



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 23 JANUARY 2024** AT **7.00 PM**



Susan Parsonage
Chief Executive

Published on 15 January 2024

Note: Members of the public are welcome to attend the meeting or participate in the meeting virtually, in accordance with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams, please contact Democratic Services: democratic.services@wokingham.gov.uk

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Our Vision
<i>A great place to live, learn, work and grow and a great place to do business</i>
Enriching Lives
<ul style="list-style-type: none"> • Champion excellent education and enable our children and young people to achieve their full potential, regardless of their background. • Support our residents to lead happy, healthy lives and provide access to good leisure facilities to enable healthy choices for everyone. • Engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of. • Support growth in our local economy and help to build business.
Providing Safe and Strong Communities
<ul style="list-style-type: none"> • Protect and safeguard our children, young and vulnerable people. • Offer quality care and support, at the right time, to reduce the need for long term care. • Nurture our communities: enabling them to thrive and families to flourish. • Ensure our Borough and communities remain safe for all.
Enjoying a Clean and Green Borough
<ul style="list-style-type: none"> • Play as full a role as possible to achieve a carbon neutral Borough, sustainable for the future. • Protect our Borough, keep it clean and enhance our green areas for people to enjoy. • Reduce our waste, promote re-use, increase recycling and improve biodiversity. • Connect our parks and open spaces with green cycleways.
Delivering the Right Homes in the Right Places
<ul style="list-style-type: none"> • Offer quality, affordable, sustainable homes fit for the future. • Ensure the right infrastructure is in place, early, to support and enable our Borough to grow. • Protect our unique places and preserve our natural environment. • Help with your housing needs and support people, where it is needed most, to live independently in their own homes.
Keeping the Borough Moving
<ul style="list-style-type: none"> • Maintain and improve our roads, footpaths and cycleways. • Tackle traffic congestion and minimise delays and disruptions. • Enable safe and sustainable travel around the Borough with good transport infrastructure. • Promote healthy alternative travel options and support our partners in offering affordable, accessible public transport with good transport links.
Changing the Way We Work for You
<ul style="list-style-type: none"> • Be relentlessly customer focussed. • Work with our partners to provide efficient, effective, joined up services which are focussed around our customers. • Communicate better with customers, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough. • Drive innovative, digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.
Be the Best We Can Be
<ul style="list-style-type: none"> • Be an organisation that values and invests in all our colleagues and is seen as an employer of choice. • Embed a culture that supports ambition, promotes empowerment and develops new ways of working. • Use our governance and scrutiny structures to support a learning and continuous improvement approach to the way we do business. • Be a commercial council that is innovative, whilst being inclusive, in its approach with a clear focus on being financially resilient. • Maximise opportunities to secure funding and investment for the Borough. • Establish a renewed vision for the Borough with clear aspirations.

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Peter Dennis
Morag Malvern
Mike Smith
Michael Firmager
Shahid Younis

Catherine Glover
Jordan Montgomery
Rachel Burgess
Jackie Rance

Sarah Kerr (Vice-Chair)
Beth Rowland (Chair)
Bill Soane
Abdul Loyes

ITEM NO.	WARD	SUBJECT	PAGE NO.
18.		APOLOGIES To receive any apologies for absence.	
19.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 18 October 2023.	5 - 12
20.		DECLARATION OF INTEREST To receive any declarations of interest.	
21.		PUBLIC QUESTION TIME To answer any public questions. A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
22.		MEMBER QUESTION TIME To answer any member questions.	
23.	None Specific	AN APPROACH FOR TACKLING GAMBLING RELATED HARM To receive and consider a report containing information about ways to tackle gambling related harm.	13 - 16
24.	None Specific	HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2024	17 - 26

To receive and consider the Hackney Carriage and Private Hire Licensing Policy 2024 report.

25. None Specific

REVIEW OF STATEMENT OF LICENSING POLICY 2024

27 - 184

To receive and consider the Review of Statement of Licensing Policy 2024 report.

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 18 OCTOBER 2023 FROM 7.00 PM TO 8.47 PM**

Committee Members Present

Councillors: Peter Dennis, Catherine Glover, Sarah Kerr (Vice-Chair), Morag Malvern, Jordan Montgomery, Beth Rowland (Chair), Mike Smith, Rachel Burgess, Bill Soane, Michael Firmager, Jackie Rance and Shahid Younis

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Neil Allen, Head of Legal
Narinder Brar, Head of Enforcement and Safety
Keiran Hinchliffe, Licensing Manager

10. APOLOGIES

An apology for absence was submitted from Councillor Abdul Loyes.

11. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 22 June 2023 were confirmed as a correct record, subject to the amendments below, and signed by the Chair.

On page 6 of the agenda, under the fourth bullet point, where it said '*...then at 4 20 monthly intervals...*' The number 20 was superfluous and should be taken out.

Matters arising

The Statement of Licensing Policy 2023-2028 was now out for public consultation and would be considered at the January meeting of the Committee.

12. DECLARATION OF INTEREST

There were no declarations of interest.

13. PUBLIC QUESTION TIME

There were no public questions.

Neil Allen, Head of Legal advised that, at the Chairman's discretion, Alan Parkinson from Green Metro Cars would be able to speak after discussions of the Hackney Carriage and Private hire Licensing Policy Public Consultation Responses and Determination item.

14. MEMBER QUESTION TIME

There were no Member questions.

15. FEES AND CHARGES FOR LICENSABLE ACTIVITY 2024/25

Keiran Hinchliffe, Licensing Manager presented the Fees and Charges for Licensable Activity 2024/25 report.

No changes to the fees and charges structure were being proposed. The proposal was in line with the approach taken by the Committee last year by increasing fees in line with the Consumer Prices Index (CPI) at 6.3%.

The income from licensing fees should offset the costs to the Council of administering the licensing service. Shortfalls or excesses should be balanced in following years over a balanced five year period of review.

In addition to processing, enforcement and management of the service, Licensing Officers would now administer crime reduction schemes relevant to licensing that could support the Violence Against Women and Girls agenda or other best practice schemes such as Best Bar accreditation and Purple Flag Status.

During the discussion of the item the following comments were made:

- In relation to the street trading consent annual fee (page 25 of the agenda) Councillor Soane stated that whereas Wokingham was charging £1,514 Reading was charging £901. He wished to understand why it was so much more expensing in Wokingham? He mentioned that he had been made aware of cases where ice-cream vans which were licenced in Reading would take their chance and operate in Wokingham – if they were caught and taken to court, they would only incur in a £50 penalty fine;
- Keiran Hinchliffe informed that the service was looking to introduce innovations to streamline the application processes. Computer systems and database were potential areas for improvement, and it was hoped that with improvements the cost would go down;
- Councillor Soane was concerned that Wokingham was charging £150 more than Bracknell for street trading consents;
- Councillor Younis stated that in the past the Committee had been told that it was difficult to produce evidence of administrative costs because of the PPP. He asked if it was possible to produce this evidence now that Wokingham was no longer in the PPP?
- Councillor Burgess sought reassurances that the service would not build up reserves from fees and charges. She pointed out that the CPI measure being used was as of August 2023, however inflation was expected to fall in the next year;
- Councillor Smith agreed that more information about the cost of administering applications would be useful. In relation to temporary event notices, he pointed out that it seemed wrong that large events paid the same amount as very small events;
- Keiran Hinchliffe explained that when Wokingham pulled away from the PPP, there had been unknown factors, for example it had not been known how much would be received as income from licence fees. One year on, there was now more understanding, but it would be advisable to review the five year period for a more complete analysis of the costs and revenue;
- In 2022/23 the budget was £309k and £356k was received. This year's budget was £368K and so far, £179k has been received so the forecast was to be on budget this year;
- Councillor Younis asked what would happen with the additional amount that was received?
- It was explained that this would be part of the five-year review. However, the annual fee setting process would always come through to this Committee for approval;
- Councillor Kerr asked that future reports include information about any surplus or deficit amounts, so that Members could monitor the performance of the fee structure;
- In response to a question, it was confirmed that the standard of service provided by different local authorities varied, especially in relation to enforcement and proactively promoting public safety. This affected the cost of licensing activities;

- Councillor Smith believed that there was a discrepancy between the forecast figures in this report and that presented in last year's report. Keiran Hinchcliffe confirmed that the figures contained in the report were correct and had been checked by Finance Officers;
- Councillor Smith stated that it would be useful to know the cost of administering licences for which there were statutory fees, in order to lobby the government if necessary;
- Councillor Dennis asked if there would be a fee to process taxi drivers' applications for advertising in their vehicles. Keiran Hinchcliffe stated that this would have to be added to the list following the adoption of the new policy;
- Councillor Dennis stated that it would be useful to have some benchmarking against other local authorities. Councillor Kerr added that benchmarking should include prices and standards of services;
- Councillor Dennis believed that there was a discrepancy between the charge of a single driver (£500) and the bigger providers (£2000);
- Keiran Hinchcliffe explained that the cost involved in processing the application was a large part of the cost. It was hoped that innovations such as a new computer system would improve the processing time of applications and therefore reduce the cost;
- Councillor Soane stated that when Wokingham left the PPP, there was a considerable backlog of hygiene inspections. The PPP was supposed to pay those fees back to Wokingham if the backlog was not cleared. He asked if this payment had been made?
- Keiran Hinchcliffe was not sure if a refund had been made. He stated that the service was working well and there were no concerns over its performance.

Upon being put to the vote, Members voted in favour of the recommendations contained in the report.

RESOLVED That:

- 1) The Committee notes the fees set out at Appendix A and Appendix B as part of the Council's annual fee setting process; and
- 2) The Committee recommends to Executive that, in relation to those fees which are within the Council's discretion to set, they are increased in line with the Consumer Price Index (CPI).

16. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY PUBLIC CONSULTATION RESPONSES AND DETERMINATION

The Hackney Carriage and Private Hire Licensing Policy Public Consultation Responses and Determination report was presented by Keiran Hinchcliffe.

The report contained details of the proposed policy and the consultation results.

In previous meetings the Committee had requested further information on the following points:

Advertising in hackney carriage vehicles

Different councils had different approaches to advertising, this was a local decision. Most councils allowed advertising through an application process, those hackney carriages that wanted to have advertising in their vehicles had to apply for permission to do so. It was recommended that a similar approach be adopted by Wokingham.

Manchester City Council did not allow advertising of alcohol, tabaco products, e-cigarettes, gambling or pay loans. It was recommended that Wokingham take the same stance in relation to prohibiting advertising of the above mentioned products.

Certificates of good character

It was proposed that the policy be amended to meet the statutory requirement of three months.

Climate Emergency

Keiran Hinchliffe met with the Climate Emergency Officer for Transport, and it was recognised that the policy does not address climate emergency legislation sufficiently, this was due to the cost of electric vehicles and the current charging infrastructure. However, some effort was being made with Euro 5 and Euro 6 emission standards which were being proposed. Overall, it was considered that the taxi trade provided a public service which may reduce reliance on private car ownership.

Euro 5 and Euro 6 requirements

In relation to school transport vehicles – There are 52 school transport vehicles in the borough, of which 20 would be negatively impacted by the Euro 5 and Euro 6 requirements. There is discretion in the policy in relation to those vehicles with contracts with the local authority.

In relation to hackney carriage vehicles – There are 68 licensed hackney carriage vehicles, of which 13 would be negatively impacted by the Euro 5 and Euro 6 requirements. Under the current policy, 7 of those 13 vehicles would not be able to renew their licences, as 15-year-old vehicles are not allowed to renew their licences. Under the current policy, within the next two years those 13 vehicles would cease to have a licence.

Private hire vehicles were not affected by the Euro 5 and Euro 6 requirements.

During the discussion of the item the following comments were made:

- Councillor Soane stated that some school transport coaches did not meet the Euro 5 and Euro 6 requirements. He wondered about the impact of enforcing that legislation and the potential cost to the Council if those vehicles could no longer operate;
- Keiran Hinchliffe confirmed that there could be a cost implication to the Council. However, the policy, as it was currently drafted, allowed for an element of discretion;
- It was clarified that coaches were not covered by this policy, but minibus type vehicles were;
- Councillor Burgess stated that in the proposed policy only one provider for drivers' assessment was listed, this being Blue Lamp. She believed that there was a long waiting list for this provider and asked if other providers could be added to the list to cut waiting times and to increase flexibility. She also asked if anything could be added to help the situation in relation the medical assessments;
- Keiran Hinchliffe explained that there were potential tender opportunities that could be pursued in relation to training providers;
- In relation to the medical assessment, following an audit it was found that all drivers were able to comply to the medical assessment with their own GPs, apart from one driver. This driver's GP practice no longer issued driver's medical certificates. In that instance the Licensing Authority asked for written confirmation that the GP practice no longer provided driver's medical certificates and allowed this driver to use a private GP;

- It was proposed that the policy continues to ask for driver's own GP assessments, as this is a strong regulatory standard, but that a common-sense approach be taken in unique individual circumstances;
- With regards to drivers' assessments, it was explained that these assessments were only required of new drivers, they were not required for renewals. Although this was not a statutory requirement, it was recommended that it be maintained to keep the high standards expected;
- With regards to the training providers, Councillor Burgess suggested adding the following wording: 'training will be provided by Blue Lamp and other Council approved providers';
- Neil Allen suggested that the Committee could delegate the final wording of amendments to the Director and himself, and the amendments could be brought back to the Committee at its next meeting for approval;
- Councillor Kerr struggled with the fact that it was necessary to have enough vehicles to transport children to school, but it was also important to consider public health and the pollutants. She pointed out the Euro 5 regulations had come into effect 12 years ago, and some vehicles were still not compliant. She wondered if there was a way to use a sliding scale to help licensees to achieve Euro 5 and Euro 6 standards?;
- Keiran Hinchliffe informed that the school transport fleet consisted of older cars. He agreed that a sliding scale could be looked at;
- Councillor Kerr asked that the policy aimed to promote compliance with Euro 5 and Euro 6 standards. She expressed concern that these older vehicles would be producing pollutants outside of schools and negatively impacting on children's health. At the same time she understood the complexity of balancing public health needs against the need to take children to school;
- Neil Allen suggested that Officers could look at options around age limits for school vehicles which could be presented to the Committee at its next meeting. He advised that the Committee could agree to the policy in its current form and consider the options later, and amend the policy accordingly;
- Councillor Dennis asked if the regular car inspections covered emission checks and if this could be a way to regulate school transport vehicles;
- Keiran Hinchliffe explained that currently there were no limiting factors in relation to school transport vehicles. The Committee may wish to consider introducing an age factor, perhaps 15 years, in line with the age restriction for hackney carriage;
- It was suggested that options should be considered outside of the meeting, in consultation with the transport officers and public health and brought back to the Committee;
- Councillor Soane stated that vehicles should not idle outside of schools;
- In response to a question it was clarified that additives to improve a vehicle's emissions could only be added to newer vehicles.

The Chairman invited Alan Parkinson to put forward his comments to the Committee. Some of the points he made are listed below:

- He wondered why it had to be one's own GP to produce a medical certificate. Keiran Hinchliffe explained that this was a trust factor and it was the criteria used by other local authorities, medical GP's could be trusted to be accurate;
- There were reputable private GP's that could be used to issue medical certificates;
- There was a balance to be found, between the need to get children to school and protect them against pollutants, it was a difficult situation;

- Other councils used different criteria, around 75% of school transport in Wokingham was undertaken by vehicles and drivers licenced outside of Wokingham, giving Wokingham limited control over its school transport;
- Wokingham needed to make some changes in order to attract more drivers and vehicles to license themselves in Wokingham;
- He would like to be licenced in Wokingham but currently most of his drivers and vehicles were licenced by Reading. He would like Wokingham to make it easier for him to licence his drivers and vehicles in Wokingham;
- It would be better if the licensing rules were uniform across different areas;
- Operators in Wokingham, Bracknell and Reading were all at the limit of their capacity;
- This issue would not go away as thousands of children would continue to need school transport in the future, the issue needed to be addressed now.

The Chairman thanked Alan Parkinson for sharing his views and explained that the Committee would consider the points raised.

Councillor Dennis asked that a report be brought back to the Committee with options around additional training providers. He acknowledged the point raised by Alan Parkinson that Wokingham seemed to have stricter criteria than its neighbouring authorities which was resulting in less control over licensees.

Councillor Younis asked if an effort was being made to align the policies across Berkshire local authorities.

Keiran Hinchcliffe explained that in the past there had been some collaboration throughout the Public Protection Partnership (PPP). A firm of lawyers was hired to draft a policy for Wokingham and this, at the time, was shared with the PPP. Wokingham was the first PPP local authority to go out to consultation. There was a level of common ground with having to follow national statutory guidelines. The other local authorities would follow the process with their own consultations. However, this was a local policy.

Councillor Smith was of the opinion that any registered GP should be allowed to issue driver's medical certificates. He was concerned that if the standards in Wokingham were too high, there was a danger that drivers would choose to register with other local authorities with lower standards; this could result in loss of control. He added that anyone with a driving licence issued before 1997 was able to drive a mini bus for up to 16 people.

Neil Allen explained that the legislation which regulated the taxi trade was ancient, and there was no obligation in relation to aligning the policies in the area, this was a local policy. The suggested national standards were an effort to implement national standards across all local authorities.

Councillor Dennis asked about the Officer's response to comments made in the consultation, in particular about Uber.

Keiran Hinchcliffe explained that the responses indicated that drivers wanted to be licenced by Uber. However, this was not possible in Wokingham as Uber was not a registered operator in Wokingham; it was up to Uber to decide where they registered themselves.

Uber was regulated by TfL, and they were allowed to take bookings in other areas. The only power the local authority had was in relation to plying for hire – Uber was not allowed to ply for hire.

Keiran Hinchliffe offered to bring back a report with comments on the responses to the consultation.

Councillor Montgomery asked about the certificate of good character for overseas. Kerian Hinchliffe confirmed that it was appropriate to adopt three months' time, in line with the statutory guidance.

After a robust discussion Members voted unanimously in favour of the resolutions listed below.

RESOLVED That:

- 1) The Hackney Carriage and Private Hire Licensing Policy is approved, to come into force on 1 December 2023, subject to the amendment proposed by Councillor Burgess; and
- 2) The director will consider amendments options to the Policy in relation to school transport and Euro 5 and Euro 6 legislation, in consultation with the transport department and Public Health, and will bring it back to the Committee at its next meeting;
- 3) A report containing Officer's response to comments made in the consultation will be brought to the next meeting of the Committee.

17. FORWARD PLAN AND DECISION TRACKER

The following items were added to the Forward Plan:

23 January 2024

- Statement of Licensing Policy 2023/28 (currently out for consultation)
- Gambling best practice
- Options around amendments to the Hackney Carriage and Private Hire Licensing Policy in relation to Euro 5 and Euro 6 legislation for school transport vehicles

RESOLVED That the Forward Plan and Decision Tracker update be noted.

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Agenda Item 23.

TITLE	An approach for tackling gambling related harm
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framalitto

OUTCOME / BENEFITS TO THE COMMUNITY

Local Authorities are responsible for issuing gambling premises licenses, monitoring compliance with the terms of these licenses and the wider Gambling Act 2005, and taking enforcement action if necessary, and are required to have regard to the Gambling Act's licensing objectives, one of which is protecting children and other people from being harmed or exploited by gambling.

RECOMMENDATION

That the Committee notes the Statement of Gambling Principles and results of an underage test purchase operation, including compliance inspections of betting premises in the borough alongside Local Government Association guidance.

SUMMARY OF REPORT

The Licensing Authority has a policy which is an overarching statement of principles setting out how they will approach gambling regulation.

To help tackle gambling related harm, it is recommended by the Local Government Association to:

- undertake an up to date local area profile in relation to gambling related harms
- set out expectations of local gambling operators and risk assessment processes
- undertake compliance visits and use enforcement tools appropriately
- undertake underage sales testing
- encourage local gambling businesses to apply for Gamcare certification for best in class player protection policies and undertake the Gamcare training courses

Appendix A [Gambling regulation: Councillor handbook \(England and Wales\) | Local Government Association](#)

Appendix B [Tackling gambling related harm a whole council approach \(local.gov.uk\)](#)

Appendix C [Wokingham Borough Council Statement of Gambling Principles](#)

Background

1. At a meeting of the Licensing and Appeals Committee on 30 January 2023, gambling related harm was discussed with a view to consider the Council policy on gambling, and take steps towards a full Council approach.
2. The Local Government Association (LGA) has provided a Councillor Handbook which is a comprehensive guide to Licensing Authority functions in respect of gambling. A link is provided at **Appendix A**.
3. The LGA has also produced a guide to Local Authorities on tackling gambling related harm. This guide is a whole Council approach including planning, social services, and public health. A link is provided at **Appendix B**. Attention is drawn to pages 15-20 in that document "How councils' regulatory tools can help tackle gambling-related harm" which includes the role of the Licensing Authority and the Planning Authority.
4. The Licensing Authority has issued a Statement of Gambling Principles which was adopted on 18 November 2022, and is in effect until 2025. A link is provided at **Appendix C**.
5. The committee was invited to direct officers to take steps towards the best practice identified by the LGA and to receive a report back of findings from the operation at a later committee meeting.

