

Notice of Meeting



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Licensing Committee

Monday, 6th November, 2023 at 4.30 pm
in Council Chamber Council Offices
Market Street Newbury

This meeting will be streamed live here: [Link to Licensing Committee broadcasts.](#)
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Date of despatch of Agenda: Friday, 27 October 2023

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Ben Ryan (Democratic Services Officer) on (01635) 503929
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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: Councillors Phil Barnett (Chairman), Paul Dick (Vice-Chairman), Nick Carter, Billy Drummond, Nigel Foot, Owen Jeffery, Paul Kander, Jane Langford, Stephanie Steevenson, Louise Sturgess, Clive Taylor and Martha Vickers

Agenda

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1. Apologies To receive apologies for inability to attend the meeting (if any).	5 - 6
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 10 July 2023.	7 - 10
3. 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 .	11 - 12
4. Statement of Licensing Policy - Review and Consultation <i>Purpose: To set out the draft policy and consultation responses for discussion prior to recommending the document to Council for approval.</i>	13 - 86
5. Licensing Fees and Charges 2024/25 Report <i>Purpose: To consider the proposals for the statutory consultation associated with the fees and charges for private hire operator, and hackney carriage and private hire vehicle licence fees and to note the remainder of the fees and charges for the Public Protection Partnership.</i>	87 - 114
6. Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group <i>Purpose: To provide the Committee with an update and raise any issues emanating from the most recent Liaison Group meeting.</i>	115 - 120



Sarah Clarke
Service Director – Strategy and Governance



If you require this information in a different format or translation, please contact Ben Ryan (Democratic Services Officer) on telephone (01635) 503973.



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Licensing Committee –06 November 2023

Item 1 – Apologies for absence

Verbal Item

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DRAFT

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 10 JULY 2023

Councillors Present: Phil Barnett (Chairman), Billy Drummond, Nigel Foot, Owen Jeffery, Paul Kander, Jane Langford, Louise Sturgess, Clive Taylor and Martha Vickers

Also Present: Ann Collins (Trainee Regulatory Services Officer), Moira Fraser (Principal Officer - Policy & Governance), Sean Murphy (Public Protection Manager), Vikki Rigden (Lead Applications Officer), Benjamin Ryan (Clerk), Beth Varcoe (Principal Lawyer-Regulatory & Litigation) and Amanda Ward (Licensing Officer)

Apologies for inability to attend the meeting: Councillor Paul Dick

Councillor(s) Absent: Councillor Nick Carter and Councillor Stephanie Steevenson

PART I

3. Minutes

The Minutes of the meetings held on 23 January and 25 May 2023 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

The Committee declared an interest in all Agenda Items, as they would use the services discussed within the applications and reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

Councillor Louise Sturgess declared an interest in all Agenda Items, as her partner held a personal license and reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

5. Statement of Licensing Policy - Review and Consultation

[Item began 8 minutes and 20 seconds into the recording.](#)

The Committee considered a report (Agenda Item 4) concerning the Statement of Licensing Policy Review and Consultation. Ms Moira Fraser introduced the report.

Councillor Sturgess enquired whether we could encourage responses from consultees even if it was a null response and Ms Fraser stated that you could not force a response, however they could encourage it within the email even if it's a non-response.

Councillor Martha Vickers proposed the recommendations within the report, which was seconded by Councillor Billy Drummond. The proposal was put to a vote and was carried.

RESOLVED that there will be consultation on the draft Licensing Policy as produced at Appendix A to the report.

6. West Berkshire Council Licensing Annual Report 2022/23

LICENSING COMMITTEE - 10 JULY 2023 - MINUTES

[Item began 15 minutes and 22 seconds into the recording.](#)

The Committee considered a report (Agenda Item 5) concerning the West Berkshire Council Licensing Annual Report and Consultation. Ms Fraser and Mr Sean Murphy introduced the report.

Councillor Vickers questioned whether the reduction in taxi drivers was due to the decrease in either supply of drivers or the demand of taxis. Mr Murphy explained that he was not sure, however this was a national trend, that there was no issue with the lack of taxis and that some drivers during COVID-19 did go into other, more sustainable, forms of employment.

The Chairman queried whether there were issues with wait times for taxis and Mr Murphy replied that West Berkshire Council (The Council) could conduct a survey on the matter.

Councillor Jane Langford enquired whether the loss of experienced staff impacted the speed of processing license applications and Ms Vikki Rigden answered that most applications were still processed within the set time frame.

Councillor Drummond asked what the staff turnover was like for the Licensing team and Mr Murphy explained that it was not a problem, however hiring enforcement officers was problematic and it was difficult to find those with the correct qualifications.

