

Meeting of West Berkshire District Council

Thursday, 30 November, 2023

Summons and Agenda



WestBerkshire
C O U N C I L

To: All Members of the Council

You are requested to attend a meeting of
WEST BERKSHIRE DISTRICT COUNCIL
to be held in the
**COUNCIL OFFICES, MARKET STREET,
NEWBURY**

on

Thursday, 30 November, 2023
at 7.00 pm

Sarah Clarke.

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

Date of despatch of Agenda: Wednesday, 22 November 2023

AGENDA

Part I

1. **APOLOGIES FOR ABSENCE**

To receive apologies for inability to attend the meeting (if any). **(Pages 7 - 8)**

2. **CHAIRMAN'S REMARKS**

The Chairman to report on functions attended since the last meeting and other matters of interest to Members. **(Pages 9 - 10)**

3. **MINUTES**

The Chairman to sign as a correct record the Minutes of the Council meeting held on 5 October 2023. **(Pages 11 - 26)**



WestBerkshire
C O U N C I L

4. DECLARATIONS OF INTEREST

To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#). **(Pages 27 - 28)**

5. PETITIONS

Councillors may present any petition which they have received. These will normally be referred to the appropriate body without discussion. **(Pages 29 - 30)**

6. PUBLIC QUESTIONS

Members of the Executive to answer questions submitted by members of the public in accordance with the Council Procedure Rules contained in the [Council's Constitution](#).

Please note that the list of public questions is shown under Item 6 in the agenda pack when published. **(Pages 31 - 32)**

7. MEMBERSHIP OF COMMITTEES

The Council to agree any changes to the membership of Committees. **(Pages 33 - 34)**

8. LICENSING COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Licensing Committee met on 6 November 2023. A copy of the of the Minutes of this meeting can be obtained from Democratic Services or via the [Council's website](#) when available. **(Pages 35 - 36)**

9. PERSONNEL COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council the Personnel Committee has not met.

10. GOVERNANCE COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council, the Governance Committee met on 13 November and 20 November 2023. Copies of the Minutes of these meetings can be obtained from Democratic Services or via the [Council's website](#) when available.

11. DISTRICT PLANNING COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council the District Planning Committee has not met.

12. SCRUTINY COMMISSION

The Council is asked to note that since the last ordinary meeting of the Council, the Scrutiny Commission met on 11 October 2023 and 28 November 2023. Copies of the Minutes these meetings can be obtained from Democratic Services or via the [Council's](#)



Agenda - Council to be held on Thursday, 30 November 2023 (continued)

[website](#) when available.

13. HEALTH SCRUTINY COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council the Health Scrutiny Committee has not met.

14. HEALTH AND WELLBEING BOARD

The Council is asked to note that since the last ordinary meeting of the Council the Health and Wellbeing Board has not met.

15. JOINT PUBLIC PROTECTION COMMITTEE

The Council is asked to note that since the last ordinary meeting of the Council the Joint Public Protection Committee has not met.

16. STATEMENT OF LICENSING POLICY - REVIEW AND CONSULTATION (C4253)

Purpose: To consider the comments received during the consultation on the Statement of Licensing Policy and any ensuing modifications that have been made to the draft policy prior to adopting it with or without further modifications. **(Pages 37 - 90)**

17. DELIVERY OF PUBLIC HEALTH FUNCTIONS IN WEST BERKSHIRE (C4475)

Purpose: This report is to set out the proposed future high-level structure of the Public Health (PH) team in West Berkshire, following a recent review by the Local Government Association. It does not seek to finalise the team-level structure, which will be articulated once the high-level position has been agreed and progressed. **(Pages 91 - 102)**

18. UPDATE ON THE APPOINTMENT OF AND ALLOCATION OF SEATS ON COMMITTEES FOR THE 2023/24 MUNICIPAL YEAR (C4477)

Purpose: At the Annual Meeting of Council which took place on the 25th of May 2023, Council considered and approved a report detailing the allocation and appointment of seats on Committees. The Council has a duty under section 15 of the Local Government Housing Act 1989, to review the allocation of seats as soon as practicable following any change to the groups. Following a change in the membership of one of the political groups, this report proposes a number of minor changes to the allocation of seats and appointments to Committees. **(Pages 103 - 112)**

19. MEMBERS' QUESTIONS

Members of the Executive to answer questions submitted by Members of the Council in accordance with the Council Procedure Rules contained in the [Council's Constitution](#).

Please note that the list of Member questions is shown under Item 19 in the agenda pack when published. **(Pages 113 - 114)**

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



This page is intentionally left blank

Council – 30 November 2023

Item 1 – Apologies for Absence

Verbal Item

This page is intentionally left blank

Council – 30 November 2023

Item 2 – Chairman’s Remarks

Verbal Item

This page is intentionally left blank

Agenda Item 3.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

COUNCIL

MINUTES OF THE MEETING HELD ON THURSDAY, 5 OCTOBER 2023

Councillors Present: Antony Amirtharaj, Phil Barnett, Dominic Boeck, Jeff Brooks, Nick Carter, Patrick Clark, Heather Codling, Martin Colston, Jeremy Cottam (Chairman), Iain Cottingham, Laura Coyle, Carolyne Culver, Paul Dick, Billy Drummond (Vice-Chairman), Nigel Foot, Denise Gaines, Stuart Gourley, Clive Hooker, Owen Jeffery, Paul Kander, Jane Langford, Janine Lewis, Ross Mackinnon, Alan Macro, David Marsh, Geoff Mayes, Erik Pattenden, Justin Pemberton, Vicky Poole, Christopher Read, Matt Shakespeare, Richard Somner, Stephanie Steevenson, Joanne Stewart, Louise Sturgess, Clive Taylor, Martha Vickers, Tony Vickers and Howard Woollaston

Also Present: Nigel Lynn (Chief Executive), Joseph Holmes (Executive Director - Resources), Paul Coe (Executive Director - People), Clare Lawrence (Executive Director Place • Director & Support), Environment Sarah Clarke (Service Director (Strategy and Governance), Benjamin Ryan (Democratic Services Officer), Sadie Owen (Principal Democratic Services Officer) and David Cook (Clerk). Honorary Aldermen Graham Pask, Tony Linden, Rick Jones and Quinten Webb.

Apologies for inability to attend the meeting: Councillor Lee Dillon and Councillor Adrian Abbs. Honorary Aldermen Graham Jones, Anthony Stansfeld, Adrian Edwards, Gordon Lundie, Keith Chopping, Hilary Cole, Andrew Rowles and Mollie Lock.

Absent: Councillors Dennis Benneyworth and Biyi Oloko.

PART I

21. Chairman's Remarks

The Chairman reported that he had attended the following events since the last Council meeting:

- WBC Citizenship Ceremony
- The High Sheriff's Reception
- The Royal Berkshire Fire and Rescue Service Award Ceremony
- Newbury in Bloom Presentation
- Lord Lieutenant's Awards Ceremony
- The official opening of the Goldwell Park pump (cycle) track
- West Berkshire Macmillan event

The Vice-Chairman had also attended the United Nations Flag Raising in the Chairman's absence.

22. Presentations

The Chairman made a long service presentation to the Vice-Chairman Councillor Billy Brummond for 20 years service as a Councillor.

COUNCIL - 5 OCTOBER 2023 - MINUTES

23. Minutes

The Minutes of the extraordinary meeting held on 20 July 2023 were approved as a true and correct record and signed by the Chairman.

The Minutes of the ordinary meeting held on 20 July 2023 were approved as a true and correct record and signed by the Chairman, subject to the addition from Councillor Carolyne Culver that with regards to the Hedgehog Petition she mentioned that the country was in the bottom 10% of 240 countries with regards to the depletion of nature and thus 'most' depleted be added to the minutes.

24. Declarations of Interest

There were no declarations of interest received.

25. Petitions

None received.

26. Public Questions

A full transcription of the public and Member question and answer sessions are available from the following link: [Transcription of Q&As](#).

27. Membership of Committees

The Council were advised of the following changes to the membership of Committees since the previous Council meeting:

Councillor Nigel Foot to be a Member of the Health Scrutiny Committee replacing Councillor Owen Jeffery. Councillor Jeffery to replace Councillor Foot as a substitute.

28. Licensing Committee

The Council noted that, since its last **ordinary** meeting, the Licensing Committee had not met.

29. Personnel Committee

The Council noted that, since its last **ordinary** meeting, the Personnel Committee had met on 11 September 2023.

30. Governance Committee

The Council noted that, since its last **ordinary** meeting, the Governance Committee had met on 25 September 2023.

31. District Planning Committee

The Council noted that, since its last **ordinary** meeting, the District Planning Committee had not met.

32. Scrutiny Commission

The Council noted that, since its last **ordinary** meeting, Scrutiny Commission had met on 14 September 2023.

33. Health Scrutiny Committee

The Council noted that, since its last **ordinary** meeting, the Health Scrutiny Committee had met on 12 September 2023.

COUNCIL - 5 OCTOBER 2023 - MINUTES

34. Health and Wellbeing Board

The Council noted that, since its last **ordinary** meeting, the Health and Wellbeing Board had met on 3 October 2023.

35. Joint Public Protection Committee

The Council noted that, since its last **ordinary** meeting, the Joint Public Protection Committee had met on 2 October 2023.

36. Draft Council Strategy 2023-2027 (C4417)

The Council considered a report (Agenda Item 17) concerning feedback received from the consultation on the Draft Council Strategy 2023 – 2027 and to request that the amended Strategy be adopted by the Council.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Martin Colston:

That the Council:

“Adopts the West Berkshire Council Strategy for 2023 – 2027, including the Council Strategy Delivery Plan, (see Appendix B) which includes the changes proposed within this report as a result of feedback from consultation”.

Councillor Brooks informed Council that he was proud to introduce the Administration’s first Council Strategy. For the first time the Council Strategy also included a clear delivery plan that was published and would be updated annually. There were five priorities, and these were:

- Services we are proud of.
- A Fairer West Berkshire with opportunities for all.
- Tackling the climate and ecological emergency.
- A prosperous and resilient West Berkshire.
- Thriving communities with a strong local voice.

The role of every Council was to provide great services and make communities stronger. Residents were consulted on what mattered to them and the Strategy demonstrated how delivery would be achieved. Not all targets may be met but it was important to be transparent.

When the Liberal Democrat Group took control of the Council in May it was known that the budget had been set but what was not known was the level of pressures in service areas and where some areas had been under budgeted or overspending for a number of years. There was surprise at the lack of controls and thus controls were being putting in place, such as a weekly review of spend and on recruitment. The financial constraints would put the Strategy under strain in the early years and it would be necessary to cut the Council’s cloth accordingly, but the plan would be delivered. He thanked officers for all their hard work over the summer to help put the plan together and the work of Councillor Martin Colston. Councillor Brooks commended the Strategy to the Chamber.

Councillor Martha Vickers said that she wanted to highlight how part of the Environment Advisory Group had been opened up to the public which was part of the Administration’s desire to be free and open.

Councillor Carolyne Culver mentioned that she supported the Strategy and the opening up of forums to the public. She welcomed the emphasis on infrastructure and advised that she was currently chairing a Task and Finish Group for Health Scrutiny that would be

COUNCIL - 5 OCTOBER 2023 - MINUTES

looking at the provision of health care within new developments, especially in rural locations. As well as healthcare provision it was also important to consider water infrastructure as part of new developments. The Environment Agency and Thames Water had been invited to the next meeting of the Scrutiny Commission as the public were concerned about sewage and fresh water infrastructure. It was important to have water saving measures in new developments. There were some good points about climate change in the Strategy but there needed to be more about water quality and security. West Berkshire's chalk streams needed protection, drought resilience was needed and work needed to be done on SuDS and flood forums.

Councillor Heather Codling said that she felt the themes and priorities within the Strategy would help ensure the long term wellbeing of residents and she was pleased to see the areas relating to young people within the community. There was the emphasis in driving up standards in education, reducing the attainment gap and the SEND Strategy was already out for consultation. The Administration was seeking to increase the number of foster carers and were also working towards offering more apprenticeships with our partners and local employers. There was also an emphasis on working with town and parish councils in further developing youth groups and assisting them in employing youth workers, especially in rural areas.

Councillor Matt Shakespeare said that as a Councillor representing the east of the district he was pleased to see that the Strategy planned to deliver to the whole of the district, especially the vibrant village thread which would support areas such as Pangbourne. It was important to support our small communities. He welcomed the review into Home to School Transport which was important for rural communities.

Councillor Iain Cottingham highlighted the robustness of the financial controls within the Strategy. It was important to have a robust and sustainable financial plan to facilitate the delivery of the Strategy. It was important that the decisions being made today ensured finances were in place for the next four years.

Councillor Owen Jeffery said he was pleased to see that the Strategy was proactive in directly involving our communities, an example of this was in Thatcham where they had received the Hemingway report and had moved into what could be done and how it could be delivered. It had been decided that the chairman of this process should be a local Town Councillor. This Administration was trying to allow local people to take part in local decisions.

Councillor Stuart Gourley said the Strategy was a sign of real ambition for the new Administration. He was pleased that the Strategy built upon their Manifesto pledges. He was pleased to see continued transparency and the Council opening up as much as possible and allowing residents to see the roadmap and journey we were on. There were SMART objectives and tangible outcomes. He highlighted the building of a community sports facility on Faraday Road, the inclusion of 20 MPH zones and a focus on flood prevention.

Councillor Janine Lewis, as Portfolio Holder for Public Health, Culture, Leisure, Sport and Countryside, highlighted areas around mental health, working on the active travel plan and improving physical health that would also help support net zero climate change targets and reduce pressure on the NHS with healthier lives. The libraries were going through transformation to provide a more inclusive service and improve its digital offer.

Councillor Denise Gaines referred to previous comments on the new Administration's ambition to improve inclusion and transparency, and mentioned that there was an intention to introduce a public forum that would include local housing providers and

COUNCIL - 5 OCTOBER 2023 - MINUTES

tenants from both social and private housing. She also mentioned how she would be working with local transport providers so that the needs of residents could be met.

Councillor Tony Vickers mentioned that the Administration had introduced Community Forums, the first one had already met discussing the future of the Faraday Road Football Pitch and the next one would be on rural affairs. It was planned to hold four forums per year. Rural areas had been overlooked for too long and this would end now the Administration had more Councillor representation in rural wards. He said they would also listen to those who had an understanding of rural issues such as Councillor Culver. Councillor Vickers also said that he was the Council's representative on the AONB and was pleased to say that there were now more Liberal Democrats on the body and they would work together for a better future.