Licensing Committee – 23 January 2024

6. Officers completed an underage test purchasing operation on all betting shop premises in the borough during December 2023. All operators passed with a challenge to age verification of the young person.
7. A test purchase was also carried out on an Adult Gaming Centre in Wokingham, which resulted in a failure. Licensing Officers are currently working with management to help rectify issues and discuss training needs. A further test purchase on this Adult Gaming Centre will be completed within the next 6 months.
8. Licensing Officers also carried out compliance inspections of betting shop premises and found that they had local risk assessments to hand and were aware of Gamcare. They had advice leaflets available and posters on display for sensible gaming.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision
There were no financial implications from this report.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)
Gambling related harms to individuals and families may have impact on several Council services, such as Children’s Safeguarding, Public Health, Offender Management, Development Control.

Public Sector Equality Duty
Due regard to the Public Sector Equality Duty has been taken.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030
There is no identifiable impact on the Council’s carbon neutral objective.

Reasons for considering the report in Part 2
n/a

List of Background Papers
None

Contact Keiran Hinchliffe	Service Place & Growth
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TITLE	Hackney Carriage and Private Hire Licensing Policy 2024
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framaliccio

OUTCOME / BENEFITS TO THE COMMUNITY

The Hackney Carriage (“taxi”) and Private Hire Licensing Policy (“the policy”) outlines a set of proposed standards and procedures to be used to process and determine applications for driver, vehicle, and operator licenses by Wokingham Borough Council (“the Council”).

The proposed policy is based on the principle that anyone using a licensed vehicle must be able to trust the driver; be assured the vehicle is safe; and trust any operator or driver to keep their information safe.

RECOMMENDATION

DETERMINE the revised policy, either approve it or make recommendations for amendment to the Director of Place & Growth for policy introduction on 31 January 2024.

SUMMARY OF REPORT

- a) The Department for Transport (DfT) recommends Licensing Authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a ‘fit and proper’ person test, licence conditions, and vehicle standards.
- b) In July 2020, DfT issued Statutory Taxi & Private Hire Vehicle Standards (“the 2020 standards”) which state that Licensing Authorities must use their licensing powers to protect children and vulnerable adults. This Council has already previously implemented a number of the recommendations in [its existing policy](#) on its own volition but the 2020 standards provide the opportunity to further tighten the current licensing scheme.
- c) This draft policy was commissioned in collaboration with the Public Protection Partnership in West Berkshire and Bracknell Forest Councils. Wokingham Borough Council will be first to introduce a reviewed policy.
- d) The Licensing and Appeals Committee is invited to comment on the draft policy following public consultation and consider relevant responses.

Appendix A Draft Hackney Carriage and Private Hire Licensing Policy 2024

Appendix B Summary of principle features of the draft policy

Appendix C Consultation responses

Appendix D Green Metro Cars Submission

Background

1. The Council is, under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority responsible for regulating the Hackney Carriage and Private Hire trades operating in the Borough. The terms Hackney Carriage, or taxi, usually refer to vehicles which are licensed to ply for hire and pick people up from the roadside or a rank. The origin of the term “Hackney Carriage” is believed to stem from the centuries-old word “hackney” (or “hack”) being a horse of medium size, intended for ordinary riding at moderate pace, and often available for hire. When attached to a carriage they were first licensed in 1662 on payment of a fee, as a consequence of their increasing number.
2. In contrast, Private Hire Vehicles are only permitted to pick up pre-arranged bookings and are not permitted to be hailed to stop by a passenger who has not pre-booked. However, in this report “taxi licensing” is intended to mean both Hackney Carriages and Private Hire Vehicles.
3. At [Licensing and Appeals Committee on 6 October 2020](#) members considered a report which set out the work required to review the existing policy in line with recommendations made by the Department for Transport (DfT) [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#). Members agreed to receive further reports detailing changes to the policy and licence conditions to comply with the statutory standards.
4. West Berkshire and Bracknell Forest Councils have undertaken to implement formal policies and commissioned this work to [James Button & Co](#), solicitors, who are experienced in Licensing law and were also commissioned to review the existing Wokingham policy at the same time.
5. This policy aims to protect the public and build public confidence in the licensed taxi trade, by promoting:
 - safeguarding children and vulnerable adults and the prevention of crime and disorder
 - vehicle safety, comfort and accessibility
 - environmental sustainability
 - Wokingham Borough as a place to live, work and visit
6. The Council recognises the important role that taxis play in enabling people to travel. In doing so they also have a role in portraying the image of the borough. The Council recognises that the majority of licence holders operate to a good standard and want to provide the best possible service to their customers. This policy should, therefore, help the trade and the local economy thrive.
7. The draft policy is attached as **Appendix A**.

8. The principal features of the draft policy are summarised in **Appendix B**.

Analysis of Issues

9. The [Statutory Taxi and Private Hire Vehicle Standards \(July 2020\)](#) was published by the Secretary of State for Transport under [section 177\(1\) of the Policing and Crime Act 2017](#) and sets out a framework of policies that licensing authorities must have regard to when exercising their functions. It states that:

- reports on child sexual abuse and exploitation made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing leave children and the public at risk, and
- licensing authorities should publish their consideration of the measures contained in the Standards, and the policies and delivery plans that stem from these.

10. The principal changes contained in the 2020 standards are:

- a) Fit and proper test - There is still no statutory definition of what amounts to a 'fit and proper' person for the purposes of the legislation, but there is now much more robust guidance in the new standards
- b) Administration - There should be sufficient training and adequate resource for all those involved with making licensing decisions. Any functions that are delegated should be set out in a clear scheme of delegation and whilst less contentious matters can be resolved by authorised officers, it is recommended that more serious matters are dealt with by committee
- c) Whistleblowing - It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly
- d) DBS checks - Subscription to the DBS Update Service by drivers and operators at their own expense and the records reviewed every six months.
- e) Oversees convictions – certificates of good character should be obtained where an applicant has previously lived outside the UK for more than 3 months
- f) Convictions policies - All authorities should have a clear policy that takes a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime
- g) Complaints against licensees - All authorities should have robust complaint recording systems and take action if necessary
- h) Mandatory safeguarding awareness training for all drivers. Training should include 'County Lines' drug trafficking awareness

- i) Literacy and numeracy - All licence holders to demonstrate proficiency in English language. Drivers should be able to provide correct change and produce a legibly written receipt upon request
- j) Enforcement - Suspension and revocation of driver licences. The guidance clarifies situations in which revocations and suspensions may be used. Drivers should be made aware of relevant policies
- k) Local consultation - It suggests it is good practice to consult when proposing significant changes in local licensing rules.

Licensing Committee on 22 June 2023 - Policy consultation results

- 11. The results of the policy consultation are attached as **Appendix C**.
- 12. The base of feedback to the policy consultation came from local residents. There is majority agreement and support for all measures detailed in the consultation questions.
- 13. One respondent brought the following to the attention of elected members:
- 14. "I have read the policy and would like to make some suggestions. Clause 3.29 states 6 months inspection for less than 5 years old vehicles and 3 inspections for more than 5 year old vehicles. I strongly disagree with this change as it will put us under more financial pressure. I think you should keep this as 1 inspection for less than 5 year old and 2 inspections for more than 5 year old and add a clause for 3 inspections for more than 10 year old vehicles."
- 15. A response was also received from Wokingham Borough Council's Community Transport Service:
- 16. "2.6 – Can we have further information on the required "driving proficiency certificate" please? If this is a second driving test, CTU can't support this for school contracts, as it is causing a massive delay in getting new drivers through. In the meantime our costs are going up due to limited supply of licenced drivers (drivers are asking for higher and higher wages by playing one company off against another). At the moment there is also a high risk that there will be insufficient supply of drivers to allow us to fulfil our statutory duty for September 23 on school transport."
- 17. Members discussed the driving proficiency test for new applicants and determined to maintain this standard in the policy renewal. Licensing authorities should require hackney and private hire drivers, as professional drivers, to display a higher degree of driving aptitude and diligence than a private motorist. This is considered appropriate and proportionate and is consistent with other elements of hackney and private hire driver licensing, for example, medical and vision assessments.

Licensing Committee Meeting 18 October 2023

- 18. At the meeting of the Licensing Committee on 22 June 2023, members requested for the policy to be circulated with the Council's Climate Emergency Officer. This

was actioned, it was acknowledged that the policy now moves towards a new reliance on Euro Emission Standards for the licensing of private hire vehicles, alongside more frequent inspections of vehicle standards.

19. During this time, a further response to the Policy consultation was received by Green Metro Cars. This included aspects concerning Medical Reports, Driver Proficiency Assessment, and Safeguarding Training, this is attached as **Appendix D**.
20. A representative of Green Metro Cars attended the Licensing Committee meeting to discuss their views on the revised policy before Members. The Licensing Committee recommended that officers could consider reviewing procedures around assessing the potential of widening the list of approved suppliers for the driving proficiency test, safeguarding, and disability training. This will be assessment will be actioned over the course of the year.
21. Advertising standards were discussed by the committee and an amendment to the policy was actioned.

Licensing Committee Meeting 23 January 2024

22. Members are requested to consider the following amended conditions regarding the licensing requirements for vehicles:

3.29 Vehicles up to five years old from the first date of registration will be subject to an inspection before grant or renewal, and at 12 months after the date of grant or renewal at one of the Council's nominated testing stations.

3.30 Where vehicles are five years or older, from the date of first registration, they will be subject to an inspection before grant or renewal and then at 6 monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed.

3.31 With exception to 3.32 and 3.33, all vehicles must meet by the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence.

3.32 For Hackney Carriage vehicles first with licensed with Wokingham Borough Council before 19 March 2019, no Hackney Carriage vehicle licence will be issued for a vehicle that exceeds 15 years old from the date of first registration, providing the vehicle complies with all other sections of this policy.

3.33 This requirement concerning Euro Emission Standards can be waived in respect of any vehicle which is specifically modified as a Wheelchair Accessible Vehicle to provide local education authority contracts. Non-adapted vehicles that exclusively undertake local education authority community transport, are now restricted to an age limit of 15 years from date of first registration providing the vehicle complies with all other sections of this policy.

23. Members are also requested to note an amendment to the convictions policy around plying for hire, touting, and driving without insurance offences to a

recommendation for 7 years to have elapsed since conviction or endorsement. And driving with a mobile phone to 5 years, which meets with the DfT statutory guidance on convictions for use of handheld devices.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

Other financial information relevant to the Recommendation/Decision
This report introduces a revised taxi licensing policy following public consultation. There are no financial implications.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)
Community Transport have submitted a consultation response.

Public Sector Equality Duty
Self-employed people of Black, Asian and Minority Ethnicity are strongly represented among drivers and operators in the taxi and private hire trade. Customers of the trade are strongly represented by young women, people with disabilities and older people, and generally by people who do not own a car. For these reasons, it is important to ensure that this remains a profitable sector. An equalities impact statement will be completed prior to the implementation of a new policy.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030
A thriving taxi trade will contribute to carbon neutral objectives by assisting to reduce reliance on personal vehicle transport. At direction of the Committee, the policy was reviewed by the Climate Emergency Officer following the consultation period.

Reasons for considering the report in Part 2
N/A

List of Background Papers
<ul style="list-style-type: none">• Department for Transport (DfT) Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010)• DfT Statutory Taxi and Private Hire Vehicle Standards (July 2020)

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Appendix B Summary of principle features of the draft policy

Drivers (pages 3 to 13)

- 1) A licence will not be issued until the appropriate fee is paid
- 2) The Council issues dual or combined drivers' licences. These enable a licensee to drive a Hackney carriage or private hire vehicle licensed by the council
- 3) Drivers' licences will be granted for a period of 3 years unless an applicant requests a licence for a one-year period. An application for the renewal of a licence must be made prior to the expiry of the licence, and in sufficient time to enable it to be processed and renewed before the existing licence expires
- 4) Licensees must comply with their duties under the relevant parts of the Equalities Act 2010
- 5) Public protection will be the overriding consideration whenever the council considers taxi licensing matters
- 6) Licences are only granted to people who satisfy the council that they are fit and proper people to hold such a licence. It is for the applicant to demonstrate that they are a fit and proper person, and not for the council to prove that they are not
- 7) Unacceptable behaviour can lead to licences can be suspended, revoked or not renewed. There are rights of appeal against suspensions and revocations, together with refusals to grant and conditions attached to the licence
- 8) Every application for a licence must be accompanied by satisfactory evidence of the following:
 - a. A full UK, Northern Ireland, European Economic Area ("EEA") or Exchangeable driving licence (held for a period of at least 1 year prior to the date of application)
 - b. Evidence of the right to live and work in the country
 - c. An authenticated form of photographic identification
 - d. An enhanced criminal record check (DBS) including the child and adult barred list
 - e. A certificate of current medical fitness to DVLA Group 2 standard
 - f. The required post-qualification driving experience and the required level of competency
 - g. Sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for
 - h. That where specified the applicant has completed safeguarding awareness training

- i. To have passed a practical driving and wheelchair assessment before applying for a dual driving Licence. These assessments must be passed again every 6 years
 - j. A good knowledge of Wokingham Borough and the surrounding area. They will be required to pass a test on this knowledge prior to a licence being issued. This test must be passed again every 6 years
 - k. The requirements for operators and vehicles that only undertake school or community service contracts are the same as for all other private hire operators and vehicles but will be excluded from the requirement to undertake a knowledge test as they will be undertaking journeys on fixed routes.
 - l. A good knowledge of the Highway Code. This test must be passed again every 6 years.
 - m. To have undergone training in the assistance of disabled persons, to a standard acceptable to the Council. Refresher training will be required every three years.
 - n. Completion of a course in Safeguarding, Child Sexual Abuse and Exploitation (CSAE) and County Lines
- 9) The applicant will be given three attempts to pass each of the required tests to become a licensed driver. If they have not passed after the third attempt no new application will be accepted for a period of three calendar months
- 10) Where a licence is found to have been obtained using false or incomplete information enforcement action may be taken, and the matter may be reported to the police
- 11) The council provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a licence revoked, or an application for one refused.

Vehicles (pages 13 to 27)

- 12) No vehicle will be licensed unless it
- a. has undertaken and passed the Hackney Carriage and Private Hire Vehicle Test, at a Council nominated garage
 - b. has provision for every passenger to wear a seat belt. A sign must be displayed inside the vehicle requiring seat belts to be worn.
- 13) Vehicles up to five years old (or which have travelled less than 25,000 miles) will be subject to an inspection before grant or renewal, and at 6 months after the date of grant or renewal at one of the Council's nominated testing stations.
- 14) Where vehicles are five years or older, or which have travelled more than 25,000 miles, they will be subject to an inspection before grant or renewal and then at 4

monthly intervals for the duration of the licence. If an inspection is not carried out in the month that it is due, the licence will be suspended until such a test has been passed. The 10 year age limit (unless in “exceptional condition”) is repealed.

- 15) All vehicles must meet the Euro 5 or Euro 6 emissions standards if they are being submitted for grant or renewal of a licence
- 16) All Hackney Carriage vehicles must be wheelchair accessible in accordance with the specification. Wheelchair accessible Private Hire Vehicles must also comply with the specification
- 17) All applications for grant or renewal of vehicle licences must be accompanied by documentary evidence that the vehicle has been regularly serviced and maintained in line with the manufacturer’s servicing schedule
- 18) Detailed standards for vehicles are on pages 16 to 27 in the draft policy

General

- 19) Policy in relation to Private Hire Operators is on pages 28 to 33
- 20) Policy on Enforcement and Appeals is on page 34
- 21) Criminal Convictions Policy is on pages 36 to 45
- 22) Penalty Point Scheme is on pages 46 to 57
- 23) Code of Conduct is on pages 58 to 69
- 24) Licence Conditions:
 - a. Hackney Carriages - pages 70 to 78
 - b. Private Hire Vehicle - pages 79 to 87
 - c. Operators pages - pages 88 to 98

TITLE	Review of Statement of Licensing Policy 2024
FOR CONSIDERATION BY	Licensing and Appeals Committee on 23 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framalocco

OUTCOME / BENEFITS TO THE COMMUNITY

In creating this policy, the Licensing Authority is seeking to protect the public and where possible to improve the look and feel of Wokingham borough, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.

The Council is required to consult publicly and publish a Statement of Licensing Policy every five years.

The policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions
- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

RECOMMENDATION

That the Committee considers the responses to the public consultation including the *Get Me Home Safely* campaign and consider the response from both Remenham Parish Council and Remenham Farm Residents Association requesting a Cumulative Impact Assessment for their area as part of the revised Statement of Licensing Policy 2024.

SUMMARY OF REPORT

The Licensing Act 2003 ('the Act') requires Wokingham Borough Council ('the Authority'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' every five years.

This report provides responses to the public consultation for consideration by members of the Licensing Committee.

Appendix A – Draft Statement of Licensing Policy 2024

Appendix B – Results of public consultation

Appendix C – Response from Remenham Farm Residents Association and Remenham Parish Council

Background

1. There are four main licensable activities under the Act:
 - retail sales of alcohol;
 - the supply of alcohol by or on behalf of a club
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.
2. This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications and reviews of licensed premises.
3. The revised Statement of Licensing Policy 2024 is attached at **Appendix A**.

Analysis of issues

4. Section 5 of the Licensing Act 2003 requires that all local authorities review their Statement of Licensing Policy every five years.
5. A public consultation was open from 16 October 2023 – 08 January 2024. The results of this consultation are summarised in the content of this report and attached in full at **Appendix B**.

Summary of key amendments to the policy

6. The Council's current policy has been updated to reflect changes in legislation and best practice since it was last reviewed.

Model conditions

7. The Policy introduces a pool of model licensing conditions, which will provide a level of consistency to the attachment of conditions to a premises licence or club premises certificate. The Model Conditions will assist an applicant to draft their operating schedule - a document that shows what measures the applicant will put in place to address the four licensing objectives; and which can ultimately become conditions on the licence.
8. The Model Conditions will also assist Responsible Authorities when making representations against applications and Members of the Licensing Sub-Committee when deciding what, if any, conditions should be added to a licence if granted.
9. However, it has to be emphasised that these are not standardised conditions. A Licensing Sub-Committee may make any conditions, where deemed appropriate

to do so, in order to promote the Licensing Objectives and reflect the circumstances of each case.

Immigration Act 2016

10. The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made on or after 6 April 2017.
11. The Policy provides guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

Pre-application advice service

12. The Licensing Service will provide a cost efficient pre-application service to support business. This service is available at low cost and guides applicants through the licensing process, making suitable use of the model conditions within the revised policy, including template public notices, and template newspaper advert.

Women's safety in the night time economy

13. The policy makes reference to the Ask for Angela campaign and bystander intervention training for licensed premises to support a safer night-time environment for women.
14. Other amendments include:
 - including local ward Councillors in consultations for a new premises licence or full variation applications
 - expanded detail on measures to promote the licensing objectives
 - a section on Child Sexual Exploitation advice
 - promotion of other strategies including a 'Reduce the Strength' strategy; expectations for organisers of White Collar Boxing Events
 - Counter Terrorism Measures

Public consultation responses

15. The consultation responses show majority support for the new measures within the revised policy. There is support for the Council's approach to including a pool of model conditions, the accreditation of a Best Bar None scheme, and the introduction of a pre-application service for applicants that may wish to use this service rather than a solicitors firm.
16. Overwhelmingly, there is 92% support of Wokingham's Statement of Licensing Policy including best practice to support women's safety in the night time economy. Views expressed by respondents include:

“The Council should amend policy so that all new alcohol licenses must have a condition whereby the licensee must provide free transport home for anyone working after 11pm.”

“Free transport home for workers in the hospitality industry working late at night would benefit all workers but would particularly benefit women, to protect them from potential harassment or violence. No-one should have to worry about walking home safely after dark. This would tie in with the Council's aim to be White Ribbon accredited.”

“In my opinion the Council has a responsibility and a duty of care to Wokingham residents and their families who work in the hospitality/licensed premises, as well as customers/users of such premises, to ensure that the policy requires all new alcohol licenses, and those existing licence holders where the process requires these to be renewed/extended, must meet the obligations requirements of an enforceable condition whereby the licensee/premises owner or operator must provide free transport home for anyone working after 11pm. This should be extended to those who finish work close to 11.00pm where no public transport is readily available to their place of residence and should also be at no cost to the employee.”

“It should include protection for ALL employees, as young men are at greater risk from violence than anyone else. Years ago one of my sons was always provided with a taxi home when working late as a barman for Reading Borough. This was a huge relief to both him and his parents.”