Councillor Vickers believed that the anti-idling measures should remain in place and Mr Murphy confirmed that there were still initiatives in place with an emphasis on wider public engagement.

Councillor Clive Taylor wanted clarification on the increasing numbers of licenses and Ms Rigden explained that personal licenses were life-long hence the increasing number as this was a cumulative total.

Councillor Vickers asked what a dermal license included, and Ms Amanda Ward explained that this included those who wanted to carry out, electrolysis, tattoos, and acupuncture, as examples.

The report was to note only so the Committee **RESOLVED** to note the report.

7. **Hackney Carriage Tariffs 2023 - Update**

[Item 6 began 38 minutes into the recording.](#)

The Committee considered a report (Agenda Item 5) concerning the Hackney Carriage Tariff 2023 Update. Ms Fraser introduced the report.

Councillor Vickers enquired whether taxis could turn down a disabled individual and Mr Murphy stated that it was a crime to do so if the taxi had the capacity to do so, as well as that newer taxis had to be able to take a wheelchair. Taxi drivers were also required to undertake training on the carriage of disabled passengers.

Councillor Vickers questioned whether any mystery shopping had been undertaken and Mr Murphy explained that this had not been done yet, but he would get back to the Committee with the results once this was done.

The Chairman raised the point that there were varying sizes of wheelchairs and all of them should be accommodated for.

Councillor Vickers asked whether the Licensing Team had considered raising the fouling charge. Mr Murphy expressed that the Licensing team were looking at a fee system that scaled with the fare banding. Ms Fraser added that not only did the fares higher

LICENSING COMMITTEE - 10 JULY 2023 - MINUTES

during tariff 2 and 3 times but it was also more difficult to get the vehicles cleaned later at night and during the holiday periods covered by these tariffs.

Councillor Vickers asked for clarification on one of the objector comments in regard to electric vehicles (EVs) and Mr Murphy explained that he was unsure what the comments were about but mentioned that the Councils was looking to encourage the use of EVs.

Councillor Nigel Foot asked how the waived fees for EVs would work financially. Ms Fraser explained that the fee was subsidised by West Berkshire Council. The proposal was to keep the subsidy in place for three years but it would be subjected to an annual review.

The Committee noted the report.

8. Update on the National Register of Taxi Licence Revocation, Refusals and Suspensions

The Committee considered a report (Agenda Item 6) concerning the Update on the National Register of Taxi Licence Revocation, Refusals and Suspensions. Ms Moira Fraser introduced the report which set out the procedure that would be adopted for placing names on the register and for dealing with requests for information placed on the register

The Committee noted the report.

9. Forward Plan

Ms Fraser explained that a report from the community alcohol partnership would be heading to the November meeting.

Councillor Vickers asked what the Community Alcohol Partnership was and Ms Fraser explained that it was a scheme where the Council worked with Thames Valley Police and that she would send some literature on the partnership to members.

Councillor Owen Jefferey joined the meeting.

The Chairman asked whether the Committee still preferred to meet at 16:30 and this was still seen as the best starting time.

(The meeting commenced at 4.35 pm and closed at 5.45 pm)

CHAIRMAN

Date of Signature

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Licensing Committee – 06 November 2023

Item 3 – Declarations of Interest

Verbal Item

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Statement of Licensing Policy – Review and Consultation

Committee considering report:	Council
Date of Committee:	Licensing Committee – 06 November 2023 Council 30 November 2023
Portfolio Member:	Councillor Lee Dillon
Date Head of Service agreed report:	27 th October 2023
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 provide the Licensing Committee with an opportunity to consider the comments received during the consultation and any ensuing modifications that have been made to the draft policy.
- 1.2 To consider any options for amending the draft policy prior to recommending it to full Council for approval.

2 Recommendations

The Committee to:

- 2.1 **NOTE** the consultation responses
- 2.2 **RESOLVE** to approve proposed amendments to the draft policy with or without modification.
- 2.3 **RECOMMEND** the draft policy, with or without modifications, to full Council for approval.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	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.

Statement of Licensing Policy – Review and Consultation

	<p>The fees with respect to these licences are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced. This decline in income has been highlighted through the budget setting process for the Public Protection Partnership.</p>
<p>Human Resource:</p>	<p>There are no specific personnel implications arising from this report.</p>
<p>Legal:</p>	<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>
<p>Risk Management:</p>	<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>
<p>Property:</p>	<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.</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 this meeting.

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

Statement of Licensing Policy – Review and Consultation

- 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.

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 from investigating nuisance to under age 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 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 Councils complaints procedure if escalation through service management structures does not resolve any issues. These standards would not be included in the policy.

4.16 The management of premise related ASB is considered through the licensing process and premise related ASB can be addressed through the review process.