Councillor Dominic Boeck said that the Administration may be surprised to hear that he was impressed by the Strategy and that he was pleased to see that the strategic priorities mirrored those in the draft Strategy produced prior to the election. He did not approve of the Administration's ideological opposition to academy schools, if parents and governors wanted their school to become an academy then they should be supported. The Administration mentioned putting in financial controls, but this was nothing new and would have had to take place anyway. It had been forecasted year on year that this was going to be a tough year and next year would be even tougher. He mentioned that much of the delivery plan was really a continuation of what was already underway. It was good to see many of the goals and actions were challenging but he questioned if they were achievable. He wished Councillor Brooks well in delivering the plan and said he would be monitoring progress.

Councillor Clive Taylor said he was impressed with the Strategy especially the comments made about youth services, although he would have liked to have seen mention of youth clubs as they were important in tackling anti-social behaviour. He recommended that a future discussion topic for the Community Forums could be youth services and it would be good to get the results of the recent survey out in the public domain.

Councillor David Marsh said he was pleased to see so much support across the chamber, adding that if the Administration proposed things that were agreed with they should be supported. He raised that the start of the Strategy mentioned making West Berkshire Greener which was something he supported. He was pleased to see that there would be a trial regarding removing traffic from Newbury Town Centre making it cleaner and better for businesses. He also supported the 20-mph speed limit initiative. He mentioned that most residents supported environmental measures and a greener district. As it had not already been mentioned he raised all the good projects regarding housing and especially affordable housing, although not all affordable homes were affordable, and he encouraged more social rent homes and bringing more empty homes back in use. He was pleased to see a delivery plan appended as it allowed Council to monitor progress.

Councillor Alan Macro said that it was time to reduce the Council's reliance on agency staff. In Adult Social Care they had a lot of agency staff, this was not only expensive but also hindered continuity of care. In Adult Social Care there was an increase in demand and increased financial pressures, so he welcomed initiatives such as Shared Lives.

Councillor Ross Mackinnon said that as already mentioned there was a lot of overlap between this Strategy and the draft Strategy produced prior to the election. There may not be much disagreement on the priorities but there was on the Strategy such as the plan to reintroduce postal planning application notifications which was a costly backward step, the Council should not be building a sports stadium on the Faraday Road site when we had the Sports Hub and there was only one mention of the Local Plan in the Strategy.

COUNCIL - 5 OCTOBER 2023 - MINUTES

He mentioned that Councillor Brooks had said there had been under budgeting of services, but he had not mentioned any of this when the budget was set and they had not produced the promised emergency budget. He questioned the transparency promises and used the Environment Advisory Group as an example of the Administration still having the main meeting in Part II. He had doubts on the delivery of the plan as they had already failed to deliver their 100 day plan.

Councillor Erik Pattenden mentioned that this Strategy had a delivery plan that had been missing from the previous plans from the Opposition. He also mentioned that the previous Administration's handling of budget forecasting had been poor.

Councillor Howard Woollaston questioned the ambition such as 1000 affordable homes by 2023 and not 2027, only 40 EV charging points a year and the Playing Pitch Strategy that was already in place but the document talked about implementation in 2026.

Councillor Martin Colston said that there were some very clear differences between this Strategy and the draft one proposed by the Opposition prior to the election. They had already appointed an Opposition Chairman to the Scrutiny Commission, Community Forums had been brought back and letters notifying of planning applications would be re-introduced. They would be listening to the local community and make West Berkshire an employer of choice. The Strategy was supported by a Delivery Plan with SMART objectives which had not been previously introduced. He also mentioned that the town centre steering groups would be chaired by local town councillors. He paid tribute to the work of officers for their support in putting the Strategy together.

Councillor Jeff Brooks made concluding comments by saying that he thanked all Councillors for their positive comments. It was expected that there would be bricks back from the Opposition but the Administration had opened up task groups retaining Part II capacity when advised by the Monitoring Officer, with regards to bin collections any changes would be discussed and not a decision taken in private. The Administration would also fix the flawed Local Plan that was rushed through prior to the election. The Council could have all the strategies in the world, but operational excellence would be introduced to deliver them. They would be working smartly and harder to get the plan delivered. Ambitious targets had been set and it was expected that they would not all be met and unexpected events may intervene, but we had a delivery plan that we would do what we could to achieve. With regards to the comments about only meeting 50% of the targets in the 100 day plan after 200 days he said that they had met 70% of the targets after 133 days.

Councillor Brooks went on to say that with regards to the financial position they should have been aware of the situation, yet the current administration did not know about issues such as the failed software upgrade that had taken years and cost hundreds of thousands of pounds that had not been reported. It was only by looking at the issues in detail that the situation was becoming clear. With regards to academy schools, they supported strong local education and this would be achieved by keeping services together and supporting them within the LEA. He went on to mention that the Chairman of the Scrutiny Commission had been given to an Opposition Councillor as they wanted to be challenged and put things right. He commended the Strategy to Council.

The Motion was put to the meeting and duly **RESOLVED**.

37. **Enhancement of Climate Emergency Declaration (C4447)**

Council considered the report (Agenda item 18) concerning the proposed changes to the Council's climate emergency declaration (made in July 2019). The changes sought would enhance, strengthen and bring clarity to the original declaration following the initial four years of delivery.

COUNCIL - 5 OCTOBER 2023 - MINUTES

MOTION: Proposed by Councillor Owen Jeffery and seconded by Councillor Martha Vickers:

That the Council approve the following enhancements to the original climate emergency declaration:

- The ecological emergency is recognised through the new declaration being a **'climate and ecological emergency'**.
- Changing the language used in the declaration from **'carbon neutral'** to **'net zero'** to bring us in line with Government and business terminology.
- **Clarification of targets** within the declaration with the following being the Council's focus in relation to reducing emissions:

Achieving net zero by 2030 for the Council's operations and activities.

Facilitating, influencing, promoting and encouraging a reduction in emissions across West Berkshire to enable net zero to be achieved as soon as practicable for the District.

The proposed new wording for the declaration and recommended actions relating to the ecological emergency are included in section 8 of this report.

Councillor Jeffery said that he was pleased that this Council had previously unanimously approved a Declaration of Climate Emergency and he wanted to strengthen this by adding the term ecological. The Council was in a position to go against the trend of rolling back on climate change targets. There had been plenty of scientific evidence supporting that ecosystems were declining due to habitat loss and climate change. Declaring an ecological emergency would highlight the importance of preserving our local flora. Air quality and water pollution also had a negative impact on public health. Declaring an ecological emergency would provide a legal and policy framework that the Council could follow and allocate appropriate resource.

Councillor Carolyne Culver mentioned that she had proposed an ecological emergency back in September 2021 so she was pleased to see this being proposed. There was further work to be done and there would need to be cross reference with the Council Strategy, however consideration was also needed for biodiversity net gain as well as the obligation under the Environment Act for local nature strategies and networks. A local hedgehog positive campaign, as promised at the last Council meeting, also needed to be included. She encouraged the new Administration to consider things such as embedded carbon, that the Environmental Delivery Plan did not have biodiversity as a key theme and more local environmental groups needed to be included. She also recommended that more collaboration could be done with parish councils and would encourage more parish councils to be involved with the Parish Climate Forum. There was also a need to work with local land owners and farmers.

Councillor Ross Mackinnon said that the report was asking Council to declare an ecological emergency but there was no evidence supporting the need within West Berkshire. He was not saying that there was not a need but the report needed to have supporting evidence as the external report referenced dated back to 2019 and was

COUNCIL - 5 OCTOBER 2023 - MINUTES

nationwide. Most of the deliverables mentioned in the report were things the Council should be doing anyway. The report said there was no financial, legal, equalities, risk management, digital services or HR implications so it seemed there was no impact at all. He said his Group would support the report but did not feel that there was a need to declare an emergency.

Councillor Tony Vickers mentioned that just because you could not count certain things or have data it did not mean they did not have value. The world's environment was at risk because we did not value things, the environment did not fit into an accountants way of thinking. Just because we could not put a number on the issue did not mean there was not an emergency. He endorsed the report.

Councillor Matt Shakespeare mentioned that there was plenty of empirical evidence within West Berkshire supporting this report, he gave the example of the article in the Pangbourne magazine and the recent Environment Agency's report on the River Pang.

Councillor Martha Vickers said that there appeared to be cross chamber agreement on the report. This was an important motion and climate and ecological issues were closely linked. The report gave evidence and there were 51 sites of scientific interest in the district. She asked the chamber to acknowledge that this was an emergency and for the Council to get on with work that needed to be done.

Councillor Jeffery in making concluding comments said that he agreed with comments made that there was further work to be done, that carbon embedment needed to be considered, that further environmental groups needed to be engaged and he agreed that there was more work to be done with working with parish councils and local land owners.

The Motion was put to the meeting and duly **RESOLVED**.

38. **Hermitage Neighbourhood Development Plan (C4432)**

Council considered the report (agenda item 19) that sought approval of the submission of the Hermitage Neighbourhood Development Plan (NDP) for independent examination.

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Heather Codling to resolve that the Hermitage NDP could be sent for independent examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

Councillor Tony Vickers in introducing the report said that it was important to remember that the working groups were carried out on the basis of administrative boundaries and not necessarily settlement boundaries. It had been agreed about a year ago that the Council would have to look at our administrative boundaries and it was not known what affect this would have on neighbourhood plans. It was still right that the Council adopted neighbourhood plans post being rightly initiated and led throughout by local communities, not just local councils but also volunteers on steering groups. The plans had to come to Council at set points for approval and involved a lot of officer time. It was sensible to undertake a tendering process for a number of plans that were going through the process. The Parishes would retain their right to choose their examiner from within the group of consortiums that won the tender. Over the last few years in Hermitage there had been a lot of development so there was no additional allocation of residential or employment land in the report. The final report would be brought back to Council for approval to go out to referendum.

COUNCIL - 5 OCTOBER 2023 - MINUTES

Councillor Carlyne Culver mentioned that there had recently been a referendum on the Compton Neighbourhood Development Plan and she appreciated how much hard work went into them from volunteers in the community and officers. As she had raised many times at the Western Area Planning Committee, she highlighted the importance of addressing housing mixture and introducing more affordable housing and social rent housing. There was also a need for smaller properties for young people or the elderly who wished to downsize. She mentioned that in paragraph 6.1 there was a word missing and went on to welcome that they had identified six green spaces to protect. She was pleased to see the cycle out was being extended and it was hoped that this could go from Newbury into Oxfordshire. The report mentioned that road and traffic issues could not be included in the plan but they had been included in the Cold Ash one, it was recommended that it was made clear to our volunteers what could or could not be included so we had consistency across the plans.

Councillor Heather Codling in seconding the motion said that she thought it had been Hermitage's choice not to look at traffic. She commended the work they had done as the plan captured the diversity of the village. It was a large village with a lot of new housing, it was in the countryside and AONB. Although the village had grown it was important to maintain its character along with being aware of modern living requirements.

The Motion was put to the meeting and duly **RESOLVED**.

39. **Cold Ash Neighbourhood Development Plan (C4433)**

Council considered the report (agenda item 20) seeking approval for the submission of the Cold Ash Neighbourhood Development Plan (NDP) for independent examination.

MOTION: Proposed by Councillor Tony Vickers and seconded by Councillor Heather Codling that the Cold Ash NDP could be sent for independent examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

Councillor Tony Vickers introduced the report and said that the process for producing this report was identical to the previous item and they had the same contractor. They had a keen steering group and he expected they were well known to Councillor Codling.

Councillor Carlyne Culver welcomed the report and congratulated everyone involved as it was a well-researched document that she enjoyed reading. She welcomed the inclusion of green buffer zones between villages and that they talked about carbon neutrality, nature recovery and water and air quality. The report encouraged residents to ask for more tree protection orders and protected woodland. As a Member of the Western Area Planning Committee, she welcomed the isometric drawing that showed the impact development had on surrounded areas. She appreciated the detail they had gone into with regards to sunken lanes and that they had included hedgehog highways. It also mentioned the Woodlands Trust Emergency Tree Plan saying that removed trees should have three planted in their place and this should be considered for the Local Plan. It was good to see smaller housing included and that flooding had been considered as well as the cumulative impact that developments could have on flooding.

Councillor Clive Taylor welcomed the report and said he would be recommending that his steering group looked at it as an example of good work. He liked the inclusion of the photographs and maps. The whole document was well presented and easy to read. The report covered both the rural and urban areas, and he also liked the mention of sunken lanes. The plan identified local needs and community aspirations.

COUNCIL - 5 OCTOBER 2023 - MINUTES

The Motion was put to the meeting and duly **RESOLVED**.

40. **Annual Report - Governance and Ethics Committee (C4323)**

Council considered the report (agenda item 21) which provided an annual summary of the activities of the Governance and Ethics Committee for the 2022-23 municipal year.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Erik Pattenden to resolve that Council notes the report.

Councillor Jeff Brooks introduced the report and said that this was an annual report and he highlighted that there had been a lot of work done by the Constitutional Task Group. The Constitution was a living document and there was more work to be done so the task group would be reconvened in the new year. There would also be a community governance review at the appropriate time.

Councillor Erik Pattenden commended the report.

Council noted the report.

41. **Report by the Returning Officer (C4411)**

Council considered the report (agenda item 22) that informed Council of the results of the Local Elections held in May 2023 and any issues concerning the conduct of the elections.

MOTION: Proposed by the Chief Executive, Nigel Lynn, as Returning Officer to resolve that Council notes the report.

The Chief Executive informed that the Coronation of the King had compressed the time to undertake the count and it was ambitious to do it in a day but he was pleased to report that this had been achieved. Staffing of the elections continued to be an issue but the voter ID ran smoothly and 99.8% of electorates brought their ID. An issue that continued to cause a problem was the Royal Mail and officers continued to engage with them to make improvements. He thanked all staff for their excellent efforts in running a successful election process.

Councillor Jeff Brooks thanked the Returning Officer and all the staff that worked on the elections. It was an excellent job getting the district and parish elections counted and results given on the same day. With regards to voter ID, there had been a lot of tax payers money spent on promoting this new system. He felt that this was not required as it sought to solve a problem that was not there, he did not support the introduction of voter ID. He also reiterated the concern that the Royal Mail had let down some voters.

Councillor Dominic Boeck reiterated the excellent job that had been done on the elections. He said he had been involved in many elections and the staff performed extremely well providing advice in advance, running the elections on the day and performing the count with due diligence.