17. A response from Remenham Parish Council and Remenham Farm Residents Association is included at **Appendix C**. A summary of this response is detailed below:

18. “It is the view of the Parish Council and the Remenham Farm Residents Association that the forthcoming Statement of Licensing Policy needs to address:”

“[1] Cumulative Impact within and surrounding the parish, the local area profile will be an invaluable evidential resource in the development of the required Cumulative Impact Assessment. The Parish Council take the view that Remenham has long passed the threshold of unacceptable cumulative impact. (The effect of the special policy is that the Council will refuse applications for a new Premises Licence, of Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representations, unless an application can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.) The Parish Council take the view that the Licensing Authority ought to undertake a Cumulative Impact assessment as a matter of urgency – the Parish Council are keen to assist in this endeavour.”

“[2] Framework Hours and activities. The Parish Council and Residents Association takes the view that the local area requires a special policy in respect of framework hours and activities within the parish and local area.”

“[3] Environmental Impacts Policy. The Parish Council and Residents Association take the view that the council needs to consider the wider environmental impacts of these large-scale events on a rural area.”

“[4] Temporary Events Notice Policy (“TENs”). The Parish Council and Residents Association is of the view that TENs are used to add to the existing offerings often used as a way of circumnavigating licensing requirements. The Parish Council and Residents Association take the view that a policy statement setting out the expectations of the licensing authority in respect of applicants, the Environmental Health team and the Police would be a useful addition to policy.”

“[5] Dedicated Remenham Parish Safety Advisory Group (“SAG”). The Parish Council and Residents Association considers that the terms and participation of a SAG should be set out in the policy to provide greater transparency and participation to the local community and its representatives.”

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	0		
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

Other financial information relevant to the Recommendation/Decision

The revised draft Statement of Licensing Policy 2024 is not expected to have any financial implications for the Council beyond the existing budget for the Licensing Service.

Should members initiate the request for a Cumulative Impact Assessment for Remenham, this may have implications on the service or one-off cost of legal fees to action.

Cross-Council Implications

The inclusion of model conditions should assist Responsible Authorities in their role considering applications and making representation when necessary.

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty has been taken in the development of this policy so that it does not have any adverse impact and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken prior to policy implementation.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

No impact on the Council's carbon neutral objective has been identified.

Reasons for considering the report in Part 2

N/A

List of Background Papers

[S182 Licensing Act 2003 Guidance](#)

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STATEMENT OF LICENSING POLICY

2024



WOKINGHAM
BOROUGH COUNCIL

Wokingham Borough Council Statement of Licensing Policy 2024

Foreword by Cllr Ian Shenton



Executive Member for Environment, Sport, and Leisure

“Wokingham Borough Council has developed a licensing policy that helps promote responsible business. With a strong focus on the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance, and the protection of children from harm.

Wokingham borough is home to the Henley Royal Regatta, Henley Festival and Rewind Festival. A detailed, well consulted and thorough policy is absolutely necessary to put elected members in the best possible position as decision makers. Licensing is a key function of Place; to help reduce Anti-Social Behaviour and encourage safe events through Multi-Agency and Safety Advisory Group meetings.

This policy also details how it is expected that applications outside of the hours 10AM-10PM must sufficiently demonstrate, and subsequently comply with measures to promote the licensing objectives.

A pool of conditions is now included to assist new applicants, along with the option for an additional service for pre-application advice with Licensing Officers now being made available to assist businesses through the licensing process.

The policy details a collection of best practice approaches to support the licensing objectives such as Best Bar None accreditation. It also brings attention to schemes such as Ask for Angela and Bystander Intervention training, which encourage a safer night time economy setting for women.”

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1.0 Introduction

1.1 Wokingham Borough Council is the Licensing Authority under the Licensing Act 2003 (the Act). The Licensing Authority must have regard to this policy when carrying out its functions under the Act.

1.2 The Act requires that the Licensing Authority must publish this Statement of Licensing Policy in respect of each five-year period. This policy will be used as a guide when making decisions regarding licensing matters such as determining applications for a new premises licence. The Licensing Authority makes this Statement of Licensing Policy in accordance with Section 5 of the Act.

1.3 This policy will remain in force for a period not exceeding five years and will be subject to review and further consultation. The Council will keep the policy under review, making any amendments as it considers appropriate to support licensing objectives. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published.

1.4 The revised policy has been subject to consultation. The act requires the Council to consult various bodies, to meet that requirement; the following Responsible Authorities will be consulted:

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases, the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;
- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated

1.5 Further to the minimum requirements around consultation. The Council will also consult representatives of holders of premises licenses, club premises certificates, businesses and residents in the Borough.

1.6 A public consultation for a 12-week period is planned and full details of the revised policy will be published on Wokingham Borough Council's website,

1.7 Replies received to the consultation will be considered before the policy is finalised and approved.

1.8 We aim to target, with enforcement action, any premises that are associated with crime and disorder, threaten public safety, generate public nuisance or threaten the wellbeing of our children. This policy along with other local strategies and initiatives will be used to control the negative impacts that licensed premises can cause, such as increased crime and public nuisance.

Wokingham Borough Council Night Time Economy Strategy

1.9 The Council as the gatekeeper of licenses, can also act as a strategic custodian to create pride in the local area, reduce crime, and enable collaboration between stakeholders to contribute to a safer night time economy. An enabler of this vision is this Statement of Licensing policy which presents a sincere approach to partnership working, greater scope in terms of model conditions and supporting licensing strategies.

1.10 The Council will collaborate with partners and licence holders through Pubwatch meetings and will seek to advance initiatives which benefit a safer night time economy.

1.11 The Licensing Authority has taken full account of the guidance issued by the Secretary of State under Section 182 of the Act. Consideration has also been given to the provisions of the European Convention on Human Rights, The Equality Act 2010 and the provisions of the Crime and Disorder Act 1998.

2.0 Purpose

2.1 The Act provides a clear focus on the promotion of four statutory licensing objectives. The Licensing Authority must have regard to these four objectives when undertaking its various licensing functions and must ensure that they are promoted. The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

2.2 Each objective is of equal importance, and they are the only matters that the Licensing Authority is permitted to have regard to when making determination on licensing applications.

2.3 The Council, in adopting this licensing policy, recognises both the needs of residents for a safe, healthy and sustainable environment to live and work, and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. The Council is committed to partnership working with Thames Valley Police, Royal Berkshire Fire & Rescue Service, local businesses, the licensing trade, local people, and those involved in child protection towards the promotion of the common objectives as set out in this policy.

2.4 This policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions.
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough.
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions.

- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives.
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

2.5 The Act has created several licensable activities for which it will be the responsibility of this Authority to accept applications, issue relevant licenses and to enforce the requirements of the Act in relation to those activities, in line with the four licensing objectives. The licensable activities are:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of regulated entertainment in the presence of an audience meaning:
 - Exhibition of film
 - Performance of plays
 - Indoor sporting events
 - Boxing or wrestling
 - Live music
 - Recorded Music
 - Performance of Dance
 - Anything of a similar description
 - The provision of late-night refreshment;
 - Any licensable activity provided on a temporary basis (Temporary Event Notices).

2.6 The Act also requires the Council to consult various bodies before determining the policy.

3.0 Applications

3.1 When considering an application, the Licensing Authority will have regard to:

- The Licensing Act 2003 and relevant regulations;
- Government guidance issued under section 182 of the Licensing Act 2003;
- Any supporting regulations (as may be issued and/or amended by the Secretary of State from time to time); and
- Wokingham Borough Council's Statement of Licensing Policy 2023 - 2028.

Applicants should also have regard to these documents when preparing their application.

3.2 Each application will be considered individually on its own merits. This policy does not undermine the rights of any person to make an application under the Act for a variety of permissions or the right of any person to make representations or seek a review of a licence or certificate where the Act permits this.

3.3 Without prejudice to the right of any person to apply at any time, applicants are encouraged to discuss their proposals in advance with the Police. It may be beneficial to draw on the experience of the Police in relation particularly to the prevention of crime and disorder. Whilst there is no obligation on the part of the applicant to accept any advice or proposed condition requested by the Police (any conditions must be proportionate and appropriate), it remains that should there be areas of agreement between the two parties a representation from the Police would be less likely and (in the absence of any other representations) would lead to a speedier determination of the licence application.

3.4 When making an application, applicants should have regard to the local area and reflect this in their operating schedule.

3.5 An application for a premises licence must be made in the prescribed form to the Council. The application must be accompanied by:

- the required fee;
- an operating schedule (see below);
- a plan of the premises in a prescribed form to which the application relates; and
- if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the Designated Premises Supervisor.

3.6 An application will only be deemed to be ‘received’ once all the required supporting information has been submitted.

3.7 The operating schedule should ideally include a general description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers). It is also expected to indicate the type of entertainment available on the premises, whether licensable under the 2003 Act or not. This is essential so that responsible authorities and interested parties can form a proper view as to what measures may be necessary at such premises for the protection of children from harm. For example, it is important that plans for regulated entertainment of an adult nature or with sexual content should be disclosed. An operating schedule must also set out the following details:

- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place;
- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- the steps which the applicant proposes to take to promote the licensing objectives.

3.7 In preparing an operating schedule, applicants should have a good idea of the expectations of the Council and the Responsible Authorities about the steps that are necessary for the promotion of the licensing objectives. It is recommended that applicants, having completed their own risk assessments, should seek the views of the key responsible authorities. For example, on matters relating to crime and disorder, Thames Valley Police should be consulted and on matters relating to noise, Wokingham Borough Council's ASB or Environmental Health officers should be consulted. Such co-operative effort will help minimise the number of disputes which arise in respect of operating schedules. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, which they have set out in the operating schedule, will very often translate directly into conditions that will be attached to a premises licence.

3.8 Applications for the grant, variation or review of a premises licence should be advertised in accordance with the arrangements prescribed in the regulations. The content of the advert must use those terms and descriptions of the application that are prescribed by the regulations made under the Act.

3.9 A person making an application for a Premises Licence or Club Premises Certificate, or major variations of such licenses or certificates, must send details of their applications to the Responsible Authorities, unless the application is submitted electronically, in which case the Council will serve the Responsible Authorities. These authorities must be consulted about such applications and are entitled to lodge representation.

3.10 The Responsible Authorities, in the case of all premises, include: -

- the Chief Officer of Police;
- the Fire Authority;
- the local enforcing authority for the Health and Safety at Work etc. Act 1974 (the Council's Environmental Health Team for the majority of premises on which licensable activities are carried on; in other cases the Health and Safety Executive is responsible);
- the local authority with responsibility for Environmental Health (the Council's Pollution and Housing Team);
- the local Planning Authority;
- the Public Health Authority;

- The Council's Trading Standards Team
- the Area Child Protection Committee, and;
- any other relevant Licensing Authority in whose area a part of the premises are situated.

3.11 In relation to vessels, but no other premises, the Responsible Authorities will also include: -

- the navigation authorities;
- the Environment Agency;
- the British Waterways Board, and;
- the Secretary of State for Transport.

Consultation

3.12 The consultation must include a copy of the application form, the operating schedule, a plan of the premises and proof that notice of the application has been served on the Responsible Authorities. If the application involves the supply of alcohol, a form of consent from the individual who is to be specified as the Designated Premises Supervisor must be included.

3.13 As part of the consultation process, the Council may choose to consult with whoever appears appropriate to help it determine the application. Such interested parties may include: Councillors, persons living in the vicinity; bodies representing persons living in that vicinity; individuals involved in businesses in the vicinity; and bodies representing those persons involved in such businesses. In addition, these groups or organisations may themselves seek comments from others whom they know may wish to be aware of the application. These comments may in turn be passed on to the Council as part of the consultation process.

Representations

3.14 If no Responsible Authority makes a representation about an application and no interested party seeks to do so, then no hearing would be required and the application will be granted in the terms sought subject only

to conditions which are consistent with the operating schedule and relevant mandatory conditions in the Act.

3.15 Where a representation is made under the terms of the Act by any person there will be a preliminary stage at which the Council will consider whether the representation is relevant, and not vexatious or frivolous. If the Council decide it is not relevant, no hearing is required in relation to that representation and in the absence of representations from other parties or responsible authorities, the application must be granted. The aggrieved person whose representation is not regarded as “relevant” may challenge the Licensing Authority’s decision by way of judicial review.

Public health representations

3.16 Section 104 of the Police Reform and Social Responsibility Act 2011 amends the 2003 Act so as to include Public Health as a Responsible Authority.

3.17 As a Responsible Authority, Public Health can make representations in relation to applications for the grant, variation, minor variation or review of premises licenses and club premises certificates. In addition, Public Health may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.

3.18 Representations should be evidence based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, Public Health must ensure representations are relevant to one of the four existing objectives.

Determination

3.19 Where a representation is lodged by a Responsible Authority about a proposed operating schedule, the Council’s discretion will be engaged. It is also engaged if any person makes relevant representations to the Council which are not frivolous or vexatious. A hearing will be required at which the disputing parties should be invited to present argument. The need for a hearing can only be dispensed with by the agreement of the Council, the applicant and all of the parties who made relevant representations. The hearing process must meet the requirements of the Regulations made under

the Act. The Council will seek to focus the hearing on the steps needed to promote the particular licensing objective which have given rise to the specific conflict and avoid straying into undisputed areas. In determining the application, the Council will give appropriate weight to:

- the argument and evidence presented by all parties;
- the guidance issued by the Secretary of State under Section 182 of the Act;
- the Wokingham Borough Council Statement of Licensing Policy 2023 - 2028;
- the steps that are necessary to promote the licensing objectives.

3.20 The Council will give its determination with reasons provided to support the determination. After considering all the relevant issues, it will be open to the Council to grant the application subject to such conditions that are consistent with the operating schedule, and these can be modified to such an extent that the Council considers necessary for the promotion of the licensing objectives. Alternatively, the Council may refuse the application on the grounds that refusal is necessary for the promotion of the licensing objectives. It may also refuse to specify a Designated Premises Supervisor and/or only allow certain requested licensable activities.

Variations

3.21 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 in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises what alternative steps he or she intends to take (if any) to promote the licensing objectives. The application for variation will enable the responsible authorities with expertise in licensing matters to consider whether the proposal is acceptable.

3.22 Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

4.0 Representations

4.1 The Act describes two groups that may make representations to applications. These groups are “Responsible Authorities” and “Other Persons”.

4.2 The meaning of ‘other persons’ is any individual, body, organisation, group, association or business who is, or is likely to be, affected by the operation of a licensed premises. Other persons do not need to live within the vicinity of the premises to make a representation. However, the Licensing Authority will consider the location of the person making the representation when deciding what weight to allocate to the representation.

4.3 Any representation must be relevant, meaning that it must relate to one or more of the licensing objectives. All representations will be considered on their merits unless the authority deems that a representation is vexatious, frivolous or (in the case of a review) a repetition. In relation to applications for reviews a repetitious representation is one that is identical or substantially similar to grounds for review specified in an earlier application for review made in respect of the same premises that has already been determined by the Council.

4.4 Any representation must be received within the prescribed consultation period allocated to an application (28 days for new, variation and review applications). Any representations not received within the specified time will be invalidated and returned. It is the responsibility of the person making the representation to ensure that their representation is received on time. Representations may be hand delivered in writing to the Wokingham Borough Council, Shute End, Wokingham RG40 1BN or sent by email to licensing@wokingham.gov.uk . Wokingham Borough Council are unable to accept verbal representations over the telephone.

4.5 Copies of representations, including the name and address details of the person making the representation will be sent to the applicant. We are unable to accept anonymous representations. Telephone or email details will not be shared with the applicant unless agreed with the person who submitted representation has expressively given their consent for this information to be released.

Petitions

4.6 It should also be made clear that the lead petitioner is expected to speak on the behalf of all petitioners at any hearing - if a person signing the petition would also like to raise their own representation, then this individual method is an option for them to guarantee their right to make oral representation and raise whatever issues affect them directly.

4.7 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the instigator of the petition identifies themselves as a central point of contact.
- We may need to make contact in order to verify certain matters and if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied.
- The petition must make clear the premises/application to which it relates
- The petition must relate to one or more of the licensing objectives
- Petitions regarding the Licensing Act 2003 must be submitted in accordance with Wokingham Borough Council's procedures on representations to the offices of the Licensing Authority at Wokingham Borough Council, Shute End, Wokingham, RG40 1BN within the statutory consultation time limit.
- Representations will not be accepted if they are libellous, slanderous, racist or of an unacceptable nature.
- Representations relating to the impact of new businesses on existing trade cannot be taken into account.
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge.
- We will not write to each signatory separately, but instead assume that the instigator will advise each signatory of the hearing date and the final outcome of the application. It is expected that the instigator will represent the signatories at the hearing and to speak for them.

5.0 Determining Applications

Licensing objectives

5.1 The Council will carry out its functions under the Act with a view to promoting the licensing objectives.

The Licensing Objectives are:

- The prevention of crime and disorder;
- Ensuring public safety;
- The prevention of public nuisance;
- The protection of children from harm.

Each objective is of equal importance.

Premises licenses

5.2 When determining applications, the Council will take into account the operating schedule submitted by the applicant, the suitability of the premises for the intended use, any cumulative impact policy which may be in effect and any representations received as a result of the consultation process.

5.3 When considering any application, the Licensing Authority will so far as possible avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.

5.4 In particular the licensing functions will be carried out separately from the Council's functions as the Planning Authority. However, it will normally be expected that applications for premises licenses in respect of permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned (other permissions, such as permission of the premises owner, may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where appropriate).

5.5 In undertaking its licensing functions, the Council will be mindful of other legislation which may impact on the promotion of the licensing objectives, for example:

- Crime and Disorder Act 1998 in particular Section 17
- The Health & Safety at Work Act etc. 1974
- The Environmental Protection Act 1990 (as amended)
- The Regulatory Reform (Fire Safety) Order 2004
- The Equalities Act 2010
- Human Rights Act 1998
- Safety of Sports Grounds Act 1975
- Town and Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- Police Reform Act 2000
- The Police and Crime Act 2009
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- Health Act 2006

5.6 The licensing process can only seek to control those measures within the control of the licensee, and ‘in the vicinity’ of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:

- matters within the control of individual licensees and others who are granted any relevant authorisations;
- the premises and places being used for licensable activities and their vicinity; and
- 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.

Public health

5.7 The Licensing Authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function in order to promote public health. The licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003.

5.8 Through ensuring the responsible selling of alcohol, this may impact on reducing a person's drinking at harmful or hazardous levels. However, it is recognised that any such positive impact will be as a coincidence of the Licensing Authority conducting its licensing function under the Act to promote the licensing objectives. Local Health Bodies potentially have access to much data that can inform licensing decisions and policy. When such data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the Licensing Sub-Committee in reaching its decision. The Licensing Authority recognises the impact of alcohol misuse and it is hoped that through the implementation of this licensing policy the promotion of the four licensing objectives will in turn have a positive effect on preventing alcohol misuse. For example, by ensuring licensed premises refuse sales of alcohol to children, or those attempting to purchase it on behalf of children; this will impact positively on a reduction in child alcohol related health problems.

5.9 Applications relating to premises will be made by a person who is, or who proposes to be carrying on the business involving the use of the premises. A person can include a company. All applications for licenses and variations of licenses are subject to a consultation process, the following will be consulted:

- Responsible Authorities
- Ward Councillors;
- Appropriate Council departments;
- Any other group the Council considers appropriate;

5.10 The applicant for any premises licence is responsible for placing an advertisement at the premises and in a local newspaper, the Council will advertise the application on the Council website. The law requires that the notice on the premises must be on pale blue paper of at least A4 in size, the writing must be of font size 16 or equivalent and that it must be clearly visible from the outside of the premises. The newspaper advertisement must appear in a local newspaper circulating in the area within 10 working days starting on the day after submission of the application to this authority. At the end of the consultation process, the application will be determined. If no representations have been made, then an officer of the Council will determine the application under delegated authority and the licence will be granted in line with the application and operating schedule. If there are representations, the

application will be determined by the Licensing Sub-Committee. The Council may consider representations based on the impact of the promotion of the licensing objectives in the Borough generally, and on the grant of the particular application before them.

5.11 Where representations are made to a particular application, either from a Responsible Authority about a proposed operating schedule or from an “other person” that relates to the licensing objectives, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.

5.12 In all cases, applicants and those making representation in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates’ Court against the decisions of the Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

5.13 Guidance is available for applicants, which sets out the details of the application process, having regard to the Licensing Act 2003, the regulations, statutory guidance and local practice and procedures. It should be noted that incomplete applications will not be accepted but will be returned with an explanation as to why it is incomplete.

