anywhere else on the premises.
- 37.5 Supervisors at performances especially for children shall be appropriately checked by the Criminal Records Bureau. These shall be enhanced checks.

LIST OF CONSULTEES

- Bracknell Forest Borough Council Access and Mobility Officer
- All Schools in Bracknell Forest
- Amateur Drama Groups in Bracknell Forest
- Arts Development Officer
- Association of Convenience Stores
- Benefit Investigation Department
- Bracknell Forest Creative Partnership (Cultural Strategy)
- British Institute of Innkeeping, British Beer and Pub Association, Association of Licensed Multiple Retailers, Bar Entertainment and Dance Association, National Association of Licensed House Managers and Guild of Master Victuallers
- British Transport Police
- Churches Together
- Community Safety Management Group
- Crime and Disorder Reduction Partnership:
 - Drug and Alcohol Action Team
 - Youth Offending Team
 - Community Drug Worker - BFBC
- Education Department
- Environment Department
- Equity
- Federation of Community Associations
- First in Berkshire (Bus Company)
- Garages
- GOSE
- Health and Safety Care Partnership Board
- Holders of the various licences for premises in the Borough who will be affected by this Policy including Bracknell Forest's Pub and Drug Watch scheme
- Late-night refreshments and take-aways
- Leisure Services Department
- Local businesses and representatives, including the Chamber of Commerce, Bracknell Retailers Forum, Bracknell Regeneration Partnership, Federation of Small Businesses, Voluntary Sector, Crowthorne Traders Association
- Local Police Authority Board
- Local residents, representatives and Federation of Community Associations
- Members of Bracknell Forest Borough Council
- MP and MEP
- National Association of Local Government Arts Officers
- Other Local Authorities, e.g. Slough Borough Council, Royal Borough of Windsor and Maidenhead, Reading Borough Council, Wokingham District Council, West Berkshire Council, Surrey Heath Council, and Hart District Council
- Parish and Town Councils
- Primary Care Trust
- Racial Equality Council (Bracknell Forest)
- Race Equality Forum (BFBC)
- Royal Berkshire Fire and Rescue Authority
- Safety Advisory Group
- Senior Citizens Forum
- Social Clubs of large organisations
- Social Services & Housing
- South Hill Park

- Supermarkets, small stores and off-licences
- Thames Valley Police
- The Chairman of the Licensing Committee of East Berkshire Magistrates Court
- Unique Pub Company
- Victim Support
- Youth Forum

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RECOMMENDED DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Applications 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 premises licence/ club premises certificate		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

Authorised Persons	<p>Bodies empowered by the Act to carry out inspection and enforcement roles. This group includes:</p> <ul style="list-style-type: none"> • Fire Authority Inspectors • Inspectors responsible for the Health and Safety at Work Act • Environmental Health Officers • Social Services officers responsible for the Protection of Children from Harm <p>Thames Valley Police are separately empowered.</p>
Capacity Limit	<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>
Child	<p>Any person who is under the age of 18 years.</p>
Club Premises Certificate	<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>
Council	<p>As far as this Policy is concerned, any reference to Council shall be interpreted as the Licensing Authority.</p>
Cumulative Impact	<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>
Designated Premises Supervisor	<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>
Interested Parties	<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"> • A person, or body representing persons, living in the vicinity of the premises in question. • A person involved in a business in the vicinity of the premises in question. • A body representing persons involved in such businesses, e.g. a trade association.
“In the vicinity of”	<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 living and working in the neighbourhood or area immediately surrounding the premises will be able to make representations.</p>

Late-Night Refreshment	The supply of hot food and drink between the hours of 11pm and 5am for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Events 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 obtained from the British Institute of Innkeeping and a requirement for a Personal Licence.
Operating Schedule	<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"> (a) the relevant licensable activities; (b) the name and address of the person holding the licence; (c) the name of the premises; (d) the times during which the applicant proposes that the relevant licensable activities are to take place; (e) any other times during which the applicant proposes that the premises are to be open to the public; (f) the location of licensable activities on the premises; (g) where the applicant wishes the licence to have effect for a limited period, that period; (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; (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; (j) the licensed area identified by a scaled map; (k) a scale drawing of the internal arrangements of the premises; (l) the steps to promote the 4 Licensing Objectives.
Personal Licence	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.
Premises Licence	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.

Proprietary Clubs	Clubs run commercially by individuals, partnerships or businesses for the purpose of profit.
Provisional Statement	A provisional determination that a licence would be granted with or without further conditions on completion of works, where a premises is being constructed or extended or substantially changed structurally.
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"> • Conservative, Labour and Liberal Clubs • Royal British Legion • Ex-Servicemen's Club • 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	<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"> (a) Performance of a play (b) An exhibition of a film (c) Indoor sporting event (d) Boxing or wrestling entertainment (indoors or outdoors) (e) Performance of live music (f) Any playing of recorded music, except incidental (g) Performance of dance; and (h) Provision of entertainment facilities.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by authorised persons, interested parties and responsible authorities.
Responsible Authorities	<p>This group can make relevant representations and includes Public 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 Local Authority (Environmental Health, Planning) • Any body that represents those who are responsible for, or interested in, matters relating to the Protection of Children from Harm. • Any Licensing Authority, other than the originating Licensing Authority, in whose area part of the premises are situated.
SAG	Safety Advisory Group. An advisory body whose sole purpose is to offer advice and guidance on event organisation.

Temporary Events Notice	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.
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