Councillor David Marsh said that he agreed with the comments made so far and especially the Elections Team that did an excellent job. The polling stations in his ward were very busy and the staff did a very good job helping people with voter ID but the report did highlight a number of voters that were not able to vote because of this and was

COUNCIL - 5 OCTOBER 2023 - MINUTES

concerned how many did not vote because of voter ID. This was a national issue that had been highlighted and had affected local voters. He recommended that this be raised with our local MPs, the LGA and the Electoral Commission.

Councillor Nigel Foot raised the issue of postal votes and said that it was a scandal that some votes had arrived late and thus had not been counted and as Councillor Marsh had said there was also the issue of non-voters because of voter ID. Some of the voters that had been disenfranchised may have been residents with mobility issues who could not get to their local polling stations.

Councillor Tony Vickers congratulated the elections team and staff who worked on the elections as they had done an excellent job. It was unfortunate that we would not know the number of voters who were put off because of the introduction of voter ID.

Councillor Clive Taylor reiterated the thanks to the staff working on the elections on behalf of his party. He agreed with the comments made about the introduction of voter ID as he had witnessed voters being turned away.

Council noted the report.

42. **Monitoring Officer's Annual Report 2022/23 - Conduct and Ethics (C4412)**

Council considered the report (agenda item 23) which provided an update on any local and national issues relating to ethical standards and to bring to the attention of Members a summary of complaints or other problems within West Berkshire.

MOTION: Proposed by Councillor Jeff Brooks and seconded by Councillor Patrick Clark to resolve that:

Members note the content of the report.

It was proposed that the report be circulated to all Parish/Town Councils in the District for information.

Councillor Jeff Brooks introduced the report and explained that while there had been some tricky situations in the chamber over the years, Members generally treated each other with respect. Complaints had increased but this could be as a result of moving toward the elections earlier in the year. He went on to mention his experience of having a complaint made against him and although not upheld it was an unpleasant experience, but he was confident that the system was robust. He believed that any councillor who stood for election did so to do good work and although we may disagree on the best way of achieving this we could always treat each other with respect.

Councillor David Marsh said unfortunately he felt that the Code of Conduct was no longer fit for purpose as it did not keep up with social media. He had sat on some complaint panels and a lot of them were trivial spats between rival parties that could have been resolved with a simple conversation. He raised concerns about vexatious complaints that used up a lot of officer time. He asked that during the review of the Constitution the task group could also review the Code and complaints procedure to make them fit for purpose.

COUNCIL - 5 OCTOBER 2023 - MINUTES

Councillor Jeff Brooks summed up by saying that the current code was fit for purpose and he encouraged those that did not think so to discuss it with the Monitoring Officer. He invited Councillor Marsh to join the Constitutional Working Party to address his views.

The motion was put to the vote and **RESOLVED**

43. Notices of Motion

The Council considered the under-mentioned Motion (Agenda item 24) submitted in the name of Councillor Denise Gaines relating to asylum seekers.

MOTION: As amended proposed by Councillor Denise Gaines and seconded by Councillor Laura Coyle.

That the Council note:

1. *“As a result of the government’s asylum process and its efforts to reduce the backlog of asylum decisions, we are seeing increased demand for homelessness prevention services in West Berkshire.*
2. *The home office has reduced the move-on period from 28 to 7 days, the time an asylum seeker must transition from their temporary accommodation to become independent. This is an unacceptably short period of transition.*
3. *As a result of the Government’s decision to drastically reduce this move-on period there has been an escalation of homelessness and rough sleeping here in West Berkshire.*
4. *The Government has effectively abdicated the responsibility for asylum seekers granted leave to remain and passed responsibility to local authorities.*
5. *We have inherited the responsibility, from the Home office, to accommodate and support any person, given the status of right to remain, and currently residing in West Berkshire.*
6. *This has placed a heavy burden on this authority and created an impossible target for us to source accommodation and house people within a very narrow time period of just 7 days. This burden comes without any additional funding from central government.*
7. *We are committed, as an authority, to playing our part in welcoming and safeguarding the welfare of all people in our communities, including people granted right to remain.*
8. *In an area the size of West Berkshire, rental properties and temporary accommodation is at a premium and having this additional pressure could make costs for this accommodation spiral in an already inflated market.*

This Council therefore resolves to request that the Leader:

1. *Write to the Home Secretary to request that the Government:*
 - *extend the transition period to a more realistic time period of 8 weeks to enable local authorities and the newly recognised refugees sufficient time to have all the official documentation in place to apply for work and to find accommodation;*

COUNCIL - 5 OCTOBER 2023 - MINUTES

- provide Local Authorities with emergency funding to support those who have a right to remain.

2. Request the LGA as the national voice of local govt to lobby relevant ministers on the plight facing Local Authorities

3. Ask the three MPs within the Council area to support this Motion and to raise at the highest levels of government."

The Chairman advised that Council would debate the Motion this evening in order to facilitate the discharge of business in accordance with Procedure Rule 4.9.8.

Councillor Denise Gaines introduced the motion and informed that the Government had failed West Berkshire and other Councils who opened their doors to asylum seekers. The country always had a reputation of welcoming people in need and there were many conflicts in the world and many people suffering persecution. When an asylum seeker had been granted leave to remain, they still required support and this was where the Government were letting us down and leaving local authorities to pick up the pieces. West Berkshire Council currently had about 170 asylum seekers in our hotels at any one time and if they were given new status, they would only get 28 days to leave the hotel and start their new lives with no immediate access to funding. It had come to light that some were now being given as little as 7 days' notice. The Housing Team and local charities tried to help as much as they could. Nationally there had been a 19% increase in asylum seekers awaiting assessment and as the Government looked to clear the backlog this would increase the pressure on local authorities, especially around housing support. The Council's temporary accommodation was already over stretched and there was an increase in rough sleepers. As the Portfolio Holder responsible for housing, she would be setting up a steering group that would include local charities to look at this issue and homelessness in general. She would consult the Executive to see if it was possible to set up a hosting programme similar to that of the Ukrainian programme. She asked Council to support the motion.

AMENDED MOTION: Proposed by Councillor Ross Mackinnon was displayed on screen but the Monitoring Officer advised that under paragraph 14.2 of the meeting rules a proposed amendment must comply with the requirements, one of which was that it should not negate the original motion and it was her view that this amendment had the effect of negating the motion and she advised the Chairman that it should not be allowed. The Chairman declined the amendment.

Councillor Ross Mackinnon made reference to a video the Leader had published in the Newbury Weekly News where he got two things right; that the public should be humane towards asylum seekers and that the two individuals sleeping in tents outside the Council Offices were not the fault of the Council. He did, however, feel that part of the motion was a falsehood. He stated that the Home Office had not reduced the period to leave hotels from 28 days to 7 days and this should have been checked before introducing the motion and making statements to the press. In one of the Leader's television interviews it was clear to see from a letter displayed that 28 days notice was given. The Administration should have checked their facts before making falsehoods on this emotional issue. He agreed that it would be a challenge dealing with asylum seekers granted residency, but they should be treated no differently than local residents who also needed support. He agreed that the Council should work with the Government regarding housing issues, but

COUNCIL - 5 OCTOBER 2023 - MINUTES

he also requested that the Administration apologise for the false statements they had spread.

Councillor Jeff Brooks encouraged Members that if they wished to introduce amendments that they share them beforehand to give time for consideration and not to put forward amendments that change the original motion. With regards to the issue of asylum seekers he mentioned how last year some of them staying at the Regency Park Hotel put a lot of effort into helping the community and integrating as best as they could. The motion was to help those who were given the right to stay by extending their time to leave the hotel and giving them pathways to getting a home and job. The Government needed to work with local authorities to help those who have been granted the right to stay, those who may not speak very good English. He supported the motion.

Councillor Stephanie Steevenson reiterated what had been said about some of the asylum seekers trying to help the local community as they had often offered Thatcham Town Council their time. This showed their willingness to be part of our community.

Councillor Nigel Foot made reference to how officers had worked daily with the gentlemen having to sleep in tents outside the Council and how Councillor Gaines had also engaged with them. These people were forced to sleep on our street after having to leave the hotel be it with 28 or 7 days notice. It was shameful that once they were granted the right to stay, they had to seek help from charities as the Government did not support them.

Under Paragraph 4.9.12 the Chairman proposed the extension of the meeting this was seconded by Councillor Barnet and was **CARRIED**.

Councillor Owen Jeffery mentioned that he had seen a letter sent to one of the asylum seekers informing them that they had less than a month to leave. These were people who had been assessed as having a legitimate reason to stay in our country but were being treated without dignity.

Councillor David Marsh said he had heard words such as a disgrace, but it was a disgrace that we are having to have this debate when the Government were stirring up hatred. He supported the motion.

Councillor Clive Taylor reiterated what had been said about the disgraceful situation that had resulted in the people having to sleep in tents outside the Council offices. It did not make a difference what length of notice they had been given this was about extending the notice period and giving them support.

Councillor Paul Kander said that he did not disagree with the comments on the time people were given to leave but he did disagree with the inaccurate statements that if not corrected would go down in history as facts.

Councillor Laura Coyle mentioned that the letter informing people of the need to leave the hotel did not give the recipient immediate access to benefits and work as suggested, it advises that you can remain in the country but you have to wait to get your residents permit. The motion was an urgent one as it had to highlight issues that were happening in our district outside the building. You could not just walk into an office and claim universal credit it took time to process. This motion was not about the national issue such as small boats crossing the channel but how we treated people who had been granted permanency. These were vulnerable people that needed our support and this needed an appropriate amount of time. With regards to homelessness the Government said that the Council had a 56 day period to help prevent homelessness by helping them find somewhere else to live so there was a discrepancy between how the asylum seekers were being treated.

COUNCIL - 5 OCTOBER 2023 - MINUTES

In summing up Councillor Gaines said that the two people having to sleep in tents outside were not isolated incidents and that there were about 170 asylum seekers currently in hotels within our district. So we needed action now.

The Motion was put to the vote and declared **CARRIED**.

FOR the Motion:

Councillors Antony Amirtharaj, Phil Barnett, Jeff Brooks. Nick Carter, Patrick Clark, Heather Codling, Martin Colston, Iain Cottingham, Laura Coyle, Carlyne Culver, Billy Drummond, Nigel Foot, Denise Gaines, Stuart Gourley, Owen Jeffery, Janine Lewis, Alan Macro, David Marsh, Geoff Mayes, Erik Pattenden, Justin Pemberton, Vicky Poole, Christopher Read, Matt Shakespeare, Stephanie Stevenson, Louise Sturgess, Clive Taylor, Martha Vickers and Tony Vickers

AGAINST the Motion:

None

ABSTAIN:

Councillors Dominic Boeck, Jeremy Cottam, Paul Dick, Clive Hooker, Paul Kander, Jane Langford, Ross Mackinnon, Richard Somner, Joane Stewart and Howard Woollaston.

44. Members' Questions

Members agreed to receive written responses which could be found via the following [link](#).

(The meeting commenced at 7.00pm and closed at 10.13pm)

CHAIRMAN

Date of Signature

This page is intentionally left blank

Council – 30 November 2023

Item 4 – Declarations of Interest

Verbal Item

This page is intentionally left blank

Council – 30 November 2023

Item 5 – Petitions

Verbal Item

This page is intentionally left blank

Council – 30 November 2023

Item 6 – Public Questions

To Follow

This page is intentionally left blank

Council – 30 November 2023

Item 7 – Membership of Committees

Verbal Item

This page is intentionally left blank

Council – 30 November 2023

Item 8 to 15 – Meeting Minutes

Verbal Item

This page is intentionally left blank

Statement of Licensing Policy – Review and Consultation

Committee considering report:	Council
Date of Committee:	Council 30 November 2023
Portfolio Member:	Councillor Lee Dillon
Date Portfolio Member agreed report:	19 October 2023
Report Author(s):	Moira Fraser / Sean Murphy
Forward Plan Ref:	C4253

1 Purpose of the Report

- 1.1 To consider the comments received during the consultation on the Statement of Licensing Policy and any ensuing modifications that have been made to the draft policy prior to adopting it with or without further modifications.

2 Recommendations

The Council to:

- 2.1 **CONSIDER** the consultation responses.
- 2.2 **RESOLVE** to adopt the policy with or without modification and that it comes into effect on the 01 December 2023.
- 2.3 **RESOLVE** to delegate authority to the Service Lead (Public Protection) and the Monitoring Officer, in consultation with Chairman and Vice Chairman of the Licensing Committee to make any minor amendments to the policy arising from legislative changes and changes to the S182 guidance.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>There are no financial implications arising from the review of the Statement of Licensing Policy. All costs associated with the consultation have been met from within existing budgets.</p> <p>The fees with respect to these licences are set by law. Recent years have seen a decline in licensing income as the numbers</p>

Statement of Licensing Policy – Review and Consultation

	<p>of licensed premises has reduced. This decline in income has been highlighted through the budget setting process for the Public Protection Partnership and is regularly reviewed at the Joint Public Protection Committee.</p>
Human Resource:	<p>There are no specific personnel implications arising from this report.</p>
Legal:	<p>West Berkshire Council is required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Licensing Act 2003 ('the Act'). The SLP outlines the general approach of the Licensing Authority when making licensing decisions under the Act and its policy with respect to the exercise of its licensing functions. Section 5 (4) of the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.</p> <p>The current SLP was previously agreed by full Council on the 6th December 2018. To comply with the five year period set out within section 5 of the Licensing Act 2003, this document must be reviewed, consulted on, revised and re-published by the 5th December 2023.</p> <p>Section 5 (3) of the Act sets out the statutory requirements in terms of consultation before determining the revised SLP.</p> <p>The SLP should also be considered alongside the current revised Section 182 guidance issued in August 2023.</p> <p>The references to the constitution and decision making within the revised version of the SLP have been updated.</p> <p>Patricia Brown and Beth Varcoe have been consulted on proposed changes to the current policy pre-consultation.</p> <p>Legal Services have been consulted on the consultation responses and the proposed amendments to the draft policy arising from it.</p>
Risk Management:	<p>There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current SLP.</p>
Property:	<p>None</p>

Statement of Licensing Policy – Review and Consultation

Policy:	The policy and its subsequent review is required in order to comply with the Licensing Act 2003.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		<p>The consultation was undertaken in accordance with the Council's Consultation Policy.</p> <p>We did not receive any comments relating specifically to the protected characteristics. One of the respondents did however comment on the need to ensure that the policy is written in plain and simple English wherever possible to assist dyslexic readers and for readers whose first language is not English.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		<p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>
Environmental Impact:	x			Section 10 of the draft policy addresses the issue of cumulative impact and the impact that a concentration of licensed premises in an area can have on the licensing objectives.