5.14 Guidance is equally available for those wishing to make representation or to call a review of an existing licence.

Minor variations

5.15 Minor variations will be considered in respect of minor changes to the plan, structure or layout of a premises, small changes to licensing hours, the removal or addition of conditions where appropriate, the removal or addition of licensable activities to the scope of the licence (where permitted by legislation) and any other minor matter where it is considered that the application does not adversely impact on one or more of the licensing objectives.

5.16 A simplified process will be adopted for minor variations. The Licensing Authority will consult with any relevant Responsible Authority that it deems appropriate (if any) and any representations from them will be considered.

Whilst each application will be considered on its individual merits, it will be normal practice to refuse an application for a minor variation in favour of a full variation should any representations be received, unless agreement can be reached which satisfies the representation. In the absence of any representation the minor variation would normally be granted provided that there is no likelihood of any adverse effect on the licensing objectives.

6.0 Promoting the Four Licensing Objectives

6.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence will be required to provide a fully completed, detailed operating schedule. This schedule will be in the prescribed format. By completing this operating schedule, applicants will demonstrate that they have considered strategies that will lead to fulfilment of the licensing objectives. The schedule will contain the following information:

- The licensable activities to be conducted on the premises
- The times during which these activities will take place (including any differing times during holiday periods or during particular seasons if it is likely that times would be different);
- Any other times when the premises will be open to the public;
- If alcohol is to be supplied for consumption on the premises, the name and address of the Designated Premises Supervisor;
- Whether alcohol will be supplied for consumption on or off the premises;
- What steps the applicant will take to promote the four licensing objectives;
- Any other details set out from time to time in regulations issued by the Secretary of State.

6.2 In respect of each of the four licensing objectives, applicants will be expected to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or is likely to attract larger audiences.

6.3 The most appropriate means for an applicant to assess what measures are needed to promote the licensing objectives would be by completion of a risk assessment. The operating schedule forms the basis of any conditions placed on any licence issued. It also provides valuable information to responsible authorities and other persons to assist in their assessment of the

impact of any licensed activity on the licensing objectives and provides information as to how the applicant will address these issues. It could therefore, form the basis of any decision to submit representation against the application. For this reason, although the Licensing Authority recognise that a risk assessment cannot be demanded (other than where required by other legislation) it would be in the applicants interest to provide the fullest possible detail in the operating schedule, for which a full risk assessment would provide confirmation that the applicant has seriously considered the issues and is aware of his/her duty to promote the licensing objectives at all times, but more importantly is aware of how this may be best achieved.

6.4 One example of where a risk assessment is required under separate legislation is under the Regulatory Reform (Fire Safety) Order 2005, which requires that a fire safety risk assessment must be recorded and made available for inspection. The fire service would normally expect this information to be made available on application for a premises licence.

6.5 Applicants have primary responsibility for their own particular premises and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

6.6 Guidance is offered below as to possible control measures, which may assist applicants in formulating their operating schedule. Given the earlier acknowledgement of the numbers of different types of premises, it should be noted that these measures are by no means to be considered an exhaustive list. Many control measures achieve more than one objective but have not necessarily been repeated under each objective. Similarly, applicants will not be expected to list a control measure more than once in their operating schedule.

6.7 Additional measures may need to be considered on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended or likely to attract a larger audience, or audiences of a different nature, which may have significant impact on the achievement of the licensing objectives. Where applicable, reference must be made in an applicant's operating schedule to such occasions, which should highlight the

additional measures that are planned in order to achieve the licensing objectives.

6.8 The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered and addressed within an applicant's operating schedule.

Capacity

6.9 Whilst it is acknowledged that the setting of occupancy limits for a premises is not a requirement, this is considered to be an essential factor in effective achievement of the licensing objectives in relation to premises other than those licensed primarily for the consumption or sale of food and for sale of alcohol for consumption 'off' the premises. In relation therefore to relevant premises operating on the basis of selling alcohol for consumption 'on' the premises and/or providing a high level of regulated entertainment and for specific types of occasional events, the Licensing Authority will expect that the issue of occupancy capacity is considered and, where appropriate, addressed. Within the operating schedule and in appropriate instances a voluntary maximum occupancy capacity would be considered 'good practice'.

6.10 When determining capacity in line with above, important factors would include the design and layout of the premises and the size and number of exits within recommended travel distances. Other factors to be considered could include:

- The nature of the premises or event;
- The nature of the licensable activities being provided;
- The provision or removal of such items as temporary structures, such as stages or furniture;
- The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- The usual average age of customers
- The attendance by customers with disabilities, or whose first language is not English;
- Availability of suitable and sufficient sanitary accommodation; and

- The nature and provision of facilities for ventilation.

6.11 The agreement to a capacity for a premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded. Equally this does not remove the requirement for the applicant to consider the use of door staff or for a Responsible Authority to make representation to that issue on the basis of fact and in appropriate and proportionate circumstances. In such cases if agreement cannot be reached between applicant and the Responsible Authority concerned, the matter would be determined by members of the licensing panel, who would assess the individual circumstances of the matter based on its individual merits.

7.0 Prevention of Crime and Disorder

7.1 Wokingham Borough Council is committed to further reducing crime and disorder within the borough and helping people feel safe. The Council will have particular regard to the likely impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, and variations of conditions.

7.2 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

7.3 Particular scrutiny will be given to applications for a variation where there has been a proven history of non-compliance at the premises.

7.4 When addressing the issue of crime and disorder, the applicant should be able to demonstrate that those factors that impact on crime and disorder have been considered. These factors include:

- Underage drinking;
- Drunkenness on the premises;
- Public drunkenness;
- Drugs;
- Violent behaviour;
- and Anti-social behaviour.

7.5 Examples of control measures are highlighted below, to assist applicants, who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of the premises; the capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and

responsibly manage and supervise the premises, including associated open areas;

- Training and supervision of staff; The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications;
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises;
- Adoption of best practice guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, including those relating to drinks promotions);
- Acceptance of accredited 'proof of age' cards e.g. PASS and/or passports and photographic drivers' licenses;
- Incident and refusal books kept and maintained on the premises;
- Membership of the "Reducing the Strength" scheme;
- Provision of effective CCTV in and around the premises;
- Employment of Security Industry Agency (SIA) door staff;
- Provision of polycarbonate drinking vessels;
- Provision of secure deposit boxes for confiscated items ('sin bins') such as drugs weapons etc;
- Provision of security measures such as outside lighting; and
- Membership of local 'pubwatch' schemes or similar;
- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.

7.6 The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities. In general, however, the Council will expect more comprehensive measures to be in place at late night venues (i.e. premises which remain open to the public after midnight) or in premises with a history of crime and disorder issues.

7.7 Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council

would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:

- Provision of effective CCTV with recording facilities both within and outside certain premises;
- Crime prevention design, including adequate lighting and supervision of car parks;
- Metal detection and search facilities;
- Procedures for risk assessing promotions and events such as ‘happy hours’ for the potential to cause crime and disorder, and plans for minimising such risks;
- Measures to prevent the use or supply of illegal drugs
- Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff;
- Participation in an appropriate Pubwatch Scheme or any other similar scheme;
- Promotion of safe drinking;
- The control of glass and the provision of plastic containers or toughened glass;
- Use of radio net system (where available);
- Provisions for dealing with prostitution or indecency;
- Provisions for discouraging drinking in public places in the vicinity of the premises;
- Policies on dress and music;
- Appropriate additional staff training.

7.8 In addition, in circumstances where the applicant has agreed measures to co-ordinate closing times or to prevent migration between premises with different closing times, it would be appropriate to detail such arrangements in the operating schedule.

7.9 All premises applying for licensing beyond midnight must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late-night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

7.10 The Council will have regard to representations from the Police in deciding whether the above issues have been adequately addressed. Where Police representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on crime and disorder, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

7.11 Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.

7.12 In respect of premises predominantly supplying take-away food, between the hours of 11.00pm and 5.00am the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises.

7.13 The Council will expect licensees of venues likely to be affected by drugs to take all reasonable steps to prevent the entry of drugs into licensed premises, to take appropriate steps to prevent drugs changing hands within the premises and to take practical measures to prevent tragedies as a result of drug misuse. In certain types of premises, it may be appropriate and relevant for the operating schedule to include measures such as access for customers to drug testing kits, particularly for the prevention of drug assisted sexual assault, chill-out rooms and free water.

7.14 The Council will not support drinks' promotions that encourage the irresponsible consumption of alcohol, and where there is demonstrable evidence that certain types of promotion (such as "buy one get one free", "drink as much as you can for £20.00" or time limited price promotions) encourage significant alcohol intake within short periods of time ('binge drinking'), and the Council may consider, where relevant representations have been made, imposing special conditions. If such promotions are permitted, they should be held in accordance with the mandatory conditions which prohibit irresponsible promotions.

7.15 Within the operating schedule for premises from which alcohol will be sold, the applicant must identify the Designated Premises Supervisor. The Council will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the holder of the premises licence and, as such, would normally expect them to be present on the premises on a frequent and regular basis

7.16 Glass is a major factor in disturbances around licensed premises. At certain types of premises if measures were introduced in relation to glass control within the premises, at disposal points and to prevent the unauthorised removal of glass from premises, these may assist in promoting the licensing objective of preventing crime and disorder. In such cases it may be appropriate for applicants to address these issues through their operating schedule.

7.17 Whenever any persons are employed at licensed premises to carry out a security activity, it will be a condition of licence that all such persons must be licensed with the Security Industry Authority. The applicant may consider that certain premises require strict supervision for the purpose of promoting the licensing objectives. In such cases, it may be appropriate for the applicant to provide details of the security arrangements to be employed at the premises. This may then form the basis of an appropriate condition on the licence. The absence of such measures in the operating schedule may give rise to a relevant representation.

7.18 The Council will work closely with Thames Valley Police to review the licenses of premises where a Police Closure Notice has been served.

7.19 Off Licenses, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to antisocial behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.

7.20 It is important that members of staff working at off licenses are suitably trained in their responsibilities under the Act and can discharge their duties in

full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where appropriate. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order, disorder or policing problem if the licence is granted;
- The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control;
- Past conduct and prior history of complaints against the premises;
- Whether a dispersal policy has been prepared to minimize the potential for disorder as customers leave the premises; and
- Any relevant representations.

7.21 It is recommended that applicants discuss the crime prevention procedures in their premises with the Thames Valley Police and Wokingham Borough Council's Licensing Officer before making a formal application.

7.22 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any additional measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.

7.23 Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder; keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.
- Where door supervisors conducting security activities are to be a condition of a licence, conditions may also be needed to deal with the

number of supervisors required, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

7.24 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments, when preparing operating schedules, with advice on the use of CCTV to prevent crime.

7.25 It may be appropriate at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be appropriate for notices to be displayed that advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

7.26 This authority supports the Wokingham Pubwatch scheme. Such schemes are voluntary (unless there is a specific licence condition that makes membership obligatory) as they are organised by licence holders themselves to share good practice and intelligence information, thus promoting due diligence.

7.27 The Council will consider representations from the Police to exercise its powers to designate areas where alcohol may not be consumed in a public place to meet the Public Safety and Crime and Disorder Objectives

7.28 Local crime prevention strategies will, wherever appropriate and as far as is possible, be supported and reflected in conditions attached to premises licenses and club premises certificates.

8.0 Public Safety

8.1 Wokingham Borough Council is committed to ensuring as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

8.2 The Council is committed to ensuring public safety across the borough by working in `close partnership, in particular, with Thames Valley Police and Royal Berkshire Fire and Rescue Service, as well as with licensees.

8.3 When addressing the licensing objective of public safety, an applicant will be expected to demonstrate that those factors that impact upon the standards of public safety have been considered. These may include:

- The condition, design and layout of the premises, including the means of escape in case of fire;
- Arrangements to ensure the safety of customers and staff in the event of fire or another type of emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol, and including whether those activities are of a temporary or permanent nature;
- The occupancy capacity of the premises, meaning the number of people that can safely be accommodated at the premises; having regard, in particular to floor area and means of escape;
- The customer profile e.g. age, disability etc;
- The necessary health and safety and fire risk assessments at premises and events, and other measures to reduce risk to public safety;
- The measures to be employed to monitor the occupancy of the premises so that maximum capacities (where identified) are not exceeded;
- The necessary risk assessments to cover the erection and design of any temporary structures;

- Risk assessments and safety procedures in the event that the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc is proposed;
- The number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Measures for the appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;
- Noise exposure, both in terms of staff safety and protection of hearing for the public and staff at the premises, in accordance with current legislation;
- Arrangements to ensure that litter, generated by the activity of premises, does not create a fire hazard;
- Implementation of appropriate crowd management measures
- The hours of operation (differentiating the hours of opening from the hours during which licensable activities are conducted, if different);
- The adequacy of transportation arrangements to ensure customers are able to travel safely to and from the premises and alerting people to the dangers of drinking and driving);
- Any arrangements or advertising of taxis and private hire vehicles to relate only to such vehicles properly licensed by the Council.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

The extent to which the above matters need to be addressed will be dependent on the individual style and characteristics of the premises, proposed events and activities.

8.4 The Council will have regard to representations from the responsible authorities to determine if measures proposed are sufficient to ensure the safety of the public. Where representations are made by one of the responsible authorities indicating that any matter has not been addressed sufficiently to ensure public safety, the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

8.5 Prior to the determination of a licensing application, and subsequently, an applicant must comply with statutory requirement/regulations to provide the following:

- (a) Electrical Inspection Report Certificate
- (b) Fire Alarm Test Inspection Report
- (c) Emergency Lighting Inspection and Test Report
- (d) Fire-fighting Equipment
- (e) Flame Retardant Properties of Materials Certificate (new premises or new upholstery)
- (f) Gas Safety Certificate
- (g) Ceiling Certificate, in the case of cinemas.

8.6 Where applicants consider the use of licensed door supervisors to control access and egress to and from premises, this should be detailed in the operating schedule and where appropriate the Council will consider the attachment of a suitable condition. The absence of such measures in the operating schedule may give rise to a relevant representation.

8.7 The Council will work in close partnership with the Royal Berkshire Fire and Rescue Service to assist in determining an appropriate maximum capacity, where required, at individual venues.

8.8 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments;
- Effective and responsible management of the premises;
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and its patrons;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and its patrons;
- Adoption of best practice guidance;
- Provision of effective CCTV in and around the premises;
- Provision of polycarbonate drinking vessels;
- Implementation of crowd management measures; and
- Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

8.9 It should be noted that in the context of promoting public safety, this relates to the physical safety of those using the premises and not public health, although there may be an incidental public health effect from some conditions designed to promote public safety.

8.10 It should be noted that conditions relating to public safety should be those that are appropriate, in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Fire Precautions (Workplace) Regulations 1997 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures appropriately to avoid and control these risks. Conditions enforcing those requirements would therefore be inappropriate.

8.11 Fire safety guides are available to assist with the completion of operating schedules and may be found at:

<https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documents-for-business>

8.12 The significant findings of a Fire Risk assessment would consist of:

- A list of the fire hazards as identified by the risk assessment;
- The control measures put in place to remove or mitigate the hazards presented;
- Details of the persons affected by the hazards within the premises;
- Details of the actions to be taken in the event of a fire or the actuation of a fire alarm (emergency plan);
- Individual roles and responsibilities.

8.13 Glasses containing drinks may be used as weapons during incidents of disorder and in un-toughened form, can cause very serious injuries. Consideration could therefore be given to conditions requiring the use of polycarbonate (or similar) containers where considered appropriate. Location

and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is appropriate. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of polycarbonate containers during the televising of live sporting events, such as international football matches or “high risk” matches, when high states of excitement and emotion fuelled by alcohol might arise, may be an appropriate condition. It should be noted that the use of polycarbonate or paper drinks containers may also be relevant as measures appropriate to promote public safety.

8.14 Although most commonly made a condition of a licence on public safety grounds, consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be appropriate to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered appropriate, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Medical resource

8.15 The applicant should complete a risk assessment as to the type and amount of medical provision is required for their event. Assistance can be taken from the Purple Guide; the expectation of the Licensing Authority is that medical resourcing matches the formula given in the Purple Guide as a minimum. Sufficient reasons would need to be given to depart from this position.

8.16 The Licensing Authority expects exclusive medical provision for events with capacity over 1,000 such as boxing, concerts, festivals, DJ sets, sports events, live-streamed sports events for example in a fan zone. ‘Exclusive medical provision’ means that those designated with roles under a Medical Resource Risk Assessment are not given any other roles or duties other than their assigned tasks relating to medical support.

9.0 Prevention of Public Nuisance

9.1 Licensed premises have a significant potential to adversely impact upon communities through public nuisances that arise from their operation. This Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of a licensed premise whilst balancing this with the recognition of the valuable cultural, social and economic importance that such premises provide.

9.2 It is the intention of this Authority to interpret 'public nuisance' in its widest sense, in this context includes such issues as noise and disturbance, light pollution, odour, vermin and pest infestations, accumulations of refuse and litter, and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

9.3 It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions of the Licensing Act 2003 enable a police constable or council officer to close down licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are appropriate for the prevention of public nuisance.

9.4 It should be clear to applicants that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received.

9.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

9.6 When addressing the issue of the prevention of public nuisance, the applicant must demonstrate to the Licensing Authority that those factors,

which impact upon the likelihood of public nuisance, have been considered. These may include:

- The location of the premises and its proximity to residential and other noise sensitive premises such as hospitals, hospices and places of worship;
- The hours of opening, particularly between 23.00 hours and 07.00 hours;
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside
- or outside the premises;
- The design and layout of the premises and in particular the presence of noise limiting features;
- The occupancy capacity of the premises;
- The availability of public transport;
- 'Wind down period' between the end of licensable activities and the closure of the premises;
- Last time of admission;
- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- Fly posting;

- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics;
- Any concerns / representations raised by a Responsible Authority such as the Pollution Control Authority, Licensing Authority or Thames Valley Police.

9.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management of premises;
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance e.g. to ensure customers leave quietly;
- Control of operating hours for all or parts (e.g. Gardens) of the premises, including such matters as deliveries;
- Adoption of best practice guidance;
- Installation of sound proofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However, nuisance can arise at any time of the day or night;
- Liaison with public transport providers;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- Siting of external lighting, including security lighting;
- Management arrangements for the collection and disposal of litter;
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The generation of odour, e.g. from the preparation of food;
- Provision of details pertaining to local taxi or private hire companies; and
- Effective ventilation systems to prevent nuisance from odour.

9.8 Noise may often be created by patrons and/or their modes of transport arriving and leaving licensed premises, or from machinery or vehicles belonging to the licence holder's business, refuse collection and deliveries. Discarding of wrappers, bottles, cans and general litter may also present problems in relation to particular premises. Whilst not in themselves a licensable activity, there may be occasion (such as in residential areas) where these factors are taken into account as part of the determination process and conditions may be imposed.

9.9 Following implementation of the Health Act, no person is permitted to smoke inside any substantially enclosed licensed premises (subject to the provisions of the Health Act) and as such is required to smoke outside. The Licensing Authority will consider any representation relating to noise, antisocial behaviour or smoke drift associated with this activity in relation to any licensed premises and will consider any appropriate and proportionate conditions on an individual basis.

9.10 In order to prevent breaches of the Health Act 2006, the Licensing Authority may attach conditions to a premises licence to restrict the sale of tobacco, shisha tobacco and shisha pipes at certain premises.

9.11 The extent to which the above matters need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community. In general, however, the Council will expect more comprehensive measures to be in place at late night entertainment venues or in premises with a history of public nuisance issues.

9.12 The Council will have regard to representations from the Responsible Authorities to determine if measures proposed are sufficient to reduce the risk of public nuisance. Where representations indicate that any matter has not been addressed sufficiently to prevent public nuisance the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation.

9.13 Where appropriate the applicant will be expected to propose practical steps to prevent disturbance to local residents and to have regard to the

“Good Practice Guide on the Control of Noise from Pubs and Clubs” produced by the Institute of Acoustics. Where noise has been identified as a potential problem by the applicant or Council officers, then the Council would expect the applicant to detail the measures proposed to address this issue within the operating schedule. Noise could relate not only to music but also from air handling equipment or from patrons. There are a number of practical ways in which sound leakage can be addressed, such as:

- Keeping doors and windows closed and providing adequate mechanical ventilation or, if necessary, air conditioning;
- Reducing sound levels and installing a sound limiting device to prevent sound exceeding the appropriate level;
- Installing soundproofing measures to contain sound and vibration.

9.14 In premises where patrons leave the premises particularly late at night or early in the morning, the Council will expect the applicant to have included in the operating schedule practical steps for reducing noise disturbance, such as:

- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors, and to respect the rights of nearby residents;
- At appropriate times making loudspeaker announcements to the same effect;
- Instructing door staff to ask customers leaving the premises to leave the area quietly;
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down;
- Banning from the premises people who regularly leave in a noisy manner;
- The supervision of any queues formed late in the evening so as to keep noise and disturbance to a minimum.