5 Proposals

5.1 The Licensing Committee is asked to consider the responses received, the proposed amendments to the draft policy and any additional modifications they wish to make to the draft policy.

5.2 The Licensing Committee is asked to recommend the draft policy to Full Council on the 30th November 2023 for adoption subject to any further modifications proposed at that meeting.

6 Other Options Considered

6.1 To comply with the Licensing Act 2003 a Statement of Licensing Policy must be published so there is no alternative.

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. 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 (with comments and amendments)

8.2 Appendix B – Outcome of the Consultation

8.3 Appendix C - Draft Statement of Licensing Policy (clean Version)

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

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:

Statement of Licensing Policy – Review and Consultation

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Draft Statement of Licensing Policy

Licensing Act 2003 (Post Consultation Version)

DRAFT



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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 legislation 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 will give due regard to the prevention of discrimination and promotion of equality of opportunity.
- 1.11 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.
- 1.12 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.
- 1.13 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 be focussed 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 to scale and contain the relevant information as required under regulation. By preference the Council would like the plans should 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 provided this is approved prior to submitting the application.
- 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 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.
- 3.6 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.
- 3.7 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.
- 3.8 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 and inappropriate behaviour;
- 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.

6.36.4 Applicants ~~may wish to~~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).

6-46.5 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 event and 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 Licencing Act 2003. The Licensing Authority will set up hearing s to determine whether to suspend or revoke the personal licence in accordance with the legislation.

13.4

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.

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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](#)

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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 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. Valid for an indefinite period unless revoked or surrendered.
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.

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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 developing the SOLP, we've 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 have also viewed it in the context of the Council's Strategy, which seeks 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'd like 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 want to know if you think that we're planning on taking the right action, and if there is anything we've 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 number of reminder were put out on social media on the day it was launched and subsequent reminders 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/>

Draft Statement of Licensing Policy

Licensing Act 2003 (Post Consultation Version)

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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 legislation 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 will give due regard to the prevention of discrimination and promotion of equality of opportunity.
- 1.11 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.
- 1.12 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.
- 1.13 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 be focussed 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 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.
- 3.6 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.
- 3.7 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.
- 3.8 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 and inappropriate behaviour;
- 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 event and 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 Licencing 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.

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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](#)

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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 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. Valid for an indefinite period unless revoked or surrendered.
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	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: <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.
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

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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
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Licensing Fees and Charges 2024/25 Report

Committee considering report:	Licensing Committee
Date of Committee:	06 November 2023
Portfolio Member:	Councillor Lee Dillon
Date Head of Service agreed report:	02 October 2023
Date Portfolio Member agreed report:	02 October 2023
Report Author:	Moira Fraser
Forward Plan Ref:	JPPC4252

1 Purpose of the Report

- 1.1 To note the Public Protection Partnership's Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 02 October 2023 as each partner Council is required to review the fees and charges on an annual basis. **Appendix A** details the fees and charges for 2024/25 proposed for the Public Protection Service.
- 1.2 To consider the proposals for the statutory consultation associated with the fees and charges for private hire operator, and hackney carriage and private hire vehicle licence fees.

2 Recommendations

The Licensing Committee:

- 2.1 **NOTES** the 2024/25 fees and charges detailed in Appendix A
- 2.2 **AGREES** that the fees for Private Hire Operators and Hackney Carriage and Private Hire Vehicle licence fees are subjected to the statutory consultation period as described in [paragraph 4.12](#).
- 2.3 **NOTES** that statutory licensing fees have not increased since circa 2011 and **AGREES** that the Chairman of the Licensing Committee should write to Central Government to request that the statutory fees be revisited.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.</p> <p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit.</p>
<p>Human Resource:</p>	<p>There are no HR implications associated with the production of this report.</p>
<p>Legal:</p>	<p>Fees for drivers licences</p> <p>s.53 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so."</p> <p>Section 53 above therefore limits the cost of a driver's licence to the council's administration costs associated with the "...the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...".</p> <p>Fees for vehicle and operators' licences</p> <p>s.70 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <ul style="list-style-type: none"> (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and

	<p>(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.”</p> <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with “...control and supervision of hackney carriages and private hire vehicles.”</p>			
Risk Management:	The fees are potentially subject to legal challenge. It is therefore important the fees and methodology are subject to ongoing review.			
Property:	None			
Policy:	<p>The Joint Public Protection Committee is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges.</p> <p>It is not the role of the Licensing Committee to set the fees for 2024/25. The Committee is being asked to consider the fees prior to them being considered by Executive and Council. The Committee may amend the proposals and put forward alternative fees for consideration. The fees, with the exception of the private hire operator, and hackney carriage and private hire vehicle licence fees would be subject to the Council's budget consultation process. The private hire operator, and hackney carriage and private hire vehicle licence fees have a separate statutory consultation process that must be adhered to.</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				