Statement of Licensing Policy – Review and Consultation

Health Impact:	x			Although public health is not a licensing objective the Public Health Team were consulted on the draft policy and health data can be used to identify the impact of premises on the licensing objectives.
ICT Impact:		x		The Consultation was posted on the Consultation Hub as well as the Public Protection Partnership website.
Digital Services Impact:		x		The Consultation Hub was used to support the consultation.
Council Strategy Priorities:				The Policy will support the following Council priorities: (Updated to reflect new CS priorities) <ul style="list-style-type: none"> • Services we are proud of. • A Prosperous and Resilient West Berkshire • Thriving Communities with a Strong Local Voice
Core Business:				It is a statutory requirement for the Council to have an up to date SLP in place.
Data Impact:				The consultation was undertaken in accordance with the PPP's privacy statement .
Consultation and Engagement:	<p>The list of consultees is set out in paragraphs 4.3 and Appendix A of the Policy. The Licensing Committee considered the consultation responses and the draft policy at their meeting on the 06 November 2023. They requested that future consultation exercises on the policy also be directed to Education professionals.</p> <p>The Council's Resource Consultation and Performance Team, have assisted with drafting the consultation questionnaire and uploading the consultation documents onto the Council's Consultation Hub.</p>			

4 Introduction and Background

- 4.1 Officers presented the draft Statement of Licensing Policy to the [10 July 2023 Licensing Committee](#) meeting. The report set out the background to the policy, the legislative framework and the proposed key changes to the policy. It also included proposals for consulting on the draft policy and agreement that the outcome of that consultation would be brought back to November Licensing Committee meeting prior to it being recommended to full Council for adoption..
- 4.2 It was noted that The [Licensing Act 2003](#) (hereafter called the Act) regulates licensable activity in England and Wales. Licensing authorities are required to prepare and publish a Statement of Licensing Policy (SLP) every five years in accordance with section 5 of the Act. The Statement of Licensing Policy outlines the general approach of the Licensing Authority when making licensing decisions under the Act and can be reviewed and revised by the Authority at any time. The current SLP was published in December 2018, so must be reviewed and republished by December 2023 at the latest.
- 4.3 Before determining the policy for any five year period, the licensing authority must consult the persons listed in section 5(3) of the Act:
- The chief officer of police for the area.
 - The fire and rescue authority for the area.
 - Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates.
 - Persons or bodies representative of businesses and residents in its area.
- 4.4 The Act also states that applications for licences must demonstrate that they will promote the four licensing objectives which are:
- Prevention of Crime and Disorder.
 - Public Safety.
 - Prevention of Public Nuisance and
 - Protection of Children from Harm.
- 4.5 At the July meeting the Licensing Committee agreed that the draft policy should be subjected to a ten week consultation period starting on the 12 July 2023 and running until the 20 September 2023. The consultation was posted on the West Berkshire Consultation portal and a link was included on the PPP website consultation pages on the 12 July 2023.
- 4.6 Members agreed that the consultation would be promoted on the Public Protection Partnership's social media channels and via a press release. It was also agreed that in addition to the statutory consultees set out in paragraph 4.3 above officers would also write to the parties set out in Appendix A to the draft policy to solicit their views on the policy. A notification was also sent out to the 2,537 people on the Community Panel.
- 4.7 The Council received 47 responses to the consultation. Of those responses 44 were submitted via the consultation portal and three were sent directly to officers. Twenty responses were submitted by residents, seven by premise licence holders, six from parish or town councils, four from officers or departments within the Council, two from

businesses, two from Thames Valley Police, one each from a personal licence holder, the owner of a premise licence, a district councillor, a member of the general public, a community group and operators of a village hall. Officers would like to thank all those that took the time to respond.

4.8 A summary of the consultation responses is set out in Appendix B to this report. Of those that responded:

- 71.5% agreed that the draft policy was easy to understand.
- 60% believed the draft policy promoted the prevention of crime and disorder.
- 64% agreed that the policy promoted public safety.
- 67% concurred that the policy promoted the prevention of public nuisance.
- 70% acquiesced that the draft policy protected children from harm.

4.9 In addition to a suggestion about correcting typographical and grammatical errors and some comments about style and layout (which have been picked up in the revised draft document as set out in Appendix A) the following suggestions were also put forward:

- a) 'I wonder if there is a way of weaving in a positive obligation to partake in 'locally run community safety schemes'.
- b) 'I do agree that it would be so helpful for many of the public safety campaigns that we run if there was an expectation rather than a hope that licensees will take part in the campaigns that we run. If there was any way of weaving that expectation in, I think it would contribute considerable to community and public safety.'
- c) 'Policy should include the expectations around Late Night Entertainment venues to include Door Staff with BWV and high viz uniform, the use of ID Scanners for entry to such venues. This should be from 22:00 for venues open beyond 01:00, providing recorded or live music.'
- d) 'In paragraph 3.3 – is (in relation to plan scale) "however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application" correct? Clearly, there is a tension between the GOV.UK guidance ("Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres.") and the s182 Guidance ("Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information."). Surely the s.182 guidance trumps the GOV.UK version, so that there is no need for an applicant to agree an alternative plan scale in advance provided that the plans are clear and legible in all respects?'

4.10 Officers have considered the above observations and these are reflected in amendments to the draft Policy. On points a) and b) making participation compulsory would be something that would need to be done on a case-by-case basis such as the review of an existing licence at a hearing. The Policy has been amended at 6.3 to reflect the fact the Council will actively encourage participation in the development and delivery of initiatives designed to protect the public.

Statement of Licensing Policy – Review and Consultation

4.11 In relation to point c) these measures would need to be considered on a premise-by-premise basis. We have however amended the draft Policy with respect to encouraging the wearing of hi-vis jackets by security staff. In relation to point d) the draft Policy has been updated to reflect this.

4.12 In addition, the following general comments were also received:

- a) it would be easier if there was a national policy as it was difficult to navigate different policies in different authorities.
- b) the policy needed to be supported by enforcement action.
- c) It would be useful to be able to react quickly to anti-social behaviour (asb) and lock ins by being able to temporarily close establishments quickly where this asb was occurring.
- d) The policy does not indicate time scales for reasonable replies to communication regarding applications for licenses and how this should be escalated if not satisfactory.
- e) More stringent controls to who is licensed and also give licencees more power.
- f) The whole process needs to be speeded up.
- g) Need to ensure that the document is easy to understand and written in plain English.
- h) Make the process easy for applications of temporary licences for charity/small community events with a quick response to the issuing of the licence.

4.13 With respect to the observation at a) above, whilst attractive to those operating in multiple licensing areas it would detract from the purpose of the Act which is to provide local delivery against a local policy framework focussed on local factors. With respect to enforcement i.e. point b), this is a critical part of delivering the licensing regime and checking compliance. Various parts of the Public Protection Service play a part in this activity from investigating nuisance to underage sales test purchasing as well as routine and multi-agency licensing visits.

4.14 The suitability of applicants to hold licences is checked as part of the application process. Where concerns emerge about activity relating to a premise or personal licence holder there are statutory review processes in place. In the case of premises this can include the requirement for a change of Designated Premises Supervisor (DPS).

4.15 In terms of issues relating to speed of service delivery and general timescales there are service standards that the service works too. There is also an escalation process set out in the Council's Complaints Procedure if escalation through service management structures does not resolve any issues. These standards would not be included in this policy.

4.16 The management of premise related Anti-Social Behaviour (ASB) is considered through the licensing process and premise related ASB can be addressed through the review process.

4.17 The Licensing Committee considered the responses received and the proposed amendments to the draft policy. They recommended the modified draft policy to the Council for approval subject to the correction of a few typographical errors which have been addressed in the current iteration of the draft policy.

5 Proposals

- 5.1 The Council is asked to adopt the policy subject to any additional modifications identified at the meeting and the revised policy be published and come into effect on the 01 December 2023.

6 Other Options Considered

- 6.1 To comply with the Licensing Act 2003 a Statement of Licensing Policy must be agreed and published every five years leaving no alternatives to doing so.

7 Conclusion

- 7.1 The Licensing Act 2003 requires West Berkshire Council to determine and publish its Statement of Licensing Policy at least every five years. The Council must have reviewed the current policy by December 2023.
- 7.2 The implementation of the licensing regime is an important function of local authorities. The proper application of the licensing objectives provides protections for the community and individuals. The ‘Statement of Licensing Policy’ along with the prevailing legislation and statutory guidance is critical to the proper discharge of functions by the Council.
- 7.3 Officers would like to thank the residents, organisations, businesses, licence holders, parish and town councils and stakeholders that responded to the consultation.

8 Appendices

- 8.1 Appendix A – Draft Statement of Licensing Policy
- 8.2 Appendix B – Outcome of the Consultation
- 8.3 Appendix C – Equality Impact Assessment

9 Background Papers:

- Licensing Act 2003
- S182 Guidance

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council’s position

Statement of Licensing Policy – Review and Consultation

Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Officer details:

Name: Julia O'Brien
Job Title: Licensing Manager
Tel No: 01635 519894
E-mail: Julia.O'Brien@westberks.gov.uk

This page is intentionally left blank

Draft Statement of Licensing Policy

Licensing Act 2003 (Post Consultation Version)

DRAFT



West Berkshire
C O U N C I L

Contents

1. Introduction, Purpose and Scope.....	3
2. Licensing Principles and Process	5
3. Making an Application.....	6
4. The Operating Schedule.....	7
5. Licensing Objective 1: Prevention of Crime and Disorder	8
6. Licensing Objective 2: Public Safety	9
7. Licensing Objective 3: The Prevention of Public Nuisance	10
8. Licensing Objective 4: Protection of Children from Harm	12
9. Representations and Mediation.....	14
10. Cumulative Impact.....	15
11. Decision Making.....	16
12. Temporary Event Notices.....	17
13. Personal Licences	18
14. Club Premises Certificates.....	19
15. Management of Licensed Premises	19
16. Complaints, Enforcement and Inspections	20
17. Reviews of Premises Licences.....	21
18. Early Morning Restriction Orders (EMROs)	21
19. Late Night Levy (LNL)	22
Appendix A: List of Consultees	23
Appendix B: Delegation of Functions	24
Appendix C: Glossary	25

1. Introduction, Purpose and Scope

- 1.1 The [Licensing Act 2003](#) ('the Act') requires West Berkshire District Council ('the Council'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' ('policy') every five years. In creating this policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of West Berkshire district, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.
- 1.2 The main purpose of this policy is to provide clarity to applicants, Responsible Authorities, Councillors and other persons on how the Council will determine applications made under the Act. It will also inform Councillors of the parameters within which licensing decisions can be made.
- 1.3 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of town centres as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 1.4 The Licensing Authority is committed to promoting a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circuses and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.
- 1.5 The Council recognises that licensed activities make an important contribution to the economy of the district. By regulating activities under this the Council acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. Consideration will be given to these, often conflicting, positions and all views will be taken into account when making licensing decisions or determining a course of action.
- 1.6 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy.
- 1.7 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
 - a) [The Prevention of Crime and Disorder](#);
 - b) [Public Safety](#);
 - c) [The Prevention of Public Nuisance](#); and

d) [The Protection of Children from Harm.](#)

- 1.8 The Licensing Authority is committed to working in close partnership and communicating with all licensees, Responsible Authorities and other persons where appropriate in order that they have a clear understanding of the legislative requirements. The Licensing Authority will continue to develop close working partnerships with other appropriate agencies and Responsible Authorities.
- 1.9 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the [Health and Safety at Work etc. Act 1974](#) and the [Regulatory Reform \(Fire Safety\) Order 2005](#). In addition, it should be noted that the planning and licensing regimes are separate. There is no legal basis for the Licensing Authority to refuse a licence application because the premises does not have planning permission.
- 1.10 The Council is conscious of the need to promote equality and when considering licensing matters and will give due regard to the prevention of discrimination and promotion of equality of opportunity. The [Equality Act 2010](#) and section 149, the [Public Sector Equality Duty](#), places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.11 In seeking to support a community in which diversity is encouraged, the Council will expect all applicants to take steps to ensure that no person is treated differently on the grounds of race, colour, religion, ethnic or national origins, age (unless an age-related event), sex (unless a single sex event), sexual orientation (unless a gay or lesbian event), or disability, and that the management and operating practices of licensed premises within the district comply with all race relations, equal opportunities and anti-discrimination legislation.
- 1.12 In determining the policy, the Council has taken into consideration any comments made by consultees, the statutory guidance issued under [section 182 of the Act](#) and the experience of administering and enforcing the Act since its introduction.
- 1.13 This policy takes effect from 01 December 2023 and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation, with appropriate consultation on any material changes.
- 1.14 Comments on the policy may be made in writing to the Licensing Authority at any time. Contact details can be found towards the end of this document. All comments received will be carefully considered and, where appropriate, included in the policy.

2. Licensing Principles and Process

- 2.1 The Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the district. The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 2.2 There are four main licensable activities under the Act:
- a) sale by retail of alcohol;
 - b) the supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - c) the provision of regulated entertainment; and
 - d) the provision of late night refreshment.
- 2.3 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. The overriding principle adopted by the Council will be that each application is determined on its own merits. Every application will be treated fairly and objectively, taking into account the four licensing objectives, the policy and the statutory guidance.
- 2.4 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Act is not a primary mechanism for controlling general nuisance unconnected to licensable activities or the licensing objectives.
- 2.5 It is acknowledged that public concern over disorder in particular may be thought to be a result of licensing legislation only. The Council can only have regard to the provisions of the Licensing Act 2003 when determining an application. However, the Council recognises that other mechanisms exist to control disorderly behaviour, e.g. planning controls, town centre management arrangements, confiscation of alcohol from adults and children in designated areas, and Police enforcement powers.
- 2.6 When determining applications, the Licensing Authority must be satisfied that the applicant's operating schedule ([please see section 4](#)) seeks to promote the four licensing objectives. The Licensing Authority will make decisions guided by this policy but will not fetter its right to discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.
- 2.7 The Licensing Authority recognises that conditions attached to various authorisations will focus on matters which are within the control of the licence holders. Conditions

shall be proportionate and appropriate to achieve the promotion of the licensing objectives and shall be tailored to suit the circumstances and premises.