9.15 Where relevant representations have been received, conditions may be imposed which include restrictions on the times when music or other licensable activities may take place and may include technical restrictions on sound levels at the premises.

9.16 In considering an application, the Council will take into account previous noise and nuisance complaints, and the ability/willingness of the licensee to deal with such complaints.

10.0 Protection of Children from Harm

10.1 The Council is committed to protecting children from harm and views this as an important licensing objective. Nevertheless, the Council has taken account of the view of the Government that the use of licensed premises by children should be encouraged. The Council recognises the wide variety of premises for which licenses may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on licensed premises and seeks to encourage their access to constructive leisure pursuits which support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the prevention of harm.

10.2 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 a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, 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. Conditions duplicating these provisions are, therefore, inappropriate.

10.3 Within this objective is included the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, transmission of programmes or videos or provision of certain other types of regulated entertainment, this includes the protection of children from exposure to strong language and sexual expletives. There are certain circumstances where children are more vulnerable with their needs therefore, requiring special consideration. Such circumstances would include striptease, lap, table or pole dancing, performances involving feigned violence, feigned or actual sexual acts or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example and the unpredictability of their age and the lack of understanding of danger.

10.4 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

10.5 When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered. Areas that will give rise to particular concern to the Licensing Authority in respect of children are:

- Where entertainment or services of an adult or sexual nature are provided;
- Where there have been convictions, warnings, notices or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- With a known association for drug taking or dealing;
- Where there is a strong element of gambling on the premises; and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- There have been representations from police, the local Safeguarding Children Board, Trading Standards, Thames Valley Police, Licensing Authority or any other Responsible Authority, or relevant agency / representative.

10.6 The following are examples of possible control measures, although are not exhaustive and not relevant in all cases. They are considered however, to be amongst the most essential measures that applicants should take account of in their operating schedule, having regard to their particular type of premises and /or activities:

- Effective and responsible management of premises;
- Provision of a sufficient number of people employed or engaged to secure protection of children from harm;
- Appropriate instruction, training and supervision of those employed or engaged to secure protection of children from harm;
- Staff attendance at an Age Verification training scheme;
- Adoption of best practice guidance;
- Limitations on the hours when children may be present in all parts of the premises;

- Limitations or exclusions by age when certain activities are taking place;
- Imposition of requirements for children to be accompanied by adults;
- Acceptance of accredited proof of age schemes such as “Challenge 25” or photographic identification such as passports and photo-card driving licenses;
- Refusals books to record all refused sales of alcohol to those who are presumed to be underage;
- Measures to ensure children do not purchase, acquire or consume alcohol; and
- Measures to ensure children are not exposed to violence or disorder.
- Arrangements taken or proposed to prevent children from acquiring or consuming alcohol
- Steps taken or proposed to prevent children from being exposed to drugs, drug taking or drug dealing
- Arrangements taken or proposed to prevent children from being exposed to gambling
- Steps taken or proposed to prevent children from being exposed to activities of an adult or sexual nature
- Steps taken or proposed to prevent children from being exposed to incidents of violence or disorder
- Measures taken or proposed to prevent children from being exposed to excessive noise
- Measures taken or proposed to prevent children from being exposed to special hazards such as falls from height
- Steps taken or proposed to prevent children from purchasing cigarettes from vending machines
- Arrangements for appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- premises restrictions on the access by children to the whole or any part of the premises, including times when children may not be present.

10.7 The Council will have regard to representations from the Social Services and other child protection agencies to determine if measures proposed are sufficient to ensure that children are adequately protected from harm. Where representations indicate that any matter has not been addressed sufficiently to avoid a potential negative impact on the protection of children from harm,

the applicant will be expected to demonstrate that the issues can be satisfactorily addressed before the Council will grant an application for a licence or a variation of a licence.

10.8 In recognising the importance of the issue of under-age drinking, licensees are not able to provide alcohol to children, except where a 16 or 17-year-old consumes beer, wine or cider with a table meal in circumstances where he is accompanied by a person aged 18 or over. Therefore, applicants must be able to demonstrate that they have in place satisfactory arrangements to prevent sales of alcohol to children including a recognised or appropriate proof-of-age scheme. The Council would be supportive of arrangements, which include incorporating any of the following:

- Passport
- Photo Card driving licence issued in the European Union
- Proof of Age Scheme Card
- 'New type' driving licenses with photographs
- Official ID card issued by the HM Forces or by a European Union country bearing a photo and date of birth of holder
- Citizen Card supported by the Home Office.

10.9 Applicants may wish to specify a 'cut-off time' after which children would not be allowed to remain on the premises. In considering whether to impose a 'specified cut-off time' by way of condition, the Council will take into account:

- The concerns of responsible authorities and interested persons who have made representations;
- The steps set out in an operating schedule which the licensee will take to protect children from harm on such premises;
- The type of event for which no age restriction may be needed e.g. family entertainment; non-alcohol events.

10.10 Issues with regard to access of children to premises are likely to arise in premises where any of the following apply:

- convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;

- a known association with, or inadequate arrangements to deter, drug taking or dealing;
- a strong element of gambling on the premises;
- entertainment of an adult or sexual nature is commonly provided;
- inadequate arrangements to protect children from the supply and use of other products which it is illegal to supply to children;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

10.11 Where such matters have been identified in an applicant's operating schedule or where relevant representations have been received, conditions dealing with the following matters may be appropriate:

- Limitations on the hours when children may be present;
- Age limitations below 18;
- Limitations or exclusions when certain activities are taking place;
- Access limited to parts of the premises;
- Requirements for accompanying adults;
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

10.12 No conditions will be imposed to the effect that children must be admitted to licensed premises.

10.13 Licensees of all premises supplying alcohol are encouraged to adopt a policy of requiring proof of age where there is any doubt about the age of any person attempting to purchase alcohol, accepting such documents as passports, driving licenses and accredited proof of age schemes such as PASS or similar schemes. Licensees are also encouraged to display prominently signs displaying information that under 18's will not be served alcohol and that those who appear under 25 will be asked to prove their age.

10.14 Wokingham Borough Council's Trading Standards Team investigate all complaints or allegations regarding the under-age sale of alcohol and conduct intelligence led test purchase enforcement operations as appropriate.

10.15 The Council requires all operators of cinemas to comply with the classification systems for films administered by the British Board of Film Classification and to ensure that procedures are in place to achieve compliance with the age classification system in existence at any time. The Council accepts the BBFC classification.

10.16 In the case of a film exhibition that has not been classified, in addition to the Council's assessment, the licensee will be expected to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children where the Council deem it necessary.

10.17 The Council will impose a mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Council.

10.18 The Council will expect that licensees ensure that any age restrictions for cinema exhibitions are properly complied with.

10.19 In considering applications, the Council will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Children and public entertainments

10.20 Where children are present at an event as entertainers, the Council will expect an adult to be nominated as responsible for such child performers.

10.21 Where there is provision of entertainment specifically for children (e.g. a children's disco or supervised play area) the Council will expect sufficient adult supervisors (with sufficient experience) to be present to control the access and egress of the children and secure the protection of children, including child performers, from harm, bearing in mind the number and ages of the children involved and any other issues such as disabilities that the children may have.

10.22 The Council will expect the premises to provide sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Tackling child sexual exploitation

10.23 Alcohol is often a factor in Child Sexual Exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.

10.24 The Licensing Authority encourages licence holders and operators of licensed premises:

- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime
- To raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.

10.25 The risks vary depending on the style and character of the business, but premises can be involved in the following ways:

- If an adult venue (night clubs or sex entertainment venue) is frequented by underage customers, this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities;
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired;
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children;
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens);

- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders);
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation.

10.26 Nevertheless, the Licensing Authority has taken account of the view of the Government that the use of licensed premises by children should be encouraged where appropriate.

10.27 Venue operators seeking premises and club premises certificates may wish to volunteer prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations, to the contrary, are made to the Council, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such.

10.28 Under the Licensing Act 2003, the 'due diligence' defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence 'due diligence' and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns;
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol;
- Staff training records should be maintained;
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained);
- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log;
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol;

- If you have a hot food delivery service enforce a code of conduct to promote good safeguarding practice when deliveries are made to unaccompanied children.

11.0 Sex Establishment Venues

11.1 Where activities under a new licence would regularly include those with a sex related element, the premises may also require a sex establishment venue licence.

11.2 A sex establishment venue is defined as any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience (eg. striptease, table dancing, topless waitresses).

11.3 Therefore, a new premises may need to hold both a licence issued under the Licensing Act 2003 to allow the premises to sell alcohol; and a licence issued under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to allow the premises to be used as a sexual entertainment venue.

11.4 Where an existing licensed premises provides or wishes to provide sex related activity, the Council will expect the premises licence holder to assess the impact of the proposed activity on the licensing objectives and, where appropriate, apply to vary the conditions attached to the premises licence to take account of any increased risk. This may avoid a possible review of the premises licence from an interested party or Responsible Authority. Where it is deemed appropriate to seek a variation to the premises licence, the Council will expect the application to vary the premises licence to accompany the application for a sexual entertainment venue licence.

12.0 Promotion of Other Strategies

Reducing the strength

12.1 The Licensing authority intends to introduce a “Reduce the Strength” campaign. The campaign aims to restrict the availability of beer, lager and cider which has an ABV of 6% or above.

12.3 Applicants for new or variation applications which include a request to sell alcohol for consumption off the premises are encouraged to include membership of the scheme within their operating schedule. Details of the wording of a suitable condition can be viewed in local pool of licence conditions at **Appendix B**.

12.4 Where applicants do not propose membership of the scheme within their operating schedule and there is evidence of street drinking within the vicinity of the premises, the licensing sub-committee may, if appropriate, attach a condition prohibiting the sale of beer, lager or cider with an ABV equal to or exceeding 6%.

Boxing

12.5 The rise in popularity of White-Collar Boxing has encouraged the Council to provide guidance on the Licensing Authorities expectations for any boxing promoters to consider as measures for their operating schedule.

12.6 The following is guidance for organisers of boxing events in the Wokingham Borough Council area regarding the issues that should be included in a risk assessment:

- Full contact details of the organisers and other parties involved in the event;
- The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum. Has the facility of providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided;

- The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.;
- How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category;
- Details of the ring set up and who will be carrying this out;
- The numbers of referees and judges taking part in the event;
- The type and weight of boxing gloves that will be used by the boxers and how these will be inspected;
- What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties;
- Details of the Personal Protective Equipment that will be worn by boxers;
- Actions that will be taken in an emergency and how parties will communicate;
- Site checks that will be completed prior to the event taking place.

Women's safety in the night time economy

12.7 Ask for Angela is the name of a campaign in England that started in 2016 that is used by bars and other venues to keep people safe from sexual assault by using a codeword to identify when they are in danger or are in an uncomfortable situation. When an establishment uses this program, a person who believes themselves to be in danger can ask for Angela, a fictitious member of the staff.

12.8 In 2021, the Metro launched a campaign to make Angela safer and more reliable. To do this Licence Holders must:

- Make training compulsory for every current and new member of staff
- Ensure training has test elements and is completed successfully so that every member of staff will feel confident knowing what to do if asked for 'Angela'
- Ensure training is inclusive of queer, trans and non-binary people
- Ensure training covers spotting sexual harassment and vulnerability

- Ensure refresher sessions are held at least bi-annually
- Publicly list venues that are part of the scheme and ensure it is kept up to date
- Offer clear signposting in venues that are part of the scheme - not just posters on toilet walls, but also by the bar and near the tills
- Finally, give staff members a specific badge to wear to show that if someone asks for 'Angela' they are able to help. (Ensuring that more than one member wears it to maintain discretion)



Fig 1. Example of an 'Ask for Angela' poster.

Welfare and Vulnerability Engagement

12.9 Welfare And Vulnerability Engagement (WAVE) training is a package developed to provide those working in the licensed industry with an awareness of vulnerability, their responsibilities it and how to deal with it. WAVE Training aims to increase the skills, knowledge and confidence of those working in licensed premises focusing on identifying vulnerability and making appropriate interventions.

Bystander Intervention Training

12.10 The Bystander Intervention of Sexual Violence is a programme that aims to use social norms theory to prevent sexual and relationship abuse and violence. This training has been developed by Welsh Women's Aid for Thames Valley Police. The aims of the training are to:

- understand the theory of bystander intervention and the role of bystanders in preventing rape and sexual violence;
- develop the practical tools, strategies, and confidence to intervene safely if you witness inappropriate behaviour, including tackling myths and barriers that prevent intervention;
- understand rape and sexual assault and to clarify what constitutes rape;
- explore the law around consent and to challenge attitudes towards victim blaming;
- have an effective understanding of consent;
- have a clear understanding of how to appropriately respond to disclosures of sexual violence and sexual harassment;
- recognise the legalities of producing and sharing explicit images and identify the consequences of producing and sharing explicit images;
- understand more about what support is available for survivors of abuse and violence.

Best Bar None

Best Bar None (BBN) is an accreditation and awards program, promoting the responsible management and operation of liquor-licensed premises. The program aims to reduce alcohol-related harms by raising the standards of licensed premises and building positive relationships among all stakeholders - operators of licensed premises, industry partners, law enforcement and

concerned community groups. In addition, BBN rewards licensees who go above and beyond to raise the responsible service standards and make their establishments safer.

Accreditation criteria cover a wide range of issues that well-managed premises should be aware of and address. As part of the accreditation process, all premises are assessed to ensure they meet the specific standards related to safe operations and responsible management.

Accredited premises receive a plaque to display within their establishment and signage for their entrances. They are also permitted to display the BBN brand in promotional materials.

All accredited establishments who go above and beyond in meeting the responsible management and safe operations standards will be considered for an award by a judging panel.

Bars apply and then use the criteria checklist to ensure that their premises meets the criteria required for accreditation. The criteria checklist identifies a wide range of operational, service and customer safety criteria that well-managed premises should be aware of and address.

The checklist has two sections: Mandatory and Bonus. To be accredited, all Mandatory criteria must be met. Additional points can be earned by meeting Bonus criteria, which will increase your eligibility for award consideration.

A trained assessor will contact the licensee to arrange an appointment to visit the establishment and review the criteria checklist. The assessment is not a compliance inspection but is an opportunity to go through the checklist and offer feedback and advice. If all the mandatory criteria are met, the premises will receive BBN accreditation.

Licensees who meet all the mandatory criteria and additional Bonus criteria will be considered for an award by a judging panel. Winners and runners-up are chosen for each category.

13.0 Conditions

13.1 Conditions include any limitations or restrictions attached to a licence or certificate, and essentially are the steps the holder of the premises licence or the club premises certificate will be required to take at all times when licensable activities are taking place at the premises in question.

13.2 Conditions will be attached to licenses and certificates only where they are appropriate for the promotion of the licensing objectives.

13.3 In addition to the original mandatory conditions imposed upon the introduction of the Act, Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate. All mandatory licensing conditions apply to all existing and future premises licenses which authorise the sale or supply of alcohol. These conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale or supply of alcohol from the date that they come into force.

13.4 The conditions that are necessary for the promotion of the licensing objectives should emerge initially from a prospective licence or certificate holders risk assessment. This would be translated into the measures recorded in the operating schedule that it is proposed to take to promote the licensing objectives. The operating schedule must also set out the proposed hours of opening. The proposals will then be made available to expert bodies, who are the responsible authorities described in the 2003 Act, and by interested parties such as local residents.

13.5 Licensing is concerned with the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licenses within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make

objective judgements as to whether it may be appropriate to attach conditions to various authorisations to secure achievement of the licensing objectives.

13.6 Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

13.7 Should issues not be addressed within the operating schedule to the satisfaction of any Responsible Authority, resulting in representations being made, further appropriate conditions may be placed on licenses. These conditions may be drawn from the local pool of model licensing conditions, see **Appendix B**, or may be specially formulated to be relevant to a particular situation. Conditions will only relate to matters which the licensee can be expected to control and will relate to the premises themselves, the immediate vicinity around the premises and will focus on the impact of those activities on those living, working or otherwise engaged in the area concerned. The licensing regime exists to ensure that licensed premises and events within the terms of the Act are regulated so that they are both safe and cause a minimum of disturbance.

13.8 Conditions will only be placed on licenses if they are considered appropriate to meet the licensing objectives. Duplication caused by licence conditions that are dealt with by means of other legislation, for example health and safety at work or fire safety, will be avoided. Conditions will only be attached to premises licenses and club premises certificates that are appropriate for the promotion of the licensing objectives if not already provided for in other legislation. However, certain safety legislation includes exemptions because it is assumed that licensing controls will provide the appropriate coverage. In such cases conditions will be imposed that are considered appropriate.

13.9 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of anti-social behaviour of individuals once beyond the direct control of the licensee of any premises concerned. However, it should be noted that the licensee bears a degree of responsibility for persons not only in but also around the immediate vicinity of the premise,

when those persons are either entering or exiting the licensed premise, or are loitering within the boundary of the premise.

13.10 Other mechanisms may be utilised where appropriate to tackle unruly or unlawful behaviour of customers when beyond the control of the individual Public house, club or business that holds the licence, certificate or authorisation concerned. These include:

- Planning controls;
- Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other departments of the local authority;
- The provision of CCTV surveillance in and around the Borough, provision of public conveniences, street cleaning and litter patrols;
- Powers of the local authority or police to designate parts of the Borough as areas where alcohol may not be consumed publicly;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- The prosecution of any personal licence holder or member of staff at such premises that is selling alcohol to people who are drunk;
- The confiscation of alcohol from adults and children in designated areas;
- Police and local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder, or noise emanating from the premises that is causing a nuisance; and
- The power of the police, other responsible authorities or local residents and businesses to seek a review of the licence or certificate in question.

13.11 If an applicant volunteers a restriction or prohibition in their operating schedule or following a relevant representation, this will become a condition attached to any licence or certificate issued and will be enforceable as such. Where the responsible authorities and interested parties do not raise any representations about the proposals made to the Council, the Council will grant the licence or certificate subject only to conditions that are consistent with the operating schedule accompanying the application and any mandatory conditions prescribed in the Act itself.

13.12 The Licensing Authority recognises that all applications should be considered on their own merits and any conditions imposed must be tailored to that individual premises. This will avoid the implementation of disproportionate and burdensome conditions. Standard conditions other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives. However, a condition whether volunteered or otherwise, must be measurable and as such the Licensing Authority may alter the wording of a condition to make it such (without changing the context of the condition) and will keep a bank of worded conditions that may be used in respect of a premises if and when such a condition is considered appropriate to meet one or more of the licensing objectives.

13.13 In order to minimise disputes and the necessity for hearings, applicants are encouraged to consult with all responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

13.14 Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

13.15 If the existing law already places certain statutory responsibilities on an employer or operator of premises, the Council will not duplicate these duties through the use of licensed conditions.

13.16 Conditions will also not be set which replicate licensing offences that are set out in the Act, for example:

- to sell or supply alcohol to a person who is drunk;
- to knowingly allow disorderly conduct on licensed premises;
- for the holder of a premises licence or a Designated Premises Supervisor to knowingly keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in

premises used exclusively or primarily for the sale and consumption of alcohol.

Mandatory conditions

13.17 The 2003 Act provides for mandatory conditions to be included in every licence and/or club premises certificate. A set of the current mandatory conditions is attached at **Appendix A** to this policy.

Model conditions

13.18 Standardised conditions will be avoided. However, the Licensing Authority has produced model conditions to provide a consistent approach for all parties by specifying appropriate conditions that could be included on any licence or certificate granted. This could be by the applicant in designing the operating schedule, by other parties in seeking to address concerns associated with the application, or ultimately, by the Licensing Authority when imposing conditions is considered appropriate for the promotion of the licensing objectives.

13.19 The model conditions are not an exhaustive list, and they do not restrict the ability of any party to suggest, or the Committee to impose, any condition they consider appropriate for the promotion of the licensing objectives. The set of model conditions is attached at **Appendix B**.

14.0 Other Regulatory Systems

14.1 Other statutory obligations which fall outside the requirements of the Licensing Act 2003 may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. For example, if the activity involves the preparation and/or sale of food then it is the responsibility of the applicant to ensure that all appropriate Food Safety legal requirements are met, or if alcohol is sold the full weights and measures requirements are met. It would be expected that a licensee would have registered the premises as a food business with Wokingham Borough Council. Such registration is not a Licensing requirement however businesses are expected to comply with all relevant food safety and weights and measures legislation. Many of the specific licensing requirements relate to matters potentially affecting public safety.