3. Making an Application

- 3.1 The relevant application forms and associated documents are obtainable from the Council's website or from the [Licensing Service](#) on request. It is strongly recommended that all applicants consult with the Licensing Authority prior to submitting an application. It may be appropriate to submit a draft application for comments.
- 3.2 The Council are happy to accept applications electronically. Applicants are advised to contact licensing@westberks.gov.uk for information.
- 3.3 A plan must be attached to an application for a premises licence or a club premises certificate. The plans do not have to be professionally drawn, however they must be clear and legible in all material respects and contain the relevant information as required under regulation. By preference the Council would like plans to be at a scale of 1:100; however the Council will accept plans of an alternative scale as long as they clearly show all of the required information .
- 3.4 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However, the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to submit a new licence application. It is acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place, the licence will be granted. The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use, in order to allow the Licensing Authority to make an informed decision.
- 3.5 New premises must comply with legislation and guidance with regards to access requirements. Existing premises may have issues with access for disabled people to all parts of the premises. Consideration should be given to providing more assistance proactively to customers in order to make the licensed premises a more inclusive and welcoming environment.
- 3.6 Where conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have taken action to address those issues. Applications may be refused where there are significant outstanding issues.
- 3.7 In particular, for large scale or new events, it is suggested that the event should be referred to the [Safety Advisory Group](#) in advance of submission of an application.
- 3.8 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time

when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.

- 3.9 In some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

4. The Operating Schedule

4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.

4.2 Applicants are strongly recommended to discuss their operating schedule with the Responsible Authorities prior to submitting the application. The Licensing Team can assist in co-ordinating this process.

4.3 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:

- a) full details of the licensable activities to be carried on at and the intended use of the premises;
- b) the times during which licensable activities will take place;
- c) any other times when the premises are to be open to the public;
- d) where the licence is only required for a limited period, that period;
- e) where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be Designated Premises Supervisor;
- f) whether alcohol will be supplied for consumption on or off the premises or both; and
- g) the steps the applicant proposes to promote the licensing objectives.

4.4 Where measures to promote the licensing objectives are included in the operating schedule, these may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.

4.5 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that Responsible Authorities are likely

to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.

- 4.6 A pool of model conditions is available on request from the Licensing Team. Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives. Each licence will have conditions attached to it that are appropriate to that individual application.

5. Licensing Objective 1: Prevention of Crime and Disorder

5.1 The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of West Berkshire. Good management and practice procedures in licensed premises can make an important contribution to lessening the impact that consumption of alcohol can have on crime and disorder. The Licensing Authority and Thames Valley Police through the [Building Communities Together Partnership](#) will regularly monitor and review crime statistics within the district and their association with alcohol. When applying conditions, the Council will be mindful of the local Community Safety Strategy.

5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme, where it exists to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.

5.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example:

- a) prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items;
- b) prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions;
- c) security features such as provision and storage of CCTV - capable of retaining recording images for a period of 31 days from the date of an event and to an identifiable standard (bearing in mind the need to comply with data protection regulations and relevant legislation);
- d) a prescribed capacity limit;
- e) use of door staff to control entry to the premises and applicants are encouraged to require door staff to wear high vis jackets where necessary;
- f) procedures for ejection or dispersal of persons from the premises;
- g) procedures for dealing with harassment, discrimination

- h) use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers;
 - i) display of crime prevention and assistance notices including for example Ask Angela, Ask ANI and anti-drink spiking initiatives;
 - j) an appropriate ratio of tables and chairs to customers based on capacity.
- 5.4 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity and recommends licensees seek guidance from the [Equality and Human Rights Commission](#) or by contacting them on 0808 800 0082.

6. Licensing Objective 2: Public Safety

- 6.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. It should be noted there is an overriding legal duty to comply with the provisions of Health and Safety at Work legislation, including risk- assessment and control.
- 6.2 The Licensing Authority has a Safety Advisory Group ('SAG') and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event which is not specifically indicated in the operating schedule may be invited to approach the SAG. When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to the SAG.
- 6.3 The Council recognises the role that licensees and their staff can play in protecting the public. Where Council or multi agency public safety initiatives are developed we will actively encourage participation by licence holders in the development and delivery of such initiatives where relevant to their business.
- 6.4 Applicants should, where relevant, consider inclusion of the following steps within their operating schedule with a view to the safety of persons attending the premises:
- a) evacuation procedures including measures for disabled persons;
 - b) maintenance of alarm systems and emergency lighting;
 - c) maintenance of all escape routes and exits;

- d) safety checks and records in a log book;
- e) access for emergency vehicles;
- f) first aid equipment and trained first aiders;
- g) appropriate lighting and ventilation and monitoring of noise levels;
- h) checks on temporary electrical installations;
- i) use of special effects such as lasers, pyrotechnics and smoke machines;
- j) control of any animals at the premises;
- k) use of Security Industry Authority (SIA) licensed door supervisors or stewards;
- l) procedures to ensure the safety of women and vulnerable persons;
- m) provision of potable water (mandatory for premises with on-sales of alcohol).

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

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

7. Licensing Objective 3: The Prevention of Public Nuisance

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

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

- 7.3 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of licensable activities proposed and hours of operation will be suitable for the location in which the premises are situated (e.g. areas of dense residential accommodation). Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.
- 7.4 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.
- 7.5 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:
- a) measures to reduce noise and vibration escaping from the premises; including noise from music and voices whether or not amplified;
 - b) consideration of the licensed hours and restrictions on when licensable activities can take place both indoors and outdoors;
 - c) monitoring checks and logs of any checks carried out;
 - d) prevention of noise from deliveries or waste collections, or disposal of glass bottles etc., at unsociable hours;
 - e) measures to encourage quick and quiet dispersal by customers and staff including provision for access to book taxis, lowering the volume of music during the last 30 minutes before closing time and procedures for the safe removal and dispersal of persons ejected from the premises;
 - f) measures to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses;
 - g) measures to control nuisance that might be associated with the use of the external areas, particularly late at night, including supervision of the areas and specified times during which food and drink will not be permitted to be consumed in the external areas;
 - h) measures to control litter and odour associated with use of the premises.

7.6 Agent of Change Principle - This means that someone responsible for a change in a vicinity, for example a developer, is also responsible for the impact of that change. This principle, which exists to a degree in planning policy already, is relevant to existing pubs, bars and other venues that host and play music but find themselves subject to complaints by residents who have moved in to residential developments that were built since the licensed premises was established. The Agent of Change principle places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development. In other words, the person or business responsible for the change must also be responsible for managing the impact of the change.

8. Licensing Objective 4: Protection of Children from Harm

8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, gambling, activities of an adult and/or sexual nature and exposure to excessive noise or incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

8.2 The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises between midnight and 05:00.

8.3 Where appropriate, applicants should state in their operating schedule:

- a) whether or not they will admit children to any or all parts of the licensed premises;
- b) where children are to be admitted, the steps that will be taken to protect children from harm, for example supervision requirements, provision of designated areas for children and families, and hours during which children will not be permitted to be on the premises;
- c) the applicant will also be expected to consider provision for lost and found children (in particular at large public events).

8.4 Where appropriate, the Licensing Authority will expect the applicant to evidence how they will supervise children who are performing in an event with regulated entertainment. Applicants will also need to set out what consideration will be given to the welfare of children at attractions or performances likely to attract children. Where children are supervised, the Licensing Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately checked by the [Disclosure and Barring Service](#).

- 8.5 Where events are taking place that are provided solely or mainly for children, for example an under-18s disco, the expectation is that no alcohol will be served. Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age-restricted items to children. The Council expects all applicants to apply a [Challenge 25 policy](#) in respect of age-restricted items. Where such a policy is not proposed within the operating schedule, it is expected that the applicant provides justification as to why such a policy is not required. The Licensing Authority recommends use of any of the following as an acceptable proof of age:
- a) passport;
 - b) photocard driving licence;
 - c) proof of Age Standards Scheme Card (PASS);
 - d) official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.
- 8.6 Consideration should also be given to training (including refresher training) for staff, and records to evidence this training. In addition there should be means of recording challenges and/or refusals relating to potential sales of alcohol to underage persons.
- 8.7 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.
- 8.8 Applicants from retail outlets which use self-scanning devices or which offer delivery of alcohol will be expected to demonstrate how they are going to prevent the purchase or delivery of alcohol by persons under the age of 18 and how they will comply with Challenge 25, where applicable. It is suggested that such applicants may contact their Licensing Authority for its view on whether this form of alcohol sale is permitted.
- 8.9 The Licensing Authority will also expect applicants to set out in their operating schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter/waitress in a specially designated part of the premises and alcohol is sold only with a table meal.
- 8.10 Where appropriate, the Licensing Authority would expect applicants to demonstrate in their operating schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.
- 8.11 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and/or illegal substances.

- 8.12 In relation to exhibition of film, the Licensing Authority will expect the operating schedule to demonstrate that entry shall be controlled to protect children from exposure to strong language, sexual content and other inappropriate matters.
- 8.13 The Licensing Authority proposes to abide by the recommendations of the [British Board of Film Classification](#), (BBFC) but the Licensing Authority reserves the right to re-classify any film. Information regarding such classifications will be published on the Council's website. All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Council being unable to classify the film. Requests shall be assessed against the BBFC guidelines and the licensing objectives.
- 8.14 The Licensing Authority recognises the [Berkshire West Safeguarding Children Partnership](#) as the competent body and Responsible Authority to advise matters relating to the protection of children from harm.
- 8.15 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:
- a) limiting the hours that children may be present;
 - b) excluding children when particular specified activities are taking place;
 - c) limiting the parts of the premises to which children have access;
 - d) age limitations;
 - e) excluding under 18s from the premises when licensable activities are taking place;
 - f) requiring that an accompanying adult be present;
 - g) arrangements for restricting children from viewing age-restricted films;
 - h) arrangements to ensure that sufficient adult staff are present to ensure that the children are protected from harm.

9. Representations and Mediation

- 9.1 Where relevant representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, objectors and any relevant Responsible Authorities prior to the hearing. Hearings may be avoided when all parties arrive at an amicable solution to the issues raised through negotiation.
- 9.2 In determining the grant or variation of a licence, any person may make a representation, including the Responsible Authorities.

9.3 The Licensing Authority will consider any relevant representations received. Any individuals or responsible authority may request a representative to make representations on their behalf. This could be a legal representative, a friend, a Member of Parliament (MP) or a Ward Councillor. The Licensing Authority will inform Parish Councils, Town Councils and Councillors of valid representations received within their areas of jurisdiction.

9.4 The Licensing Authority itself is able to make representations, but this is likely to be limited to few cases, for example to ensure appropriate and proportionate conditions are included on a licence where the operating schedule is not clear. If the Licensing Authority makes a representation there shall be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.

9.5 For a representation to be relevant it must:

- a) relate to the effect of the grant of the application on the promotion of the licensing objectives;
- b) not be 'frivolous or vexatious', and
- c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a Responsible Authority, and
- d) if it concerns the Designated Premises Supervisor (DPS), be made by a Chief Officer of Police and include a statement explaining the reasons for the objection.

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

9.6 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.

9.7 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.

10. Cumulative Impact

10.1 The Council recognises that the commercial demand for another premises in an area is not a matter for licensing considerations, but more a matter for the planning process and the market.

- 10.2 The Council also recognises that where there are several premises providing licensable activity in the same vicinity, the cumulative impact may have an adverse effect on the community; in particular from nuisance and disorder. Accordingly, the Council may refuse additional applications if it believes that to grant a licence would undermine one or more of the Licensing Objectives, and representations have been received from a Responsible Authority or other person. In addition, the Council has to be satisfied that the criteria set out in the legislation are met. As detailed earlier in this policy, each application will be considered on its own merits.
- 10.3 If the Council considers that a 'Special Policy' is needed to deal with the cumulative impact of licensed premises, it will only do so following consultation as specified in the Licensing Act 2003 and following the proper process.
- 10.4 The Council will expect licensees and potential licensees within an area to communicate with each other and prepare their Operating Schedules so that they complement each other and collectively meet the Licensing Objectives.

11. Decision Making

- 11.1 The Council will seek to carry out its responsibilities under the Licensing Act 2003 efficiently and cost-effectively. To do this, functions are delegated in line with the Councils Constitution published online via the link cited at Appendix B. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 11.2 The quasi-judicial nature of the licensing process is such that Members and officers of the Licensing Authority can offer only limited assistance at hearings. It is important therefore that those giving evidence either as applicants or objectors consider taking legal or other professional advice and ensure they are fully aware of the procedure to be followed at the hearing.
- 11.3 In determining the application the Licensing Authority will consider:
- a) the case and evidence presented by all parties;
 - b) the promotion of the four licensing objectives;
 - c) guidance issued by central Government; and
 - d) the Licensing Authority's own Statement of Licensing Policy.

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

- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;

- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a particular person as the Designated Premises Supervisor;
- to reject the application if it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.

11.4 The decision of the Sub-Committee shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998 and all other relevant legislation. The decision and reasons for that decision will be sent to the applicant and those who have made relevant representations, and a summary of the decision shall be posted on the Licensing Authority's website as soon as is reasonably possible after the decision has been confirmed.

11.5 Anyone aggrieved by a decision of the Council has a right of appeal as set out in the Act. The Council will inform the appropriate parties of their right of appeal in accordance with the Act when confirming a decision of the Sub-Committee.

11.6 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule. The Council has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.

12. Temporary Event Notices

12.1 Temporary Event Notices (TENs) or late Temporary Event Notices (late TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.

12.2 In accordance with the 2003 Act, any individual person aged 18 or over may serve a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only serve a TEN five times a year of which two can be late TENs, and a personal licence holder no more than 50 times a year of which ten can be late TENs. Currently, no more than 20 TENs covering a maximum of 26 days may be served in respect of any particular premises in a single calendar year. Organisers of temporary events are encouraged to serve their TEN as soon as is reasonably practicable in order for the Police and Environmental Health to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. The TEN form is available on the Council's website.

- 12.3 Although the legal requirement is ten clear working days (or five clear working days for late TENS) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least two months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with Responsible Authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 12.4 The processing of TENS by the Council is controlled by a strict statutory timetable; therefore, the Council will not accept a notice unless it is complete in all respects at the time of submission.
- 12.5 In the event of an objection, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.
- 12.6 In the case of a late TEN application there is no right of appeal if an objection is received from the Police or Environmental Health. In this case the event is invalid and cannot go ahead.
- 12.7 Organisers of events are reminded of the Police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to intoxicated persons.
- 12.8 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to allow premises to open for specified extended hours.

13. Personal Licences

- 13.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.
- 13.2 Personal licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions at the time of application. Where a personal licence holder is convicted of a relevant offence during the period when their application is being considered, the licence holder is required to advise the Licensing Authority forthwith.
- 13.3 Where the Police or Immigration Enforcement believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. The Licensing Authority will arrange for a hearing to take place at which the application will be determined.
- 13.4 It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be

amended. The personal licence holder must also notify the Court that they hold a personal licence.

- 13.5 The Licensing Authority now has the power in accordance with Section 132A of the Licensing Act 2003 to revoke or suspend personal licenses, if it becomes aware that the licence holder has been, at any time before or after the grant of the licence, convicted of a relevant offence or foreign offence or has been required to pay an immigration penalty on or after the 6th April 2017. The Authority has a discretionary power to revoke or suspend the personal licence for a period up to 6 months. The process that must be followed is detailed within Section 132A of the Licensing Act 2003. The Licensing Authority will set up hearing to determine whether to suspend or revoke the personal licence in accordance with the legislation.

14. Club Premises Certificates

- 14.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.
- 14.2 The Act does not require any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to which the certificate relates, nor is there a requirement for the club to specify a Designated Premises Supervisor. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

15. Management of Licensed Premises

- 15.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The Council encourages all licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.
- 15.2 Within all licensed premises, whether or not alcohol is to be sold, the Council will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.
- 15.3 Any premises where alcohol is sold under a premises licence must have a Designated Premises Supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises.

- 15.4 The Council will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 15.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales.

16. Complaints, Enforcement and Inspections

- 16.1 Complainants are encouraged in the first instance to raise any concerns directly with the licensee or business concerned. Complaints may be sent to the Licensing Team, Theale Library, Church Street, Theale, Berkshire, RG7 5BZ or licensing@westberks.gov.uk for investigation.
- 16.2 Where there are any issues identified or need for improvement at a premises, Officers and Responsible Authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 16.3 The Council undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.
- 16.4 In terms of enforcement, the aim is to target those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact.
- 16.5 Protocols for enforcement may be established between Responsible Authorities and the Licensing Authority in order to ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a

lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent. In most cases, a graduated form of response is expected to resolving issues of non-compliance although it is recognised that in serious cases a prosecution or a review application will be the most appropriate means of disposal.

- 16.6 In addition to the [Council's enforcement policy](#), the Licensing Authority will also have regard to the [Regulators' Code](#) and the [Enforcement Concordat](#) and any decision to instigate legal proceedings will take account of the criteria set down in the [Code for Crown Prosecutors](#) and [Attorney General Guidelines](#).

17. Reviews of Premises Licences

- 17.1 At any stage following the grant of a premises licence, a Responsible Authority or other person may ask the Council to review the licence because of concerns arising at the premises in connection with one or more of the four licensing objectives. However, it is hoped that this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort.
- 17.2 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application unless all parties agree that a hearing is not necessary.
- 17.3 Where the request originates from a person other than a Responsible Authority (e.g., a local resident, residents' association or local business) the Licensing Authority must consider whether the request for review is vexatious, frivolous or repetitious. The Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.

18. Early Morning Restriction Orders (EMROs)

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

19. Late Night Levy (LNL)

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

DRAFT

Appendix A:

List of Consultees

- Alcoholics Anonymous
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- Berkshire West Safeguarding Children's Partnership
- Bingo Association
- British Amusement Catering Trade Association
- British Beer and Pub Association
- British Institute of Innkeeping
- British Retail Consortium
- Building Communities Together Team
- Federation of Licensed Victuallers
- Guild of Master Victuallers
- Health and Safety Executive
- Home Office – Immigration Enforcement
- Local residents (via the Consultation Hub and Community Panel)
- Parish and Town Councils
- Premises licence and club premises certificate holders
- Pubwatch
- Royal Berkshire Fire and Rescue Service
- Thames Valley Police
- Via (Charity that provides free and confidential advice and support to help service users manage, reduce or stop their drug or alcohol use)
- The British Pub Confederation
- West Berkshire Councillors
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Council Public Health Team
- West Berkshire Council Trading Standards
- West of Berkshire Safeguarding Adults Board

Appendix B: Delegation of Functions

See relevant scheme of Delegations [here](#)

DRAFT

Appendix C:

Glossary

Agent of Change Principal	Places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise-sensitive development.
Capacity Limit	Where the Licensing Authority and/or Fire Authority have set a limit on the number of people allowed in a premises or part of a premises, to prevent overcrowding which can lead to crime and disorder and concerns over public safety.
Child	Any person who is under the age of 18 years.
Club Premises Certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
Council	As far as this policy is concerned, any reference to the Council shall be interpreted as the Licensing Authority.
Cumulative Impact	Where there is a potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor	A specified individual, holding a personal licence, who is responsible for the day-to-day running of the business and whose name and address will appear on the premises licence.
Late Night Refreshment	The supply of hot food and drink between the hours of 23:00 and 05:00 for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Event Notice
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • The Prevention of Crime and Disorder • Public Safety • The Prevention of Public Nuisance • The Protection of Children from Harm
Licensing Qualification	Qualification accredited by the Secretary of State and a requirement for a personal licence.

Operating Schedule	This forms part of the completed application form for a premises licence and must promote the licensing objectives. See section 4 for more information.
Personal Licence	This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
Premises Licence	A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities.
Proprietary Clubs	Clubs run by individuals, partnerships or businesses for the purpose of making a profit.
Provisional Statement	Where premises are being constructed or extended or substantial structure changes are proposed.
Qualifying Club	<p>Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are:</p> <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs <p>A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.</p>
Regulated Entertainment	Entertainment that is provided to members of the public or to members of a qualifying club, or entertainment held with a view to profit. This includes plays, films, indoor sporting events, performance of dance and live and recorded music. For more detailed advice on whether a specific activity constitutes regulated entertainment, please contact the Licensing Team.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by a Responsible Authority or any other person which are deemed as relevant

Responsible Authorities	<p>Responsible Authorities are defined in the Licensing Act 2003 as authorities who are able to comment on applications made under the act. They can apply for a review of a licence under certain circumstances.</p> <p>This group can make representations and includes bodies such as:</p> <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The Local Enforcement Authority for the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm - the Local Safeguarding Children Board • The Licensing Authority • Home Office (Immigration Enforcement)
SAG	Safety Advisory Group. An advisory body whose purpose is to offer advice and guidance on event organisation.
Statutory Guidance/ S182 Guidance	<p>This guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.</p> <p>It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public.</p>
Temporary Event Notice (TEN)	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.
Late Temporary Event Notice (late TEN)	As per Temporary Event Notice, however, can be served with between 5 and 9 working days notice before the day of the event. There is no right of appeal or to a hearing if the Police or Environmental Health raise an objection.

Document Control

Document Ref:	C3431	Date Created:	13 March 2018
Version:	1.5	Date Modified:	26 September 2023
Revision due	December 2028		
Author:	Licensing Team	Sign & Date:	26 September 2023
Owning Service	Public Protection Partnership		
Equality Impact	Date undertaken:	10 July 2023	

Assessment: (EA)	Issues (if any):	None
------------------	------------------	------

DRAFT

Outcome of the Draft Statement of Licensing Policy 2023-2028 Consultation

Background

Under the [Licensing Act 2003](#), West Berkshire Council, along with all licensing authorities, must prepare, adopt and publish a Statement of Licensing Policy (SOLP), every five years or when the council believes the policy requires updating, and our current SOLP is due to expire at the end of December 2023.

Our statement sets out how we will determine applications and applies to any premises which sells or provides alcohol, provides regulated entertainment (for example a performance in front of an audience), or late-night refreshment (i.e., provision of hot food between 23h00 and 05h00) within West Berkshire. Businesses and individuals who want to carry out these licensable activities must apply, via the Public Protection Partnership, for permission to do so.

How we Developed our Draft Policy

The current SOLP was adopted after we consulted local licence holders, Thames Valley Police, the Royal Berkshire Fire and Rescue Service, national bodies that represent the trade, district and parish councillors, residents and colleagues across the Council including Legal Services, Planning, Environment Health, Trading Standards and Public Health in 2018.

In developing the draft SOLP, we have considered national and local policies and strategies, including the Licensing Act 2003, [the Section 182 Guidance](#) issued by the Secretary of State in August 2023, the [Equalities Act 2010](#), the [Licensing Act 2003 \(hearings\) Regulations 2005](#), Section 17 of the [Police and Crime Act 2017](#) and the [Human Rights Act 1998](#).

We also viewed it in the context of the then Council Strategy, which sought to make West Berkshire a great place to live, learn and do business, and the Public Protection Partnerships vision which is to protect and support residents and legitimate businesses through the successful use of information and intelligence, delivering safe and healthy neighbourhoods.

Through the process of developing and adopting the SOLP, we aim to facilitate a healthy economy that feels both safe and supported and provides opportunities for residents and visitors to enjoy a broad range of activities while improving the quality of life of residents and increases the attractiveness of the area to visitors.

The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Council will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.

What We Proposed

Our draft SOLP sets out the rules we will consider when granting and enforcing licences and lets businesses, organisations and personal licence holders know how we expect them to operate. It also informs our decisions at any Licensing Committees or Sub-Committees when deciding whether to issue, amend or revoke licences.

The core aim of our policy is to promote the four licensing objectives, as set out in the Licensing Act 2003. These are as follows:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from harm.

Our draft SOLP has been updated to reflect recent changes to the law and updated guidance on licensing. The key changes relate to:

- Agent of Change Principles.
- Amendments to Temporary Event Notices in line with legislative changes.
- Reference to current initiatives/ campaigns to safeguard customers in licensed premises.
- Updated delegations as agreed by the Committee on 8 November 2021.

Why We Wanted Your Views

We wanted your views on our draft SOLP, in particular if it is clear, easy to understand, promotes the four objectives of the Licensing Act 2003 and is relevant to West Berkshire.

We also wanted to know if you think that we are planning on taking the right action, and if there is anything we have missed. Our draft SOLP potentially affects everyone who operates a licensed premises, residents, other businesses, and public authorities in our district, we therefore want to make sure that the widest possible number of people are able to comment before it is finalised.

Who and How we Consulted

- The consultation ran from 12 July 2023 to 20 September 2023.
- It was also posted on the Council's Consultation Hub on the 12 July 2023 and on the PPP Website on the same day.
- A notification was also sent out to the 2,537 people on the Community Panel
- In accordance with the requirement set out in section 5(3) Licensing Act we consulted:
 - The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Persons or bodies representative of holders of local personal licences, premises licences and club premises certificates;
 - Persons or bodies representative of businesses and residents in its area.
- In addition we also wrote to elected members, parish and town councils, officers within the authority, the Health and Safety Executive, the Home Office and the organisations listed in Appendix A of the draft policy.
- A press release was issued on the 13th July 2023 and a notification was put out on social media on the day it was launched and subsequent reminders were issued to draw attention to the consultation.

What you Told Us

The Council received 47 responses to the consultation. Of those responses 44 were submitted via the consultation portal and three were sent directly to officers.

WBC Premise Licence Holder	7
WBC Personal Licence Holder	1
WBC Club Premises Certificate Holder	0
WBC DPS	0
The Owner of a Licensed Premises	1
WBC Council Officer/Team – please specify *	4 (Environmental Protection, Building Communities Team and two others)
Parish/Town Council or Councillor	6
West Berkshire Councillor	1

Public Sector Authority	2 (TVP Licensing and TVP)
West Berkshire Resident	20
West Berkshire Business	2
Community Group	1
General Public	1
Village Hall	1
Total	47

Q2: To what extent do you agree or disagree that the policy is easy to understand?

Twenty-eight responses were received to this question, 71.5% agreed or strongly agreed that the policy was easy to understand and only one respondent commented that it was not easy to understand. Comments received included that it was clear and concise and written in informal language. One respondent commented that it would be easier if there was a national policy as it was difficult to navigate different policies in different authorities.

Strongly Agree	6
Agree	14
Neither Agree or Disagree	7
Disagree	1
Strongly Disagree	0

Q3 and Q4: To what extent do you agree or disagree that the draft policy promotes the prevention of crime and disorder?

Twenty-five respondents answered this question. Sixty percent of the respondents believed the draft policy promoted the prevention of crime and disorder and two respondents disagreed with the statement. There were no specific comments submitted with suggestions to amend the policy. Those submitted related to general enforcement of crime and disorder and were not specifically related to licensing.

Strongly Agree	2
Agree	13
Neither Agree or Disagree	8
Disagree	2

Strongly Disagree	0
Don't Know	0

Q5 and Q6: To what extent do you agree or disagree that the draft policy promotes public safety?

Twenty-five responses to this question were submitted. Of those respondents 64% agreed that the policy promoted public safety, with one respondent disagreeing with the statement and one respondent strongly disagreeing with it. The only comment received stated that the policy would need to be supported by enforcement action.

Strongly Agree	2
Agree	14
Neither Agree or Disagree	7
Disagree	1
Strongly Disagree	1
Don't know	0

Q7 and Q8: To what extent do you agree or disagree that the draft policy promotes the prevention of public nuisance?

A total of 24 responses were received to this question. Of those respondents 67% agreed that the policy promoted the prevention of public nuisance. Three of the respondents disagreed with the statement. Those respondents that disagreed once again referred to the need for enforcement to take place and that it would be useful to be able to react quickly to anti-social behaviour (asb) and lock ins by being able to temporarily close establishments quickly where this asb was occurring.

Strongly Agree	3
Agree	13
Neither Agree or Disagree	5
Disagree	3
Strongly Disagree	0
Don't know	0

Q9 and Q10: To what extent do you agree or disagree that the draft policy protects children from harm?

Twenty-three of the respondents opted to answer this question. Seventy percent of them agreed that the draft policy protected children from harm. Two respondents disagreed or strongly disagreed with the fact that it protected children from harm. No specific suggestions were submitted to improve protection. The comments were of a more general nature around the need to safeguard children's welfare.

Strongly Agree	4
Agree	12
Neither Agree or Disagree	5
Disagree	1
Strongly Disagree	1
Don't know	0

Q11 and Q12: To what extent do you agree or disagree that the draft policy includes everything you think should be in such a policy?

One of the respondents suggested that the policy should include the expectations around Late Night Entertainment venues to include Door Staff with BWV and high viz uniform, the use of ID Scanners for entry to such venues. This should be from 22:00 for venues open beyond 01:00, providing recorded or live music.

Strongly Agree	2
Agree	12
Neither Agree or Disagree	6
Disagree	1
Strongly Disagree	0
Don't know	1

Q13 and Q14: Are there any specific impacts or alternatives that you think the council should consider?

Of the 22 responses to this question, 5 (23%) indicated that there were other impacts that should be considered. The other 17 (77%) stated that there were no further impacts that needed to be considered.