14.2 In addition to these licensing requirements there are wider duties on all business (whatever their legal status and regardless of whether a licence is needed) to protect the health and safety of employees (and the self-employed) as well as the public. Some of these duties are deliberately wide, generalised and all-encompassing e.g. main duties under Section 2, 3, & 4 of the Health & Safety at Work etc. Act 1974, others are very specific e.g. requirements under the Control of Substances Hazardous to Health Regulations 2002, and do not apply in all circumstances. Some of these duties are absolute under law and have to be complied with, without exception e.g. hoists and lifting equipment must be examined by a competent person at prescribed intervals. These Health & Safety duties tend to include all specific safety requirements under licensing requirements for the public on the premises and extend them to cover the safety of others e.g. staff, contractors, passers-by etc. There is considerable overlap between the licensing regime and the wider health & safety regimes.

14.3 The Licensing Authority will seek to achieve integration with relevant strategies and their aims in determining applications and will do so through relevant consultation of this policy and individual applications.

Planning control

14.3 Planning and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the planning committee or permissions granted on appeal.

14.4 Planning permission is usually required for the establishment of new premises and the change of use of premises. In general, all premises that apply for a licence must also obtain or have obtained authorised planning permission and comply with all conditions of that planning permission or benefit from permitted development rights pursuant to the General Permitted Development Order (1995). Planning permissions that are relevant to licensed premises include:

- a retail shop, licensed for the sale of liquor for example (A1);
- the use of premises for the sale and consumption of food and drink on the premises or where hot food is sold for consumption off the premises, including restaurants, bars and takeaways (A3);
- assembly and leisure use, including cinemas, concert and indoor/outdoor sports and recreation (D2);
- a hotel that has a restaurant or bar included in its authorised use (C1).

14.5 Under the current Use Classes Order, planning permission is generally required if the use of an existing premises changes use class. For example, planning permission would be required for a change from a shop (A1) to a restaurant or bar (A3). Planning permission is not required if the use of existing premises changes to a use within the same use class. For example, planning permission would not normally be required for a change from a restaurant (A3) to a bar (A3).

14.6 When applying for planning permission the Council, as local planning authority, will consider the potential impacts and benefits of the proposed use within the context of the local development plan and relevant Government guidance and other material planning considerations.

14.7 In circumstances where any restriction has been placed on the use of premises (through the imposition of planning conditions) prior to an

application being made for a licence, certificate or provisional statement, consideration will be given to the extent to which the application meets the overall licensing objectives and the policies contained within this statement.

14.8 Where necessary, conditions will be attached to a certificate, licence or provisional statement in order to achieve the objectives of this policy. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system. The licensing system will provide the detailed control of operational matters, which are unlikely to be addressed through planning processes, however there will be overlapping issues of interest i.e. disturbance, which will remain material considerations for planning purposes.

14.9 The licensing committee will, where appropriate, provide reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This will enable the planning committee to have regard to such matters when taking its decisions but will also avoid any unnecessary duplication of controls.

Building control

14.10 Building Regulations govern a variety of issues, which will directly contribute to the licensing objectives, including means of escape, structural integrity, accessibility and public safety. “Approved Inspectors” offer a private sector alternative to local authority Building Control services.

14.11 Building Regulations Approval and Completion Certificates will be required prior to the commencement of the use of premises for licensable activities.

Health and safety at work

14.12 The Health and Safety at Work etc. Act 1974 (and other relevant statutory provisions) impose duties on employers, employees and persons in control of premises. Local authorities are the enforcing authority for the majority of premises on which licensable activities are carried on, and in other cases the Health and Safety Executive is responsible.

14.13 Licensing objectives overlap with health and safety requirements in so far as foreseeable risks to public safety would be covered by the duties imposed by relevant legislation.

14.14 The general duties under health and safety legislation (for example, to undertake a suitable and sufficient risk assessment) may not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment. It is only where additional and supplementary measures are 'appropriate' for the promotion of the licensing objectives that conditions will need to be attached to a licence. Conditions will not be set which duplicate other requirements of the law.

Statutory nuisance

14.15 The Environmental Protection Act 1990 places a duty on local authorities to investigate complaints of nuisance (for example, noise), and take enforcement action where a statutory nuisance exists. The Licensing Act provides the power for the Police to close licensed premises (temporarily) to prevent nuisance to the public as a result of noise coming from the premises.

14.16 The powers available to deal with noise nuisance have been extended by the Anti-Social Behaviour Act. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public or statutory nuisance.

Fire precautions

14.17 In determining the provision of appropriate Fire Safety standards for licensed premises, Royal Berkshire Fire and Rescue Fire Service Fire Safety Officers will take into account the suitability and sufficiency of the premises fire risk assessment that must be undertaken by the person. From the 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will cease to have effect.

14.18 There will be close co-operation between the Council and Royal Berkshire Fire and Rescue Service to ensure that the public is properly protected.

14.19 Where Council inspections identify serious fire safety problems in premises which are subject to licence conditions which they cannot resolve easily or on which they require advice, they will contact the Royal Berkshire Fire and Rescue Safety Officer.

14.20 Where the premises are a sports ground that is covered by the Safety at Sports Grounds Act 1975, as amended, or the Fire Safety and Safety of Places of Sport Act 1987 the enforcing authority will be the Local Authority which is also the Licensing Authority.

14.21 It should be noted that under article 43 of the Fire Safety order any conditions imposed by the Licensing Authority that relate to any requirements or prohibitions that are or could be imposed by the order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities will not seek to impose fire safety conditions where the order applies.

14.22 The exception to this is where the Licensing Authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports grounds and stands where the local authority enforces the fire safety order. In such circumstances fire safety conditions should not be set in new licenses, but conditions in existing licenses will remain in force and be enforceable by the Licensing Authority.

14.23 The Fire Safety order covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

14.24 The responsibility for complying with the order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and

extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

The Equality Act 2010

14.25 The Equality Act 2010 brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

14.26 The new framework covers a series of ‘protected characteristics’. People who share these characteristics are regarded as being members of certain ‘protected groups’. The protected characteristics are:

- Race
- Disability
- Age
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Marriage and civil partnership

The Equalities Act requires all businesses to consider employees and service users in all protected groups.

14.27 The 2010 Act also contains provision to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees:

- it is unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- they have to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services; and

- they will have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Human Rights Act 1998

14.28 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his home and private life; and
- Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions (including for example the possession of a licence).

The government's alcohol strategy

14.29 The Government has published an Alcohol Strategy in March 2012 for England which outlines how Authorities can address some of the Social Health and Crime & Disorder issues raised by the misuse of alcohol, particularly when the Licensing Authority is considering applications for any relevant licence made under the Licensing Act 2003. This strategy will be taken into account having regard to matters such as irresponsible drinking and reducing the availability of cheap alcohol etc.

Government & police guidance for clubs and other licensed premises

14.30 For premises which may have problems with drugs, crime and disorder and/or are open late the Council will refer to the guidance given and will expect applicants in their operating schedules to use the strategies outlined in the Home Office Drug Strategy booklet - Safer Clubbing (ISBN Number:

1840827807). Copies of this booklet can be obtained from the Drug Prevention Advisory Service at www.drugs.gov.uk.

15.0 Cumulative Impact

15.1 “Cumulative impact” means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a town centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behaviour of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

15.2 Guidance issued under S182 of the Act allows Councils to adopt a special saturation policy in such circumstances and specifies the steps to be followed in considering whether to adopt a special saturation policy. These steps require: -

- identification of concern about crime and disorder or public nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent;
- consultation with those specified in section 5(3) of the 2003 Act (see paragraph 22.1 of this policy document);
- subject to that consultation, inclusion in the Licensing Policy of a special policy about future premises licence or club premises certificate applications from that area;
- publication of the special policy as part of the Licensing Policy.

15.3 The effect of adopting a special saturation policy is to create a rebuttable presumption that applications for new premises licenses or club premises certificates or material variations in the area(s) identified by the special policy

will normally be refused, if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the special policy issues in their operating schedules in order to rebut such a presumption.

15.4 When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licenses and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

15.5 In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

15.6 Special saturation policies will never be used as a ground for revoking an existing licence or certificate when relevant representations are received about problems at those premises. Nor will they be used to justify rejecting applications to vary an existing licence or certificate except where those modifications directly affect the issue of cumulative impact (as would be the case with an application to vary a licence with a view to increasing the

capacity limits of the premises) and are strictly necessary for the promotion of the licensing objectives.

15.7 A special saturation policy will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas. This is because quotas have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all could sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the promotion of the licensing objectives.

15.8 A special saturation policy will not include provisions for a terminal hour in a particular area.

15.9 Special saturation policies will be reviewed regularly (and at least every three years) to assess whether they are needed any longer or need expanding.

15.10 A special policy will not be used to revoke an existing licence should a request for a review be received.

16.0 Late-Night Levy

16.1 The Police Reform and Social Responsibility Act 2011 introduced the power for the Licensing Authority to charge a late-night levy (“the levy”) to all premises within its licensing area.

16.2 The late night levy is a discretionary power allowing the Council to collect an annual fee from all licensed premises in the area that are authorised to sell alcohol between the hours of midnight and 6.00am as a means of raising a contribution towards the costs of policing the night time economy.

16.3 As the powers are discretionary the Council, in its capacity as the Licensing Authority, must decide whether to introduce them; and in accordance with the 2011 Act in making that decision the Council must consider the cost of policing and other arrangements for reduction or prevention of crime and disorder in connection with the supply of alcohol between midnight and 6.00 am; and having regard to those costs, is there a desire to raise revenue to cover those costs.

16.4 In considering whether there is a ‘desire’ to introduce the late-night levy, the Licensing Authority must take into account the views of Thames Valley Police, the licence holders that will be affected by the levy and the residents of the borough.

16.5 The decision to introduce, vary or cease the levy will be made by full Council in conjunction with the Thames Valley Police.

16.6 The Licensing Authority recognises that this levy would cover the whole of the borough and not just those premises that are causing problems or those premises within any cumulative impact area. Therefore, serious consideration will be given to the introduction of the levy.

16.7 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing a late-night levy. Should this change during the life of this policy then the designated procedure would be applied to determine if a late-night levy is appropriate.

17.0 Early Morning Alcohol Restriction Order (EMRO)

17.1 The power to make, vary or revoke an Early Morning Alcohol Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003.

17.2 An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

17.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

17.4 It is the Council's intention to support businesses rather than hinder them, whilst ensuring the promotion of the licensing objectives. However, where this has deemed to fail then an EMRO may be considered as a possible solution.

17.5 It is likely that any request for an EMRO will come from the Police; however, the request may also be made by a number of different organisations, for example, the request for an EMRO may originate from the Council, a strategic partner, Public Health or residents' association.

17.6 At the time of writing this policy, the Licensing Authority has not had a request to consider introducing an EMRO. Should this change during the life of this policy then the designated procedure would be applied to determine if an EMRO is appropriate.

18.0 Personal Licence

18.1 A Personal Licence authorises individuals to sell or supply alcohol and 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.

18.2 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

18.3 Provided an applicant has a qualification determined by the Home Office and does not have certain criminal convictions the Council must grant the licence.

18.4 Applicants for a personal licence are required to submit their application in accordance with the Licensing Act 2003 (personal licence) Regulations 2005, which requires that they submit two (passport style) photographs, one of which must be endorsed by a solicitor, notary, person of standing in the community or any other professional person, with a statement to verify the likeness to the applicant. A statement of criminal convictions and a basic disclosure certificate (or similar) which does not exceed 30 days since issue must also be submitted along with the original copy of the Level 2 certificate for personal licence holders.

18.5 Where an applicant has a relevant conviction the Police may oppose the application. If an objection is lodged by the Police, a hearing of the Council's Licensing (Sub) Committee will be held. The Committee will consider carefully whether the grant of the licence is likely to compromise the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances.

18.6 The Council will normally refuse applications where there are recent "relevant offences" and will only grant the application if it is satisfied that there are exceptional and compelling reasons for doing so. If the Police do not

issue an objection notice and the application otherwise meets the requirements of the Act the Council must grant the licence.

18.7 Where a Personal Licence holder is convicted by a court for a relevant offence, the Court will advise the Council accordingly. On receipt of such a notification, the Council will notify the Police and if they consider the continuance of the licence will prejudice crime and disorder objectives, they may issue an objection notice. In these circumstances, a hearing before the Licensing Committee will be held.

18.8 In order for the sale of alcohol to take place, the Council would normally expect the premises licence holder to ensure that there are a sufficient number of personal licence holders at the premises when alcohol is being supplied or retailed. If a personal licence holder is not on the premises for any reason, the Council would expect provisions to be made for the immediate contact of the personal licence holder or Designated Premises Supervisor in the event of an emergency.

18.9 The Council will require one of the personal licence holders to be a Designated Premises Supervisor. The main purpose being to ensure that there is always one specified individual who can be readily identified at the premises in cases of emergency. Thus, it will be clear who is in charge of the day-to-day running of the business.

18.10 Where the Designated Premises Supervisor is not available at the premises for whatever reason, the Council will expect an individual to be nominated as a point of contact who will have details of where the Designated Premises Supervisor can be contacted.

18.11 Personal licence holders must notify the Licensing Authority, as soon as practicably possible of any change of address and/or any relevant or foreign conviction.

18.12 When authorising members of staff to sell alcohol on their behalf, whilst not a legal requirement, personal licence holders are advised that it may be considered good practice to issue such authorisation in writing and to keep a record of both the authorisation and any training that has been provided.

18.13 Following deregulation, the ten-year validity period for a personal licence has now been repealed. Currently, a personal licence is valid indefinitely or until such a time as it is surrendered by the licence holder or suspended / revoked by a Magistrates' Court. Any person who currently holds a personal licence which displays an expiry date are advised to disregard this date. There is no need to return the licence to the Licensing Authority for the date to be removed.

19.0 Policy Consultation

19.1 In developing this policy the Council has consulted widely to ascertain an appropriate licensing framework for its area. The bodies consulted have included those specified in section 5(3) and in paragraph 29 of Part 4 of Schedule 8 to the Act: -

- the chief officer of police;
- the fire authority;
- representatives of holders of existing licenses;
- representatives of existing registered clubs;
- representatives of the local licensing trade;
- representatives of local businesses;
- representatives of local residents.

20.0 Temporary Event Notices (TEN's)

20.1 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. Nevertheless, depending on the nature and location of such events, these can have serious crime and disorder and noise implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Council to work with them to identify and reduce the risk of crime and disorder and noise nuisance.

20.2 The Council recommends that at least 28 days' notice be given to hold such events, to allow it to help organisers to plan their events safely. 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.

20.3 There are two types of TEN; a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

20.4 The most important aspects of the system of temporary event notices are that no permission is required for these events from the Council. In general, only the Police and Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only ever intervene itself if the limits on the number of notices that may be given in various circumstances, as outlined in the Act, would be exceeded.

20.5 Many of those who give temporary event notices will not have commercial backgrounds or ready access to legal advice. They will include, for example, those acting on behalf of charities, community and voluntary groups, schools, churches and hospitals all of which may stage public events to raise funds at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for these groups.

20.6 In the event of a relevant representation from the Police and/or Environmental Health to a standard TEN the Council will hold a hearing not less than 24 hours before the event is due to take place. There is no right of hearing if an objection is lodged against a late TEN.

21.0 Larger Events

21.1 For licensable events where the capacity exceeds 499 a premises licence will need to be applied for. A premises licence can be time limited so that it is only in effect for the duration of the event.

21.2 Open air events may range from relatively small local events, like fairs, which may last for four or five days, to major pop festivals lasting one or more days. Despite the temporary duration of such major events, they can attract huge crowds of people and the risks to public safety and to crime and disorder as well as public nuisance may be considerable. A temporary event likely to attract more than 499 people will require an application for a premises licence and will not be covered by the Temporary Event Notice provisions.

21.3 It is recommended that the applicant make an initial approach to the Licensing Authority at least 6-9 months prior to the proposed event. This will allow the Council and the Emergency Services sufficient time to assist the organisers to plan their events safely. Many events will give rise to special considerations in respect of public safety and public nuisance. Operating schedules should therefore reflect an awareness of these matters. It is recommended that an application be made at least 3 months prior to the event. It is the responsibility of the organisers/promoters to satisfy the Council that they have met the standards outlined in the following relevant documents:

- The Event Safety Guide - A guide to health and safety and welfare at music and similar events ("The Purple Book") available at <http://www.thepurpleguide.co.uk>
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997) ("The Green Guide") ISBN 0 11 300095 2

21.4 Applications for large events will be scrutinised by the Safety Advisory Group (SAG) as well as the Licensing Authority. The SAG may consist of officers from Responsible Authorities such as Thames Valley Police,

Licensing, Health & Safety, Environment Agency, Food Safety, Fire Authority, Emergency Planning, Highways, Waste, and Ambulance Service.

21.5 The SAG allows officers to question applicants about the operation of their event to ensure it will be a “safe” event and will minimise disruption to traffic management and nuisance. The SAG will not determine licence applications but may recommend conditions be attached to a licence. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory event management plan for their event and to comply with any recommendations made by the group.

21.6 Applicants may notify the SAG of an event or a proposed event that maybe organised in the future by emailing: Licensing@wokingham.gov.uk

21.7 For smaller events that do not require a full SAG meeting. The Council encourages the use of Multi-Agency Meetings. Please contact the Licensing Officer who can direct you on which route would be most suitable for your application.

21.8 A representative of the Licensing Authority will be present at all SAG or Multi-Agency to help promote safe events in the Borough and direct partner agencies on the objectives of the Act, this Statement of Licensing Policy and other published guidance or relevant legislation concerning licensed premises.

22.0 Reviews

22.1 At any stage, following the grant of a premises licence, a Responsible Authority or any other person, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

22.2 A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage purchase and consumption of alcohol;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for the sale of illicit tobacco, alcohol or goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours or repeatedly breaching conditions (particularly those which have been attached by a licensing panel as a result of previous review hearing).

22.3 In instances where a review meets the criteria of being particularly serious, the licensing panel will consider the strongest most appropriate action, including revocation in the first instance.

22.4 At a review hearing the committee can make the following decisions:

- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the Designated Premises Supervisor;
- Suspend the licence for up to three months;
- Revoke the licence;
- Take no action at all.

22.5 The Council must reject any request for a review if the reason does not relate to one or more of the four licensing objectives. The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.

22.6 Requests for reviews will also be rejected if, in the opinion of the Licensing Service Manager, the grounds are frivolous, vexatious or repetitive. Repetitive grounds are those which are identical to those considered at a previous hearing and where no further relevant evidence is brought to substantiate the request.

22.7 Any review of a licence will take place before the Licensing committee or one of its sub-committees.

23.0 Appeals

23.1 Where an applicant is aggrieved by any decision or condition, 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 in writing to confirm the decision. The 21 days is calculated from the date of the letter. The appeal application must be made to the Justices' Chief Executive of the Magistrates' Court.

23.2 In respect of a personal licence, appeals must be made to the Magistrates' Court in the area where the licence was issued/refused. Appeals in relation to all other licenses must be made to the Magistrates' Court where the premises or event is situated.

On determining an appeal, the court may:

- dismiss the appeal
- substitute for the decision appealed against any other decision which could have been made by the Council
- remit the case to the Council to dispose of it in accordance with the direction of the court.

23.4 In anticipation of such appeals, the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will also ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which the decision has been made with regard to its statement of licensing policy and the Guidance issued by the Secretary of State under section 177.

23.5 As soon as the determination of the Magistrates' Courts has been promulgated, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an on-going judicial review). The Act provides for no further appeal against the determination of the Magistrates' Courts.

24.0 Nudity and Adult Entertainment

24.1 Whilst applicants are at liberty to make an application in respect of any type of licensable activity, including any form of regulated entertainment, there are certain types of entertainment where greater consideration and stronger controls may be appropriate. Such activities would certainly include any form of nudity and/or adult entertainment.

24.2 There is provision within the application form under section 'N' to highlight 'any adult entertainment or services or other entertainment ancillary to the use of the premises that may give rise to concern in respect of children'. If confirmed in this box that no such entertainment is to take place, this will be entered as a condition on any licence issued. If no answer is given in box 'N' the situation is not as clear, this Authority has considered this matter and intends to treat such applications as below.

24.3 It is essential that such activity although not automatically precluded should, if offered be adequately controlled. Therefore, for the avoidance of doubt and to avoid any circumventing of the law in this respect, when no answer is given in box 'N' in respect of applications that include regulated entertainment of any description, the sale of alcohol for consumption on the premises and/or late night refreshment, this will be treated as if there is to be no such activity and there will be a condition placed on the licence that no such activity or entertainment will be permitted.

24.4 If a 'yes' answer is given in box 'N' the applicant will be expected to outline specifically the nature of the regulated entertainment and to address all potential issues in the operating schedule as well as proposing measures relevant to each of the licensing objectives in order to control the effects of the activity on all objectives but with particular regard to the protection of children from harm. Any licence issued will permit only those activities that have been specifically addressed in the application.

24.5 This authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (LG (MP) 82) for the licensing of sex establishments including sexual entertainment venues (SEV's). A consequence of this is that 'regulated entertainment' under the Licensing Act

2003 will no longer include sexual entertainment as defined under the terms of (LG (MP) 82) and if such activities are to be offered a separate SEV licence will be required.