The comments included:

- stop pop up pubs on village greens and alcohol events on a village green.
- The policy does not indicate time scales for reasonable replies to communication regarding applications for licenses and how this should be escalated if not satisfactory.
- Not to let a sports pavilion on a recreation ground which is solely for football and sports, to be used as a public house premises.
- section 12.3 should state Environmental Health (Environmental Protection), section 12.7 should state Environmental Health (Environmental Protection) and section 12.4 line 1 should state "five".
- More stringent controls to who is licensed and also give licencees more power.

Q15: Do you have any other suggestions or comments to make?

We received 11 comments to this question including.

- The whole process needs to be speeded up.
- like I've said in the previous notes, sometimes things need to be explained in simple terms for people who have trouble with English, but I will 100% sure when explained in easier words that I understand. I know my job inside out and licensing, but struggle when companies use words that mean something much simpler.
- Make the process easy for applications of temporary licences for charity/small community events with a quick response to the issuing of the licence.
- I wonder if there is a way of weaving in a positive obligation to partake in 'locally run community safety schemes'.
- I do agree that it would be so helpful for many of the public safety campaigns that we run if there was an expectation rather than a hope that licensees will take part in the campaigns that we run. If there was any way of weaving that expectation in, I think it would contribute considerable to community and public safety.
- One of the respondents identified a few typographical, grammatical and stylistic comments for consideration for inclusion in the document.
- They also commented that 3.3 – is (in relation to plan scale) "however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application" correct? Clearly, there is a tension between the GOV.UK guidance ("Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres.") and the s182 Guidance ("Plans, for written and electronic applications, will not be required to be submitted in any particular scale, but they must be in a format which is "clear and legible in all material respects", i.e. they must be accessible and provides sufficient detail for the licensing authority to be able to determine the application, including the relative size of any features relevant to the application. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information."). Surely the

s.182 guidance trumps the GOV.UK version, so that there is no need for an applicant to agree an alternative plan scale in advance provided that the plans are clear and legible in all respects? 4

What We Are Proposing To Do

Following the consultation officers will consider any proposals for amending the draft policy. A summary of the responses received will be published on the PPP website. The responses and proposed amendments to the draft policy will be presented to the Licensing Committee at its next meeting on Monday, 6 November 2023 for discussion. A final version of the draft policy will be considered by elected Members at the Full Council meeting on Thursday, 30 November 2023.

Once our SOLP has been discussed and approved by Council it will be published on the Council's Strategies, Policies and Plans webpage (<https://www.westberks.gov.uk/policies>) as well as on the PPP website: <https://publicprotectionpartnership.org.uk/licensing/beer-and-entertainment/>

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<p>What is the proposed decision that you are asking the Council to make:</p>	<p>Licensing authorities are required by the Licensing Act 2003 to publish a statement of the principles that they will apply when exercising their functions under the Act.</p> <p>The statement must be reviewed and published on a regular basis (at least every five years), and any amendments must be consulted on before publication.</p> <p>The revised Draft Policy has recently been consulted on.</p> <p>The purpose of Licensing Policy is to ensure all licence applications received are treated fairly and in a consistent manner, provide advice and information for all about how the Council will enforce, administer and make decisions under the Licensing Act 2003 and support licensable activities for the wider benefit of the community.</p> <p>West Berkshire Council must, as the Licensing Authority, have regard to the licensing objectives as set out in section 1 of the Act. These are; 1. The prevention of crime and disorder 2. Public safety 3. The prevention of public nuisance 4. The protection of children from harm</p> <p>Council is being asked to consider the comments received during the consultation on the Statement of Licensing Policy and then to adopt the policy with or without further modifications.</p>
<p>Summary of relevant legislation:</p>	<p>In addition to the Licensing Act requirements as set out above the Council must also have regard to the following legislative requirements:</p> <p>The policy must be considered alongside the current revised Section 182 guidance issued in August 2023;</p> <p>This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005.</p> <p>In addition to the Council's enforcement policy, the Licensing Authority will also have</p>

	<p>regard to the Regulators' Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code for Crown Prosecutors and Attorney General Guidelines.</p> <p>The policy directly mentions issues of equality in sections 1.10 and 1.11</p>
Does the proposed decision conflict with any of the Council's key strategy priorities?	No. It is noted that there is often an overlap between planning and licensing applications, but each are dealt with as distinct entities governed by distinct policies.
Name of assessor:	Julia O'Brien
Date of assessment:	06 November 2023

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The main purpose of this policy is to provide clarity to applicants, Responsible Authorities, Councillors and other persons on how the Council will determine applications made under the Licensing Act 2003. It will also inform Councillors of the parameters within which licensing decisions can be made
Objectives:	<p>The Licensing Policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of town centres as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.</p> <p>The policy also seeks to support a community in which diversity is encouraged and the Council will therefore expect all applicants to take steps to ensure that no person is treated differently on the grounds of any of the protected characteristics.</p>

Outcomes:	All parties involved in the application process will have clarity about the process and the requirements expected of them.
Benefits:	Improved decision making, a smoother application process, reduced risk of challenge to decisions made.

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Age is mentioned throughout the document with regards to the sale of alcohol to children. Protecting children from being harmed by alcohol is a key objective of the policy.	
Disability	The Licensing Policy requires that new premises comply with legislation and guidance with regards to access issues. Existing premises are encouraged to ensure access for disabled people to all parts of the premises.	See paragraph 3.5
Gender Reassignment	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4
Marriage and Civil Partnership	Not specifically addressed	

Pregnancy and Maternity	Not specifically addressed	
Race	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4
Religion or Belief	Not specifically addressed	
Sex	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 (requires applicants to demonstrate that they have procedures for dealing with harassment, discrimination and inappropriate behaviour;) and 6.4 (procedures to ensure the safety of women and vulnerable persons)
Sexual Orientation	Hate crime and harassment based on gender, sex or sexuality remains an issue, particularly in premises where alcohol is being consumed. As a condition of licence, many premises, are required to have suitable trained door staff. However, more could be done proactively to support victims in these premises, ensuring that the licensed premises are safe places for all.	See paragraph 5.3 and 6.4

Further Comments relating to the item:	
<p>The consultation was undertaken in accordance with the Council's Consultation Policy.</p> <p>We did not receive any comments relating specifically to the protected characteristics. One of the respondents did however comment on the need to ensure that the policy is written in plain and simple English wherever possible to assist dyslexic readers and for readers whose first language is not English.</p> <p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p> <p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>	

3. Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
<p>The Council is not in a position where it can proactively affect the profile of licence holders but the policy ensures that the process of obtaining a licence is fair and free of discrimination.</p>	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	
<p>The policy does not give any particular group priority over another in relation to implementation of the policy and how each applicant is dealt with. The Act requires that each application is assessed on its individual merits so all groups should be treated equally.</p>	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	N.a
Timescale for Stage Two assessment:	N.a

Error! No text of specified style in document.

Name: Julia O'Brien

Date: 06/11/2023

.

This page is intentionally left blank

Delivery of Public Health functions in West Berkshire

Committee considering report:	Council
Date of Committee:	30 November 2023
Portfolio Member:	Councillor Janine Lewis
Date Portfolio Member agreed report:	17 November 2023
Report Author:	Paul Coe
Forward Plan Ref:	(C4475)

1 Purpose of the Report

- 1.1 This report is to set out the proposed future high-level structure of the Public Health (PH) team in West Berkshire, following a recent review by the Local Government Association. It does not seek to finalise the team-level structure, which will be articulated once the high-level position has been agreed and progressed.
- 1.2 The report has been developed in conjunction with Reading Borough Council (RBC).
- 1.3 The recommendation will ensure that West Berkshire Council meets the requirements relating to the role of Director of Public Health (DPH) as set out in the Local Government and Housing Act 1989, the National Health Service Act 2006 (as amended), the Health and Social Care Act 2012, and related regulations.

2 Recommendation(s)

- 2.1 It is recommended that the high-level structure set out at Appendix A is implemented at the earliest available opportunity.
- 2.2 Under this recommendation:
 - a) Council is asked to approve the recruitment of a DPH.
 - b) The DPH post will be hosted by Reading Borough Council and jointly funded by West Berkshire Council.
 - c) The DPH will oversee the delivery of public health functions in both Reading and West Berkshire.
 - d) The DPH will be a member of the Corporate Leadership Team in both local authorities.

Delivery of Public Health functions in West Berkshire

- e) Two PH teams will be formed – one in Reading Borough Council and one in West Berkshire Council (WBC). There will be no shared Team. Selected posts will transfer to respective local authorities; these posts will be identified once the key principles have been agreed.
- f) Those teams will have formal line management under the shared DPH.
- g) A 'dotted line' will run between key posts, indicating regular discussion to agree actions through consensus and negotiation.
- h) The RBC and WBC PH teams will formalise arrangements to share best practice, work collaboratively on shared agendas, share information and intelligence, etc. This will be captured in a Service Level Agreement. Those teams will also explore similar opportunities for shared work across Berkshire and potentially with other authorities. In West Berkshire, this will also include the establishment of a Public Health Board.
- i) Further work will be required to agree the structure at team level.
- j) Further work will be required to carry forward the wider recommendations in the LGA Report.
- k) Targeted consultation with directly affected staff and Trades Unions will be undertaken if required.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>All costs will be managed through the use of the Public Health Grant.</p> <p>The movement of posts/ contracts from the Shared Team increases both the costs and income for the council in equal measure.</p> <p>Neighbouring authorities have advertised DPH roles at around £107-£122k per annum). This would then be subject to on-costs (e.g. Pension/NI).</p> <p>Reading and West Berkshire Councils will need to offer a competitive salary.</p> <p>The costs of the post will be shared equally with Reading Borough Council.</p>

Human Resource:	<p>There is impact on WBC PH staff relating to their place within the corporate structure.</p> <p>Certain posts currently in the Shared Team are likely to transfer to WBC under TUPE arrangements. These posts will be confirmed once principles have been established.</p>			
Legal:	<p>Any shared post will require a legal agreement to support that role being undertaken, and to ensure that the cost of the post and the requirements of that post are fully stipulated.</p> <p>The legal agreement will also need to ensure that adequate controls are in place regarding the PH Grant, which will be managed by the DPH on behalf of West Berkshire Council.</p> <p>Any arrangements for work to be shared across teams will also require further legal agreements to formalise those working arrangements.</p>			
Risk Management:	<p>It is understood that there are risks associated with being part of a shared service, hosted in another Local Authority. Those risks will be mitigated by the development of formal agreements between the Local Authorities.</p>			
Property:	<p>Under the recommended option, a small number of staff will be transferred to WBC. These staff can easily be accommodated within Timelord 2 principles.</p>			
Policy:				
	Positive	Neutral	Negative	Commentary
Equalities Impact:	X			<p>Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.</p>

Delivery of Public Health functions in West Berkshire

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?	X			Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?	X			Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.
Environmental Impact:		X		
Health Impact:	X			Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:	X			Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.
Core Business:	X			Proposed changes to the delivery of PH functions should improve the experience of those with additional health needs.
Data Impact:		X		

Consultation and Engagement:	<p>This report has been developed in collaboration with representatives from RBC, the Shared PH Team and the Interim DPH. Advice has also been received from colleagues in Human Resources.</p> <p>Input has also been received from colleagues working on the equivalent challenge in the east of Berkshire.</p>
-------------------------------------	---

4 Executive Summary

- 4.1 In June 2023, a report was received following a Local Government Association (LGA) Decision-Making Accountability (DMA) Review. The review covered the Public Health teams and structures working across the six local authorities in Berkshire.
- 4.2 Following consideration of the findings, the Chief Executives of RBC and WBC took the view that a shared DPH across the two authorities would be proportionate and affordable, based on the size and needs of the respective populations.
- 4.3 A Task and Finish Group then convened to identify options and recommendations for Reading and West Berkshire. The work of that group has led to the development of this report.
- 4.4 The core recommendation is for a PH team in RBC, a PH team in WBC, the dissolution of the shared team, development of joint-working protocols/ Service Level Agreement, and oversight from a single DPH hosted by RBC.
- 4.5 The recommendation is based on the belief that this approach will support the appropriate focus on local challenges and resources, linked to the differing needs of local populations. It will also ensure that the voice of public health can be heard loudly within each authority. It will also ensure compliance with the relevant legal framework. It will support leadership based on public health principles to the benefit of both local authorities and the populations they serve.
- 4.6 The Office for Health Improvement and Disparities have indicated they are supportive of the plans set out by West Berkshire and Reading.

5 Supporting Information

- 5.1 Prior to the LGA review, the DPH role was shared by West Berkshire, Reading and Wokingham councils.
- 5.2 It should be noted that the following arrangements are forming across Berkshire:
 - a) Slough Borough Council has established a dedicated DPH role.
 - b) Wokingham Borough Council has established a dedicated DPH role.
 - c) Bracknell and the Royal Borough of Windsor and Maidenhead have established a joint DPH role.

- 5.3 It is recognised that there are differences in the public health needs of Reading and West Berkshire. There are differences in geography and demographics, and these elements feed through into the public health impacts and requirements of the respective populations. However, there are shared concerns and issues, as well as an established history of joint working and shared arrangements.

6 Other options considered

- 6.1 WBC could recruit a DPH without partnering with another Local Authority. This is thought to make the role less appealing to prospective candidates and is unhelpful given the shortage of appropriately qualified candidates. It also increases costs and reduces opportunities for taking action at scale.
- 6.2 WBC could partner with a different Local Authority. Decisions made by other Berkshire Unitary Authorities mean that RBC is the most appropriate neighbour. While there are differences between West Berkshire and Reading in terms of geography and demographics, RBC remains the most appropriate partner in this endeavour.
- 6.3 Failure to recruit a DPH would lead to legal breaches and negative impacts on the health of the local population.

7 Conclusion

- 7.1 The LGA Review was clear that changes to the delivery of Public Health functions in Berkshire were needed.
- 7.2 Neighbouring authorities set out their own plans in response to that Review, which also necessitated change.
- 7.3 The proposed changes, beginning with the appointment of a shared DPH in Reading and West Berkshire will lay the foundations to meet the future requirements in both local authority areas.

8 Appendices

- 8.1 Appendix A – Proposed High Level Structure
- 8.2 Appendix B - Equalities Impact Assessment

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval



Delivery of Public Health functions in West Berkshire

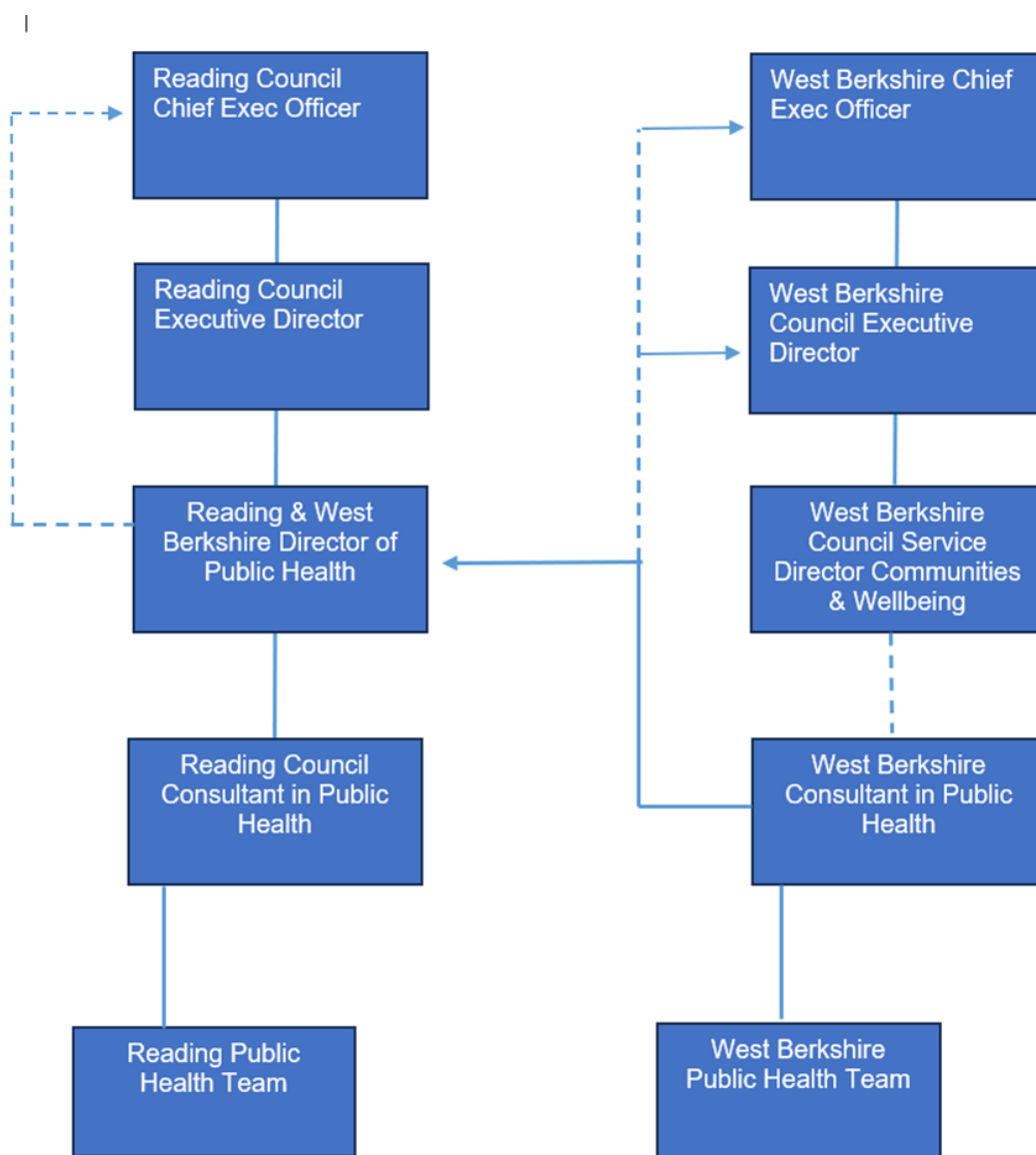
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Paul Coe
Job Title: Executive Director People
Tel No: 01635 503386
E-mail: paul.coe@westberks.gov.uk

Appendix A



Appendix B

Equality Impact Assessment (EqIA) - Stage One

What is the proposed decision that you are asking the Executive to make:	To agree a staffing structure for the delivery of Public Health functions.
Summary of relevant legislation:	Local Government and Housing Act 1989 National Health Service Act 2006 (as amended) the Health and Social Care Act 2012 and related regulations
Does the proposed decision conflict with any of the Council's priorities for improvement? <ul style="list-style-type: none"> • Ensure our vulnerable children and adults achieve better outcomes • Support everyone to reach their full potential • Support businesses to start develop and thrive in West Berkshire • Develop local infrastructure including housing to support and grow the local economy Maintain a green district • Ensure sustainable services through innovation and partnerships 	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name of Budget Holder:	April Peberdy
Name of Service/Directorate:	People/ Communities and Wellbeing
Name of assessor:	Paul Coe
Date of assessment:	7 Oct 2023
Version and release date (if applicable):	

Is this a ?		Is this policy, strategy, function or service ... ?	
Policy	Yes <input type="checkbox"/> No <input type="checkbox"/>	New or proposed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Strategy	Yes <input type="checkbox"/> No <input type="checkbox"/>	Already exists and is being reviewed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Function	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is changing	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Service	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

(1) What are the main aims, objectives and intended outcomes of the proposed

decision and who is likely to benefit from it?	
Aims:	To improve the delivery of Public Health functions in West Berkshire
Objectives:	To establish a new staffing structure To deliver the recommendations of the LGA Review
Outcomes:	A new structure Agreed protocols with Reading Borough Council and other neighbouring authorities as required A functioning Public Health Board monitoring the use and effectiveness of the Public Health Grant
Benefits:	A healthier local population Robust and credible monitoring of financial processes

(2) Which groups might be affected and how? Is it positively or negatively and what sources of information have been used to determine this?		
Group Affected	What might be the effect?	Information to support this
Age	Positive effect through better public health interventions	
Disability	Positive effect through better public health interventions	
Gender Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity	Positive effect through better public health interventions	
Race		
Religion or Belief		
Sex		
Sexual Orientation		
Further Comments:		

(3) Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The work of the Public Health team seeks to reduce Health inequalities and provide equitable benefits to the whole population in West Berkshire. A fit-for-purpose structure will support that work.	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The work of the Public Health team seeks to reduce Health inequalities and provide equitable benefits to the whole population in West Berkshire. A fit-for-purpose structure will support that work.	
(4) Identify next steps as appropriate:	
EqlA Stage 2 required	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Owner of EqlA Stage Two:	
Timescale for EqlA Stage Two:	

Name: Paul Coe

Date: 7 Oct 2023

This page is intentionally left blank

Update on the Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year

Committee considering report:	Council
Date of Committee:	30 November 2023
Portfolio Member:	Councillor Lee Dillon
Date Portfolio Member agreed report:	22 November 2023
Report Author:	Sarah Clarke
Forward Plan Ref:	C4477

1 Purpose of the Report

- 1.1 At the Annual Meeting of Council which took place on the 25th May 2023, Council considered and approved a report detailing the allocation and appointment of seats on Committees.
- 1.2 The Council has a duty under section 15 of the Local Government Housing Act 1989, to review the allocation of seats as soon as practicable following any change to the groups. Following a change in the membership of one of the political groups, this report proposes a number of minor changes to the allocation of seats and appointments to Committees.

2 Recommendations

- 2.1 That the Council notes that under paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has been received that the Members set out in paragraph 5.2 are to be regarded as Members of the Liberal Democrat, Conservative, and Green Groups respectively.
- 2.2 That the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989, as set out in Table A at paragraph 5.8 of the report.
- 2.3 That the Council approves the changes to the membership of Committees detailed in Appendix A to this report.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	No new implications arising from this report. Members Allowances are met from within existing budgets in accordance with the proposals agreed by Council			
Human Resource:	None			
Legal:	The allocation of seats to the Political Groups is in accordance with section 15(5) of the Local Government Act 1989 and related regulations mentioned in the report.			
Risk Management:	None			
Property:	None			
Policy:	The appointments and allocations will be made in accordance with the Council's statutory obligations.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:		X		
Core Business:		X		
Data Impact:		X		
Consultation and Engagement:	Relevant Members have been consulted.			

4 Executive Summary

- 4.1 This report sets out the Membership of the Political Groups following a recent change to the membership of the Liberal Democrat Group. As a result of that change, the Council is required under the provisions of the Local Government Housing Act 1989 to review the allocation of seats to different groups.
- 4.2 The Council is required to appoint Committees and other Member bodies that are not part of the Executive.
- 4.3 The report proposes some minor changes to the allocation of seats on Committees to the different political groups, and proposes a number of changes to the Membership of Committees.

5 Supporting Information

- 5.1 This report sets out the Membership of the Political Groups and the proposed allocation of Committee seats to the different Groups.

Political Groups

- 5.2 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Members have given notice of their wish to be regarded as Members of the Political Groups set out below.

Liberal Democrat	Conservative	Green
Antony Amirtharaj	Dennis Benneyworth	Carolyne Culver (Green)
Phil Barnett	Dominic Boeck	David Marsh (Green)
Jeff Brooks	Paul Dick	
Nick Carter	Clive Hooker	
Patrick Clark	Paul Kander	
Heather Codling	Jane Langford	
Martin Colston	Ross Mackinnon	
Jeremy Cottam	Biji Oloko	
Iain Cottingham	Richard Somner	
Laura Coyle	Jo Stewart	
Lee Dillon	Howard Woollaston	
Billy Drummond		
Nigel Foot		
Denise Gaines		
Stuart Gourley		
Owen Jeffery		
Janine Lewis		
Alan Macro		
Geoffrey Mayes		
Erik Pattenden		
Justin Pemberton		
Vicky Poole		
Chris Read		
Matthew Shakespeare		
Stephanie Steevenson		
Louise Sturgess		
Martha Vickers		
Tony Vickers		

- 5.3 It is proposed at recommendation 2.1, that the Council notes that under Paragraph 8 of the Local Government (Committees and Political Groups) Regulations 1990, notice has

been received that the Members set out in Paragraph 5.2 are to be regarded as Members of the Liberal Democrat, Conservative and Green Groups respectively.

- 5.4 There are two further Members of Council, namely Adrian Abbs (Independent) and Clive Taylor (Labour).
- 5.5 The Council is required to appoint Committees and other Member bodies that are not part of the Executive. Membership of the Council’s Committees is agreed annually at the May Council meeting and must be reviewed as soon as practicable following a change in membership of the Groups.

Allocation of Seats

- 5.6 The political balance of the Council currently stands as follows:

	Number of Members No.	Political Composition %
Liberal Democrat Group	28	65.12%
Conservative Group	11	25.58%
Green Group	2	4.65%
Others	2	4.65%
	4	100

- 5.7 In allocating seats on Committees, the Council must give effect to the requirements for political balance on Committees as prescribed by section 15 of the Local Government and Housing Act 1989. These requirements apply only to voting members of the Committee.
- 5.8 This section creates a sequential test that must be adhered to when allocating seats to the Committees of Council, which provides as follows:
 - (1) Not all seats on any Committee are to be allocated to the same political group.
 - (2) The majority of seats on any Committee must be allocated to the majority group.
 - (3) Subject to the satisfaction of the above statutory criteria, the total number of seats on ordinary Committees must be allocated to political groups in the same proportion as their representation on the Council.
 - (4) Subject to all the above, the number of seats on each Committee must be the same proportion as the political group’s representation on full Council.

Having regard to the above, it is proposed that the seats on Committees should be allocated as follows:

Table A					
Committee	Total Number of Seats	Liberal Democrat Group	Conservative Group	Green Group	Others
Scrutiny Commission	9	5	3	1	0
Health Scrutiny Committee	5	4	1	0	0
Licensing Committee	12	7	3	0	2
District Planning Committee	11	8	2	1	0
Eastern Area Planning Committee	9	5	3	0	1
Western Area Planning Committee	9	5	3	1	0
Personnel Committee	5	4	1	0	0
Appeals Panel	12	9	3	0	0
Governance Committee	9	6	2	1	0
<i>Number of committee seats based on % of Council</i>		<i>52.77</i>	<i>20.73</i>	<i>3.77</i>	<i>3.77</i>
Number of Seats Allocated	81	53	21	4	3
<i>Percentage of Seats on Council</i>		<i>65.12%</i>	<i>25.58%</i>	<i>4.65%</i>	<i>4.65%</i>
Percentage of Seats Allocated	100%	65.43%	25.9%	4.95%	3.7%

5.9 It is recommended (at 2.2) that the Council agrees to the allocation of seats to the Political Groups in accordance with section 15(5) of the Local Government Act 1989 as set out in Table A above.

Substitutes

5.10 The Council is also required to determine the number of substitute Members that may be appointed in respect of each Committee, and this was determined by Council in May 2023.

5.11 This report proposes no changes to the substitutes for each Committee.

Appointment to Committees

5.12 Appendix A is a list of proposed changes to the membership of Committees.

5.13 It is proposed that the Council approves the appointment of Members to the Committees as set out in Appendix A, which are in accordance with the wishes of the Political Groups.

Proposals

5.14 As detailed in this report, in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, 28 Members wish to be regarded as members of the Liberal Democrat Group, 11 Members wish to be regarded as members of the Conservative Group, and 2 Members wish to be regarded as members of the Green Party Group. In addition, there are two Members who are not members of a Group.

5.15 Members, and where appropriate substitutes, will be appointed to 8 Committees totalling 81 seats. In this case 53 of these seats will be allocated to Liberal Democrat Members, 21 to Conservative Members, and 4 to Green Members. Two Members are not members of a Political Group for the purposes of section 15 of the Local Government and Housing Act 1989, but it is nevertheless proposed to allocate 3 seats to these Members.

5.16 It is proposed that the appointments to Committees are made in accordance with the wishes of the Political Groups and as set out in this report.

6 Other options considered

6.1 None as the Council is required to consider and review membership of committees on an annual basis and following a change to the membership of Political Groups.

7 Conclusion

7.1 Members are asked to agree the updated allocation of seats on the Committees for the 2023/24 Municipal Year as detailed at Table A, and to approve the changes to membership of Committees as detailed in Appendix A.

8 Appendices

8.1 Appendix A – Proposed changes to membership of Committees (to follow)

Background Papers:

Report for the 'Appointment of and Allocation of Seats on Committees for the 2023/24 Municipal Year' that considered at the meeting of Council on the 25th May 2023:
<https://decisionmaking.westberks.gov.uk/documents/s113285/FINAL%20-%20Allocations%20Report%202023%202024.pdf>

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Scrutiny Commission or associated Committees, Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Officer details:

Name: Sarah Clarke
Job Title: Service Director, Strategy & Governance
Tel No: 01635 519045
E-mail: sarah.clarke@Westberks.gov.uk

Appendix A – Changes to Committees (To Follow)

This page is intentionally left blank

Council – 30 November 2023

Item 19 – Member Questions

To Follow

This page is intentionally left blank