25.0 Authorisation

25.1 The Designated Premises Supervisor in a premises that is concerned with the sale of alcohol whether in respect of 'off' sales or 'on' sales carries direct responsibility for all sales at any time within the licensed premises.

25.2 There is currently no requirement (unless a specific condition on the premises licence, following a licensing sub-committee hearing or voluntary proposal in the operating schedule of the application) that the Designated Premises Supervisor or any other Personal Licence holder should be present at all or at any particular times. In the event of the absence of such authorised person(s) regardless of the length of absence, it is a requirement that authorisation must be passed down to those who sell alcohol at or from the premises. For the purpose of proof that such authorisation has been given and equally in order to show due diligence should such cause arise, it is strongly recommended that such authorisation should not be verbal, but given in writing to each person so authorised and that if required this should be available to be produced to any authorised officer upon request.

25.3 In respect of a private members' club, where alcohol is supplied by or to the order of a member, there is no Designated Premises Supervisor or Personal Licence holder, however, any supply of alcohol by non-members or minors should be specifically authorised and again it is strongly recommended that such authorisation should be given in writing where appropriate.

26.0 Non-Standard Hours

26.1 Since the implementation of the Licensing Act there have been many applications where it appears that the applicant requests a specified number of events where no dates or times are given e.g. 'on 12 occasions per year' or 'on one weekend per month' etc. Such events are not measurable and provide difficulty in assessing their impact upon the licensing objectives and hence in ascertaining what if any conditions are relevant.

26.2 For the above reason applicants are advised that additional days should be clearly identified with dates and/or times which will allow proper consideration of their impact on the licensing objectives and permit their inclusion specifically on any licence issued.

26.3 Although every application will be treated on its own merits, it will not be normal practice to accept applications with such ambiguous specifications. There exists a system of Temporary Event Notices to allow for the conduct of any unusual, 'one off' or unforeseen events.

27.0 Smoking - Health Act 2006

27.1 From 01 July 2007 it is illegal to smoke in virtually all enclosed public places and workplaces in England. The ban includes offices, factories, shops, pubs, clubs, bars, restaurants and public transport.

27.2 Businesses are required as from 1 July 2007 to display signs at entrances to premises. The signs are available from the department of health at www.smokefreeengland.co.uk/stayinformed or by calling 0800 169 1697.

27.3 A likely impact of the public places smoking restriction under the Health Act 2006 is that customers wishing to smoke may be attracted to premises that have 'beer gardens' or designated outside areas. There is likely therefore, to be more drinking outside of licensed premises. Although smoking is not a licensable activity, it may clearly at times be associated with a licensable activity i.e. sale of alcohol and may be viewed as an area which requires consideration of possible control measures in the interests of avoidance of public nuisance.

27.4 There may be occasions where licensees are required (following representation or application for review) to control areas/hours for such activity and/or have conditions imposed upon their licence if this is deemed proportionate and appropriate in meeting one or more of the licensing objectives and in particular that of the prevention of public nuisance.

28.0 Licensing Hours

28.1 The 2003 Act gives the Licensing Authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement.

28.2 The Council recognises the role that greater flexibility over licensing hours has played in the development of thriving and safe evening and night-time local economies, which are important for investment and employment locally and attractive to domestic and international tourists, providing customers with greater choice and flexibility.

28.3 Licensing Authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. This Licensing Authority will not impose predetermined licensed opening hours. However, the Council is aware of problems within the borough which are attributed to the availability of alcohol both early in the morning and late at night. Applicants wishing to provide alcohol before 10am and after 10pm, regardless of where the premises is located in the borough, are expected to detail in their operating schedule how the early or late operation of their business will promote the licensing objectives. The Licensing Authority will give individual consideration to the merits of each application.

28.4 This policy stresses the importance of compliance with measures detailed as conditions of a Premises Licence when the licence authorises hours before 10AM and after 10PM. Should a premises have a pattern of non-compliance with these measures or a pattern of other incidents then, on review, members of the sub-committee are encouraged to consider restricting the Premises Licence to the hours of 10AM to 10PM.

28.5 We acknowledge that the guidance issued under Section 182 of the Licensing Act 2003 states that Shops, stores and Supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

28.6 This Licensing Authority would define a “good reason” as an evidentially based representation from a Responsible Authority or other person which details problems in a particular area which are contrary to the promotion of the licensing objectives. In addition, evidence of street drinking, alcohol related antisocial behaviour, public nuisance and alcohol abuse will also be viewed as a “good reason” to depart from the guidance issued under section 182.

28.7 The Council is aware of the increased risk of antisocial behaviour and public nuisance in areas close to public transport links (such as train stations or bus stops). Applicants will be expected to address this risk in their operating schedule, particularly if the proposal is to sell alcohol for consumption off the premises before 10AM or after 10PM, or if the application is to licence a takeaway for late night refreshment.

28.8 Restrictions could be appropriate on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

28.9 Restrictions might be appropriate on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. Opening hours beyond midnight may be more likely to attract relevant representations and if the Council’s discretion is engaged it is possible conditions relating to opening hours may be imposed.

28.10 When considering applications for later closing times in respect of a premises licence, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:

- Whether the premises is located in a predominantly commercial area
- The nature of the proposed activities to be provided at the premises

- Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
- Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
- Whether the operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
- Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
- Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it
- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a Responsible Authority or interested party that identify the premises as a focus for disorder and disturbance.

28.11 As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example, the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2AM than at 11PM. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the

public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of “prevention of public nuisance”.

28.12 One of the greatest flashpoints occurs at closing times. In order to combat these flashpoints, it is the policy of the Council to encourage ‘wind down times’. In this regard it is suggested that licensees should consider remaining open for at least 30 minutes after the last service of alcohol. During this time the licensee may wish to offer for sale non-alcoholic beverages. The reason for this is to encourage patrons to leave the venue gradually and encourage licensed premises away from the ‘chucking out’ culture. Clearly, any period of time an establishment wishes to remain open after the end of licensed hours is acceptable provided no alcohol is sold. This policy is aimed at the fulfilment of the licensing objective of “prevention of crime and disorder”.

28.13 In respect of premises predominantly supplying take-away food, between the hours of 11PM and 5AM the Council would need to be satisfied that the supply of alcohol will not lead to an increase in crime and disorder or public nuisance in the vicinity of the premises. For example, alcohol to only being made available for sale alongside a food delivery or pre-ordered collection, and not readily available for consumption immediately outside or on a nearby street, bus stop or park bench.

28.14 All premises applying for licensing beyond 12AM must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.

29.0 Administration, Exercise and Delegation of Functions

29.1 One of the major principles underlying the Act is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost-effective service delivery.

29.2 The Council is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State.

29.3 The Act itself creates a presumption that applications will be granted unless a representation is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to the appropriate conditions. Where objections are made then the licensing officer will once again liaise with the applicant, interested parties and the responsible authorities to see if a “settlement” is possible to overcome the objections without the need for the matter to go before the Committee or Sub Committee. Only where objections are raised which cannot be settled will matters be referred through to either the Sub Committee or the Full Committee for determination.

29.4 Whilst contested licensing applications are quasi-judicial in nature the (Sub) Committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing and are able to express their views openly and fairly.

29.5 The (Sub) Committee will determine each case before it on its individual merits whilst taking into consideration the terms of this Policy document.

29.6 In determining the application the Licensing Committee or Sub-Committee, 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;
- (d) The Council's own Statement of Licensing Policy.

29.7 Where the (Sub) Committee determines that it is appropriate to attach conditions to a licence/certificate it will ensure that those conditions are directed towards preventing or minimising the impact of the activities taking place at the premises concerned on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

29.11 All licence applications will be determined in accordance with the table in **Appendix C**.

30.0 The Role of Ward Councillors

30.1 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They can also make representations in their own right. For example, ward councillors may apply for a review of a licence if problems at a specific premises which justify intervention are brought to their attention.

30.2 Ward councillors are informed of all new applications and any application to vary a licence in their ward. Individual councillors may choose to consult with residents locally in addition to the statutory publication carried out by the applicant.

30.3 Local residents and businesses may wish to contact their local ward councillors in respect of a licence application. Details on how to contact ward councillors may be obtained from the Council's website or by contacting the Licensing Officer.

30.4 If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors. This helps them to gain an understanding of local feelings.

30.5 Ward councillors may attend hearings of licensing Sub Committees considering applications and speak on behalf of local residents and businesses, but only if:

- They have made a personal representation; or
- They have made a representation on behalf of local residents or businesses as 'community advocates'; or
- They have been nominated by (an objector) who cannot attend the hearing or prefers to be represented by them at the hearing.

31.0 Application Consultation

31.1 The aim of consultation is to provide the opportunity for other persons to be involved in the licensing process. The consultation procedure required for each type of application is prescribed within the Act and Regulations made thereunder.

31.2 Applicants are required to advertise an application for the grant or variation of a Premises Licence or Club Premises Certificate and for an application for a Provisional Statement. For such applications the consultation required is: -

- Copies of the application must be received by the Responsible Authorities on the same day as the original application is received by the Local Authority.
- A blue coloured notice(s) must be displayed at the premises for the full 28-day consultation period. It must be clearly visible 24hrs a day and legible to passers-by. The notice must give a brief outline of the application including the regulated activities and the hours applied for.
- An advertisement must be placed in a local borough wide publication, within 10 working days of the application being received by the Licensing Authority. It is the responsibility of the applicant to forward evidence of the newspaper notice, its wording and its date of publication to the Licensing Authority.
- For 'minor' variations, there is no requirement for the applicant to send copies to the responsible authorities or for a newspaper notice and the premises notice need only be made on white paper and be displayed for 10 days, The Licensing Authority will advise the appropriate responsible authorities of the application.

31.3 Applications for review of Premises Licence or Club Premises Certificate will be advertised by the Licensing Authority in accordance with Regulations. For ordinary review applications this will take the form of notices being displayed near to the premises for 28 days, and for 'summary' reviews notices being displayed for 7 working days.

31.4 The Licensing Authority will make copies of applications available for inspection by the public.

32.0 Provisional Statements

32.1 Applicants may need to apply for a Provisional Statement where premises are being constructed, extended or substantially changed structurally for the purpose of licensable activities.

32.2 This Licensing Authority's Policy in relation to Provisional Statements is identical to that for a Premises Licence. Before premises with a Provisional Statement may be used for licensable activities an application must be made and granted for a Premises Licence or Club Premises Certificate.

32.3 If representations are received in respect of an application for a Provisional Statement, conditions may be imposed on the Provisional Statement in the same manner as if it was a Premises Licence or the application may be refused by the Licensing Authority.

33.0 Film Classification

33.1 The admission of children to any film exhibition shall be restricted in accordance with the classification given to that film by the British Board of Film Classification (or the Licensing Authority). No person under the age of 18 shall be admitted to any film that has not been classified by the British Board of Film Classification (or the Licensing Authority).

33.2 The Licensing Authority agrees with the recommendation of the Secretary of State that Licensing Authorities should not ordinarily duplicate the role of the British Board of Film Classification by choosing to re-classify films themselves. The classification recommended by the British Board of Film Classification for any film will be applied by this Licensing Authority unless there are exceptional reasons for this Licensing Authority to adopt the role of film classifier and classify or re-classify any particular film. The decision as to whether to classify or re-classify any particular film will be at the absolute discretion of this Licensing Authority.

33.3 If the Licensing Authority is concerned about the classification given by the British Board of Film Classification to a particular film, it may give notice to the holders of a premises licence that the film may not be exhibited until it has been viewed and classified by the Licensing Authority. In such circumstances the Licensing Authority will view and classify the film as a matter of urgency.

33.4 Licence conditions may specify that immediately before each exhibition at the premises of a film (other than a current newsreel) 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 a certificate of the Board, or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film. Conditions may also require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

33.5 Where any video works are shown on premises with a licence (e.g. in pubs) they should be suitable for the age group of those persons present,

having regard to the official age classification of the work given by the British Board of Film Classification.

34.0 Suspension of a Licence and Certificates for Non-Payment of Annual Fees

34.1 As a result of powers introduced under the Police Reform and Social Responsibility Act 2011, the Licensing Authority must suspend a Premises Licence or a Club Premises Certificate if the holder of the relevant authorisation fails to pay their annual fee.

34.2 However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee. In either of these cases, there is a grace period of 21 days. This period will be used by the Licensing Authority to contact the licence or certificate holder in attempt to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.

34.3 When suspending a licence or certificate a notice of suspension will be given in writing to the licence or certificate holder. The police and any other relevant responsible authorities will also be notified of the suspension at the same time.

34.4 A premises licence or certificate that has been suspended does not have effect. However, it can for example be subject to a hearing or, in the case of a premises licence, an application for transfer. The licence will nevertheless only be reinstated when the outstanding fee has been paid. Formally, the debt is owed by the holder who held the licence at the time it was suspended. However, it may be more likely in practice that the new holder will actually make the payment.

34.5 Once payment has been received a written acknowledgement will be given to the licence/certificate holder and the suspension will be lifted. The police and any other relevant responsible authorities will be notified that the suspension has been lifted at the same time.

35.0 Immigration Act 2016

35.1 Section 36 of and Schedule 4 to the Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention of these changes is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

35.2 The statutory prevention of crime and disorder licensing objective in the Licensing Act 2003 includes the prevention of immigration crime and the prevention of illegal working in licensed premises. The Council will work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.

35.3 Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act to provide that in England and Wales:

- Premises licenses to sell alcohol or provide late night refreshment and personal licenses cannot be issued to an individual who does not have permission to be in the UK, or is not entitled to undertake work relating to the carrying on of a licensable activity;
- Licenses issued to those with limited permission to be in the UK will lapse when their permission to be in the UK and work in a licensable activity comes to an end;
- Immigration offences, including civil penalties, are ‘relevant offences’ as defined by the 2003 Act;
- The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licenses) and applications to transfer premises licenses, and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence; and
- Immigration officers are permitted to enter premises which they have reason to believe are being used to sell alcohol or provide late night refreshment, to investigate whether immigration offences are being committed in connection with the licensable activity.

35.4 The Licensing Authority will have regard to any guidance issued by the Home Office in relation to the immigration related provisions now contained in the Licensing Act 2003.

35.5 The Licensing Authority will also work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late-night refreshment.

36.0 Other References & Guidance

36.1 Applicants are advised, prior to making an application, to have regard to the following documents (as appropriate to their premises and the activities that will be provided): -

- The current guidance provided on the Home Office, including the amended Guidance issued under Section 182 of the Licensing Act 2003
- Technical Standards for Places of Entertainment - available from the Licensing Team.
- Home Office: Safer Clubbing Guide
- LACORS/TSI Code of Practice on Test Purchasing
- Guidance issued by the Security Industry Authority in connection with door supervisors etc.
- The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events' - HSG195
- Managing Crowds Safely HSE 2000 ISBN 07176-1834-X
- '5 Steps to Risk Assessment: Case Studies' HSE 1998 ISBN 0-7176-15804
- 'The Guide to Safety at Sports Grounds' SGSA ("The Green Guide")
- 'Safety Guidance for Street Arts, Carnivals, Processions and Large-Scale Outdoor Performances' Independent Street Arts Network (ISAN) available from:
<http://www.streetartsnetwork.org.uk/pages/publications.htm>
- The Guidance issued by the Department of Communities and Local Government under the Regulatory Reform (Fire Safety) Order 2005. Website: www.communities.gov.uk
- The Purple Guide to Health, Safety and Welfare at Music and Other Events ("The Purple Guide") <https://www.thepurpleguide.co.uk/>

37.0 Pre-Application Advice Service

37.1 We offer a pre-application advice service to support your licensing application made under the Licensing Act 2003. The aim is to help you to anticipate and fix any problems which may arise during the application process.

37.2 However, our advice cannot pre-judge the outcome of the licensing application, especially if representations are received and a hearing is scheduled to take place before a Licensing Sub-Committee.

The pre-application service will highlight common pitfalls and assist business owners through the licensing consultation process, in turn promoting a successful and thriving borough, creating pride in our local area; which forms part of the seven corporate priorities for Wokingham Borough Council.

37.3 Our pre-application consultation service offers:

- Advice and assistance with completing application forms;
- Advice on appropriate conditions taking into account the type and style of the operation intended at the premises, its location and in consultation with the Council's Senior Licensing Officer;
- Advice on drawing up plans to accompany the application in accordance with the relevant regulations;
- Advice on nominating an appropriate Designated Premises Supervisor;
- Assistance with completing the statutory notices and advertisements
- On-site visits are available to ensure plans are compliant with regulations and the appropriate statutory notices are correctly on display;
- Advice on matters you may need to consider assessing possible noise transmission to neighbouring properties, dependent on the type of operation proposed for the premises;
- Advice on measures to promote the licensing objective of prevention of crime and disorder;
- Advice on age verification measures and protecting children from harm on licensed premises.

37.4 Our current charges for this service are based on the application type. These fees may be subject to change as part of the Council's annual fees and charges review.

Licensing Application	Consultation Service	Price
Small	Up to 3 hours of officer time. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation. Includes a face-to-face meeting but does not include any site visits.	£157.50 (includes VAT)
Medium	For advice where site visit is essential. Up to 6 hours of officer time. Includes meeting and site visit by the Licensing Officer. For advice on the licensing process, guidance on plans, public notices and newspaper advertisements, licence conditions, completion of operating schedule and advice on the Live Music Act deregulation.	£394.50 (includes VAT)
Large	For applications which need considerable officer time of up to 15 hours. Includes multiple site visits and liaison with the Licensing Officer, Environmental Health and Trading Standards, for events which would generally need to also go through the Safety Advisory Group process.	£1342.50 (includes VAT)

Disclaimer

37.6 With regard to any pre-application consultation, the written confirmation will state that pre-application consultation advice will not give applicants any exemptions from the licensing process. Responsible Authorities, including the Licensing Authority, Public Protection, Health & Safety, Trading Standards, may still make a representation against the application and the case may still need to be heard at Licensing Sub-Committee for a decision to be made.

37.7 The advice given will not include views from other responsible authorities such as Thames Valley Police, Fire Authority, Environmental

Health, Trading Standards, Planning etc. Determining any application that is subject to representations will be the function of the Licensing Sub-Committee who will consider the application and the representations on its own merits and determine the application accordingly on the basis of whether it promotes the licensing objectives.

37.8 The impartiality of the Licensing Officer will be maintained throughout the consultation process, when processing any subsequent application and where an application goes before the licensing sub-committee. Where possible, a different licensing officer will provide the pre-application advice to that of the officer who processes the subsequent application. Any applications where representations are made will be determined by the licensing sub-committee. The Licensing Officer's role at the sub-committee is limited to providing advice on policy and national guidance.

37.9 The pre-application consultation service is provided by experienced officers of the Licensing Authority. It is not provided by solicitor and therefore does not constitute legal advice.

Make a request for pre-application advice

37.10 Once we receive your request, we will contact you to take payment over the phone by debit or credit card and arrange a date and time for the pre-application meeting to be scheduled within five working days.

37.11 Email a request for advice to licensing@wokingham.gov.uk please provide your contact information and a brief overview of the type of premises that needs to be licensed such as off licence, restaurant, bar, club, public house, indoor arena, sports stadium, outdoor music festival.

38.0 Contact Details

38.1 Further details about the licensing and application process, including application forms, can be obtained from: -

Licensing Service
Wokingham Borough Council
Shute End
Wokingham
RG40 1BN

Telephone: 0118 974 6000

Email: licensing@wokingham.gov.uk

Website: www.wokingham.gov.uk

38.2 The Responsible Authorities detailed in this policy will also be willing to give advice and guidance to applicants.

39.0 Late Night Refreshment – Local Powers to Deregulate

39.1 Section 71 of the Deregulation Act 2015 inserted paragraph 2A into Schedule 2 of the Licensing Act 2003 in relation to the provision of late-night refreshment.

39.2 This amendment created a discretionary power to licensing authorities to exempt premises in certain circumstances, from the requirement to have a licence to provide late night refreshment.

39.3 The powers allow a relevant Licensing Authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 23.00 and ending no later than 05.00).

39.4 The Licensing Authority does not currently consider it appropriate to exercise the discretionary powers within paragraph 2A of Schedule 2 to the Licensing Act 2003.

39.5 If the Licensing Authority was going to consider exercising the powers in the future, it would only do so having carefully considered the risks to the promotion of the licensing objectives and the impact on the locality.

40.0 Outside Space

40.1 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

40.2 In such cases it will not be necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

40.3 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

Tables and chairs on the public highway

40.4 Licensed premises that wish to use a portion of a public street, road or place for the for the placing of tables, chairs or other temporary furniture outside a restaurant or cafe for patrons to use may only do so under permission of a Street Cafe licence issued by the Council as Highway Authority. Applicants should be aware that approval is not automatic and no tables or chairs should be placed on the highway until formal approval has been obtained. Street Cafe licenses are subject to their own specific restrictions, including limitations on the hours during which they may be used and the number of tables and chairs that may be provided.

40.5 Applicants are expected to have specific regard to the impact upon the Licensing Objectives that the operation of any areas on the public highway that are licensed for tables and chairs might have.

40.6 Applicants should note that the grant of a premises licence to include part of the highway does not in itself grant permission to use that part of the highway and similarly a licence from the highway authority does not grant permission to undertake any other licensable activity.

Appendix A: Current Mandatory Conditions

Mandatory Condition	Applicable to
<p>No supply of alcohol may be made under the premises licence –</p> <p>(a) at a time where there is no Designated Premises Supervisor in respect of the premises licence, or</p> <p>(b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.</p> <p>Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence</p>	<p>Any premises licence or which authorises the sale of alcohol.</p>
<p>(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.</p> <p>(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—</p> <p>(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or</p> <p>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>

<p>(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;</p>	
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<p>(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).</p>	
<p>The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>
<p>(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(ii) The Designated Premises Supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—</p> <p>(a) a holographic mark, or (b) an ultraviolet feature.</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>
<p>The responsible person must ensure that—</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol for consumption on the premises.</p>

<p>advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—</p> <p>(i) beer or cider: 1/2 pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p>	
<p>(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>(2). For the purposes of the condition set out in paragraph 1—</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor</p>	<p>Any premises licence or club premises certificate which authorises the sale of alcohol.</p>

<p>Duties Act 1979;</p> <p>(b) “permitted price” is the price found by applying the formula— $P = D + (D \times V)$</p> <p>where—</p> <p>(i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—</p> <p>(i) the holder of the premises licence, (ii) the Designated Premises Supervisor (if any) in respect of such a licence, or</p>	
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<p>(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;</p> <p>(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p> <p>(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.</p> <p>(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.</p> <p>(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.</p>	
<p>(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.</p>	<p>Club premises certificates which authorise sale of alcohol for consumption</p>

<p>(2) Any alcohol supplied for consumption off the premises must be in a sealed container.</p> <p>(3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.</p>	<p>off the premises.</p>
<p>Exhibition of Films</p>	<p>Any premises licence or club premises certificate which authorises the exhibition of films.</p>

<p>Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence</p> <p>Or</p> <p>where the Licensing Authority has notified the holder of the licence that it considers a classification, or an alternative classification is necessary then admission of children must be restricted in accordance with any recommendation made by that Licensing Authority</p> <p>In this section-</p> <p>"children" means persons aged under 18; and</p> <p>"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).</p>	
<p>Door Supervisors</p> <p>Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.</p>	<p>Any premises licence or club premises certificate which includes a condition relating to door supervisors / security.</p>

Appendix B:

Licensing Act 2003 Model Conditions

Counter Terrorism

1. At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises and all on-duty managers must have completed ACT: Awareness training. In addition, a minimum of 1 on-duty manager must also have completed the ACT: Operational or ACT: Strategic training.
2. The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
3. Within 28 days of the grant or variation of the licence, a documented security vulnerability assessment, which must incorporate counter terrorism measures, must be undertaken for the premises to include all areas in which licensable activities takes place and which the public will have access and/or transit through. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
4. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security vulnerability assessment and take promptly such steps to eliminate

them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Wokingham Borough Council.

5. Within 28 days of the grant or variation of the licence, the premises must have a documented counter-terrorism plan, which sets out counter measures to be implemented in response to a terrorist attack, through the principles of 'Guide', Shelter' and 'Communicate'-
 - **Guide** - Direct people towards the most appropriate location (in vacuation, evacuation, hide)
 - **Shelter** - Understand how your place or space might be able to lock-down and shelter people within it for several hours
 - **Communicate** - Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Admission and control of entry

6. The designated queuing area shall be enclosed within appropriate barriers and ensure that a minimum width of 1.8m [or specify if greater] is maintained on the footway to allow safe passage by pedestrians.
7. An ID scanning system approved in writing by the Licensing Authority must be operated at the premises at all times it is open to the public. All persons entering the premises must provide verifiable ID and record their details on the system.

8. All persons entering or re-entering the premises must be searched by an SIA registered door supervisor [and all searches must be monitored by the premises CCTV system].
9. No patron shall be admitted or readmitted to the premises [after XX:XX hours] unless they have [passed through a metal detecting search arch] [been searched using hand-held electronic search wands] and, if the search equipment is activated, have been physically searched in accordance with a procedure agreed with Thames Valley Police, which must include a 'pat down search' and a full bag search. Search equipment must be kept in working order.
10. No customer will be permitted to enter or re-enter the premises between the hours of [specify] save for persons who have temporarily left the premises (e.g. to smoke).
11. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
12. No more than [insert number] customers will be permitted on the premises at any one time.
13. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activities is in place.

Door supervisors

14. Door supervision must be provided on (specify days / circumstance).
Door supervisors must be on duty from [specify hours] and must remain on duty until the premises are closed and all the customers have left.

15. On [specify days/hours], at least [insert number] of SIA registered door supervisors must be on duty at the premises [specify location at the premises] [or as shown on the plan].
16. Door supervisors shall be employed at the ratio of [XX] door supervisor for every 100 customers (or part thereof).
17. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
 - (i) Size of the venue
 - (ii) Expected attendance
 - (iii) Type of event taking place
 - (iv) Location of the premises
 - (v) Time of year
 - (vi) Special occasion (New Year, Halloween, Local events etc.)
 - (vii) Premises Licence Conditions
18. At least [XX] female door supervisor(s) shall be on duty at the premises at such times as door supervisors are required to be provided.
19. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear [high visibility jackets or vests or armbands].
20. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
21. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.

22. Door supervisors must be provided with radios to enable them to contact each other and the duty manager at the premises.
23. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.
24. Random searches shall be undertaken of customers entering the premises between the hours of [insert times] and prominent signage to this effect.
25. A metal detection device shall be randomly used by door supervisors to search patrons for weapons.
26. A search arch shall be used at the premises to detect customers who may be carrying weapons.
27. Bag clips shall be made available on the premises.

Bodycams

28. On [specify days/hours], at least [insert number] of SIA registered door supervisors on duty at [specify location at the premises] [or as shown on the plan] must wear working body cams.
29. All body cams must:
 - (i) be activated by the wearer to record any incident of crime and disorder they witness;
 - (ii) provide a continuous recording loop designed to ensure that relevant information is still captured if the User is unable to immediately activate the recording;
 - (iii) produce an acceptable video recording under street lighting and inside buildings, including low-light conditions

- (iv) be overt, be pointed correctly to ensure best evidence is captured, and worn so that it will not be obscured by clothing;
 - (v) be capable of clearly recording a conversation between the User and people in close proximity; and be optimised to record speech rather than background noise;
 - (vi) record synchronised video and audio;
 - (vii) employ a wide-angle lens that records a broad scene in full focus;
 - (viii) be securely attached to avoid accidental loss and malicious removal
 - (ix) be equipped with sufficient storage and battery capacity to cover the requirements of a working shift.
 - (x) record in a format viewable in its original format using free software including VLC media player
 - (xi) when transferred off the device, recordings should be preserved in their original format and any metadata retained
 - (xii) must always show the correct time and date in video footage, for evidential continuity
 - (xiii) be capable of still capturing video if the microphone malfunctions, and audio is still captured if the camera malfunctions.
 - (xiv) not overwrite data once recording capacity is reached.
30. A record must be kept of the SIA registration number of the door supervisor and the ID of bodycam worn by them.
31. Bodycam images must be stored so that they are retrievable and accessible for replay and viewing, and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.

32. The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

CCTV

33. The premises licence holder must ensure that:

- (i) CCTV cameras are located within the premises to cover all public areas including all entrances and exits [The location of cameras could also be specified on the plan attached to the premises licence].
- (ii) The system records clear images permitting the identification of individuals.
- (iii) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- (iv) The CCTV system operates at all times while the premises are open for licensable activities [or specify timings].
- (v) All equipment must have a constant and accurate time and date generation.
- (vi) The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected.
- (vii) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

- (viii) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a police officer or authorised council officer copies of recent CCTV images or data with the minimum of delay when requested.

Preventing illegal drug use

34. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS and/or [designated role-holder at business], shall have access. All controlled drugs (or items suspected to be, or, containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to Thames Valley Police for appropriate disposal.
35. The premises shall operate a zero-tolerance policy to drug use and posters shall be prominently displayed to this effect. All staff shall be trained in the implementation of the venue's drugs policy.
36. Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.

Promotional activity

37. The premises licence holder must submit to [insert contact details for Responsible Authority] a completed risk assessment form as prescribed at least 14 days before any event that is
- (i) Promoted / advertised to the public at any time before the event;
and

- (ii) Features DJ's, MC's or equivalent performing to a record backing track; and
 - (iii) Runs anytime between the hours of [insert hours].
38. No promotional social media communication may be carried on for the purpose of encouraging the sale or supply of alcohol at the premises, which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.

Incident reporting

39. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the Licensing Authority, which will record the following incidents including pertinent details (delete as appropriate):

- (i) All alleged crimes reported to the venue or by the venue to the police
- (ii) All ejections of patrons
- (iii) Any complaints received
- (iv) Any incidents of disorder
- (v) Seizures of drugs, offensive weapons, fraudulent ID or other items
- (vi) Any faults in the CCTV system, searching equipment or scanning equipment
- (vii) Any refusal of the sale of alcohol
- (viii) Any faults in the CCTV system, searching equipment or scanning equipment
- (ix) Any visit by a Responsible Authority or emergency service

- (x) The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Staff training (alcohol & vulnerability welfare)

40. All staff authorised to sell alcohol shall be trained in (delete as appropriate):
- (i) Relevant age restrictions in respect of products
 - (ii) Prevent underage sales
 - (iii) Prevent proxy sales
 - (iv) Maintain the refusals log
 - (v) Enter sales correctly on the tills so the prompts show as appropriate
 - (vi) Recognising signs of drunkenness and vulnerability
 - (vii) How over-service of alcohol impacts on the four objectives of the Licensing Act 2003
 - (viii) How to refuse service
 - (ix) The premises' duty of care policy, understanding and dealing with situations involving vulnerable people, and incidents of harassment
 - (x) Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
 - (xi) The conditions in force under this licence.
41. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

42. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Wokingham Borough Council.

Preventing and dealing with drunkenness and vulnerability

43. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers and dealing with incidents of harassment at the premises. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.
44. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to sell alcohol to anyone who is drunk.
45. A Personal Licence Holder must be present at the premises to supervise all sales of alcohol.
46. A minimum of [specify] persons must be employed and on duty at the premises between [specify days/hours] who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.
47. The premises shall provide facilities for customers to securely recharge their mobile phones.

Off Licenses and reducing nuisance associated to illegal street drinking (Public Spaces Protection Order)

48. No sale of single cans of beer, lager or cider.
49. The premises will not sell any beer, lager, or cider that is equal to or greater than 6% ABV. For the avoidance of doubt, this does not include specialist products from craft microbreweries or limited edition / seasonal products (e.g. Christmas gift packs), subject to Police and Licensing Authority discretion.
50. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

Glassware and use of ice fountains / bottle sparklers

51. Drinks must only be served in polycarbonate/plastic containers [on specified days or events] [upon reasonable notice by Thames Valley Police].
52. Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers [except for consumption in any delineated external area as shown on the plan attached to the licence].
53. Spirit, Champagne and all other glass bottles greater than [70cl] are restricted to customers seated at a [table] [booth] in the delineated area[s] as shown on the plan attached to the licence. These bottles must be secured to the table or ice bucket and must only be dispensed

by a member of staff who is trained in the responsible service of alcohol. Customers must not be permitted to leave their table carrying any such bottle or be permitted to drink directly from the bottle.

54. Ice fountains or similar products (which are classed as HT4 explosives):

- a) Must be kept in their original packaging and only stored in a secure storeroom or fire-resistant cabinet that the public have no access to. The room/cabinet must be kept locked, except for the depositing or removal of products but must be locked immediately thereafter.
- b) Their use must be risk assessed in advance and appropriate control measure put in place to reduce the risk to staff and customers, which must include (but is not limited to):
 - (i) staff training in their safe use and dispersal
 - (ii) the provision of appropriate first aid training and equipment
 - (iii) suitability of areas of the premises where the products will be used
- c) The risk assessment and control measures identified must be documented, kept on the premises and made available for inspection to a police officer, fire or other authorised officer upon request.

Preventing underage sales

55. The Challenge [25] scheme must be operated to ensure that any person who appears to be under the age of [25] shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA

national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the Licensing Authority.

56. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that the Challenge [25] scheme is in operation.
57. The premises shall display prominent signage indicating [at any point of sale] [at the entrance to the premises] [in all areas where alcohol is located] that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
58. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying within [specify days / hours or a reasonable time] of a request by an officer of a Responsible Authority.

Alcohol deliveries

59. The premises licence holder shall provide the following information in writing to the Licensing Authority before any sale of alcohol is carried out (and notify change to this information to the Licensing Authority within 7 days):
- (i) The trading name of any company that will operate under the licence
 - (ii) All telephone numbers that will be used to accept orders

- (iii) The URL/website address that will be used to accept orders.
60. Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.
61. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.

Restaurants and takeaways (alcohol)

62. The premises must only operate as a restaurant:
- (i) in which customers are seated at a table,
 - (ii) which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
 - (iii) which do not provide any takeaway service of food or drink for immediate consumption, and
 - (iv) where alcohol must not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
63. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal.

Restricting alcohol sales in relation to designated special events, e.g. football matches

64. Prior to any [designated special event by Thames Valley Police]

[‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:

- (i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event
- (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event
- (iii) Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event
- (iv) On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event
- (v) All members of staff working at the premises are informed of this condition prior to taking up employment
- (vi) On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer, using the grounds of the

prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

Use of special effects

65. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used if 10 days' prior notice is given to the Licensing Authority where consent has not previously been given:

- (i) Dry ice and cryogenic fog
- (ii) Smoke machines and fog generators
- (iii) Pyrotechnics, including fireworks
- (iv) Firearms (e.g. Blank firing pistols)
- (v) Lasers
- (vi) Explosives and highly flammable substances
- (vii) Real flame
- (viii) Strobe lighting.

Emergencies

66. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.

67. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

68. All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than [specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Wokingham Borough Council.
69. The premises shall have a minimum 20m rescue throwline available on the premises for emergency use. All on-duty staff (including security) shall be knowledgeable of its location and the manufacturer's instructions for use.

Preventing noise and other public nuisances

70. All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
71. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
72. A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level [specify if known] [approved in writing by the appropriate officer of the Council]. Only the Premises Licence Holder and the Designated Premises Supervisor will have access to the noise limiting device.

73. The location and orientation of loudspeakers must be as specified on the attached premises plan.
74. An [acoustic lobby / acoustic door / acoustic curtains/ acoustic door seals / automatic door closer] must be installed [specify the location / define on plan].
75. There shall be no noise or odour caused by the kitchen extraction equipment that gives rise to a nuisance.
76. Any queue in a (designated queuing area) to enter the premises must be supervised at all times by door supervisors.
77. Between [specified times] no customer will be permitted to enter or leave the premises by means of [specified entrances].
78. The dispersal of customers from the premises must be managed in accordance with the following:
- a. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
 - b. Public announcements requesting customers to leave quietly to minimize disturbance to nearby residents
 - c. A [specify minutes] period where music volume is reduced / lighting increased / alcohol sales cease.

Deliveries (nuisance)

79. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the

premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

80. No deliveries or collections relating to licensable activities at the premises will take place between the hours of [insert hours].
81. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, over-revving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.
82. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

Smoking and other external areas

83. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined as [specify location / mark on plan]. No more than [insert number] of customers will be permitted to remain in the designated smoking area at any one time.
84. Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

85. No more than *[insert number]* customers will be permitted to enter or remain in *[define outdoor area(s)]* of the premises at any one time, between the hours of *[specify]*.
86. The tables and chairs outside the premises shall be brought inside at *[insert time]*
87. Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.
88. The use of the garden/external area shall cease after *(insert time)* hours on *(insert days of the week)*
89. A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be manned at all times the premises is open for licensable activities.

Litter and cleansing

90. At *[specify times]* *[specify areas]* outside the premises, including *[specify areas]* must be swept and/or washed, and litter and sweepings collected and stored *[specify storage and collection]*.
91. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
92. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
93. Empty bottles which have been collected must be placed into locked bins when deposited outside.

94. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
95. Between the hours of [insert hours] no waste/glass bottles will be moved or deposited outside.
96. Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.

Children on the premises

97. No person under the age of [insert age] years of age is permitted to enter or remain on the licensed premises when alcohol is being sold or supplied.
98. The PLH/DPS will provide [specify ratio] adult supervisors at a ratio of [specify ratio] who can provide care for the children as they move from stage to dressing room etc., and to ensure that all children can be accounted for in case of an evacuation or an emergency.
99. The licence holder and/or DPS shall ensure that any child performer is licensed with Wokingham Borough Council and accompanied by a registered chaperone. Documented records should be kept for six months, including the child's name, their licence number and chaperone details.
100. Where children are allowed on the premises, information shall be displayed [location] on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Wokingham Borough Council via 0118 974 6000, NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

Late night refreshment

101. Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
102. Between [specify hours from 11pm/days] customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

Large events

103. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority.

Boxing and wrestling (including MMA and other combat sports)

104. The Premises licence Holder must comply with the Event Management Plan submitted to and approved by the Licensing Authority and no changes will be made to the Event Management Plan without the prior written consent of the Licensing Authority. The Plan must set out (but is not limited to):
 - (i) Full contact details of the organisers and other parties involved in the event.
 - (ii) The medical cover that will be provided at this event. Will there be a Registered Doctor and a Paramedic will be provided as a minimum? Has facility to providing an ambulance been considered for the event? The Council would prefer that an ambulance is provided.

- (iii) The medical checks that will be carried out on the boxers before and after the fight. The Council would expect all boxers taking part to have a medical card and competition record book. This should detail previous bouts, medical history etc.
- (iv) How boxers will be matched up for the event. All boxers will be expected to be evenly matched and fall in the same weight category.
- (v) Details of the ring set up and who will be carrying this out.
- (vi) The numbers of referees and judges taking part in the event.
- (vii) The type and weight of boxing gloves that will be used by the boxers and how these will be inspected.
- (viii) What will be the safety rules for the fight and how these rules will be communicated to the boxers, coaches, trainers and other relevant parties.
- (ix) Details of the Personal Protective Equipment that will be worn by boxers.
- (x) Actions that will be taken in an emergency and how parties will communicate.
- (xi) Site checks that will be completed prior to the event taking place.
- (xii) Referee details including qualifications.

Adult entertainment

105. The premises may not show R18 films without the benefit of a sex cinema licence.

106. No person under the age of 18 will be permitted to enter or remain on the premises when any “relevant entertainment” (as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is taking place.

For reference:

Relevant entertainment is ‘Any live performance or any live display of nudity, which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Display of nudity means in the case of a women - exposure of her nipples, pubic area, genitals or anus; and in the case of a man - exposure of his pubic area, genitals or anus.

The audience can consist of one person.

Dispersal

107. The dispersal of customers from the premises must be managed in accordance with the following:

- (i) Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
- (ii) Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents.
- (iii) A [specify minutes] period where [music volume is reduced / lighting increased / alcohol sales cease].
- (iv) A suitable member of staff or a Door Supervisor[s] will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
- (v) All drinks and glass vessels must be removed from patrons as they leave to ensure no glass leaves the premises.

108. From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of

customers and ensure patrons do not contribute to anti-social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket / vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may be loitering in the vicinity of the premises.

Appendix C: Scheme of Delegations

Matter to be dealt with	Full Council	Licensing Panel	Officer
Review of Statement of Licensing Policy, receipt of annual report and other relevant reports.	In all Cases		
Application for a personal licence		If a representation is made.	If no representations are made.
Application for a premises licence or a club premises certificate		If a representation is made.	If no representations are made.
Application to vary an existing premises licence or club premises certificate		If a representation is made.	If no representations are made.
Application for minor variation of a premises licence or club premises certificate			In all cases.

Application to vary the Designated Premises Supervisor (DPS)	If a Police representation is received	All other cases
Requests to be removed as DPS		All cases
Application for transfer of a personal licence	If a Police representation	All other cases

Application for interim authorities	If a Police representation	All other cases
Applications to review premises licenses and club premises certificates	All cases	
Decisions on whether a complaint is irrelevant, frivolous or vexatious etc.		All cases
Determination of a Police representation to a Temporary Event Notice	All Cases	
All applications will be considered in accordance with any statutory framework. Applications will only be accepted if they contain all required information and have been correctly made. Any application that falls short of the requirements will be returned to the applicant for correction or addition.		