<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		X		<p>There are no implications arising from the recommendation in this report.</p>
<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		X		<p>There are no implications arising from the recommendation in this report.</p>
<p>Environmental Impact:</p>	X			<p>The service plays a significant role in the protection of the environment including air quality, land contamination, planning considerations and enforcement of green energy claims. The setting of fees on a cost recovery basis will help to maintain capacity in this area.</p> <p>The Council has previously agreed to the introduction of a subsidy for hybrid and electric hackney carriage and private hire vehicles.</p>
<p>Health Impact:</p>	X			<p>A significant number of the Partnership's Service Priorities relate to protecting and improving health. These included food safety and standards, health and safety, talking fraud, air quality and private sector housing. The setting of fees on a cost recovery basis should continue to have a positive impact on the health of residents and visitors to West Berkshire.</p>
<p>ICT Impact:</p>		X		<p>There are no implications arising from the recommendation in this report.</p>

Digital Services Impact:		X		The consultation will be published on the Council's website and the PPP website.
Council Strategy Priorities:		X		This work is business as usual within the service.
Core Business:		X		This work is business as usual within the service.
Data Impact:		X		Not applicable.
Consultation and Engagement:	The fees for Taxis and Private Hire Vehicles and Private Hire Operators will be subject to statutory consultation.			

4 Supporting Information

- 4.1 The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils.
- 4.2 It is noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council. These are identified in gold on the fee schedule at **Appendix A**.
- 4.3 Members are asked to note that a significant proportion of the statutory fees have not been uplifted for more than ten years whilst costs have been rising significantly for the Service. By way of contrast, as of the 01 April 2024, major planning application fees are due to rise by 35% and there will be an increase of 25% for all other applications. One of the recommendations in this report is that the Chairman of the Licensing Committee write to the relevant minister to request that these fees are increased in line with recent changes to planning fees.
- 4.4 At the meeting of the JPPC in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. Fees are calculated based on the time taken to complete the activity multiplied by the hourly rate. In initially calculating the hourly rate a range of factors were considered including the wide variety of council support service costs, staffing and associated costs, democracy and governance, contracts and the necessary training to maintain a competent workforce.
- 4.5 In 2018/19 a generic hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for 2020/21. For 2021/22 the full cost of the service, including internal support service recharges (as per Council budget build processes) and the current establishment lists

Licensing Fees and Charges 2024/25 Report

were updated which resulted in a new rate of £59 p/h and these rates were retained for 2022/23. The hourly rate was increased to £64p/h for 2023/24.

4.6 For the financial year 2024/25 the proposed hourly rate is £68.25. This increase is based on headline CPI for the year to August 2023 which was confirmed by the Office for National Statistics to be 6.7%.

4.7 The table below sets out the impact of the hourly rate on the vehicles and drivers licence fees since 2019/20. It should be noted that the fees were adjusted in 2022/23 in anticipation of the implementation of the new IT system and the anticipated savings that some of the automation should generate. It should also be noted that as of the 01 April 2022 a decision was taken to include the costs of the initial tests, safeguarding and disability training into the drivers three year fee.

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
HC&PH Vehicle (New)	£282	£288	£290	£266	£288	£307
HC&PH Vehicle (Renewal)	£282	£288	£290	£236	£256	£273
HC&PH Driver (New)	£264	£269	£271	£301 *	£328*	£350*
HC&PH Driver (Renewal)	£264	£269	£271	£272*	£296*	£316*

4.8 The table shows that:

- the proposed cost of a new hackney carriage or private hire vehicle licence has increased from £282 to £307 over the past six years an increase of only 8.9%. This £25 increase in monetary terms equates to 48p per week for an annual licence.
- The cost of renewing a vehicle licence has decreased from £282 in 2019/20 to £273 in 2024/25.
- While the cost of a new drivers licence appears to have increased significantly from £264 to £350 (£86 or 55p per week for this three year licence) it should be noted that a decision was made to include the cost of the initial tests, safeguarding (£25) and disability awareness training (£40) in the fee in 2022/23. Drivers are also only charged for a knowledge test if they do not pass their first attempt.

4.9 Members will recall that the Council has also introduced a three year scheme that provided for a remittance for vehicle fees for fully electric and hybrid vehicles.

4.10 It is worth noting that due to the impact of Covid and competition on the licensed taxi and private hire trade and the alignment of street trading fees between the two authorities the Service has seen a significant fall off in fee income. As stated above this issue has been compounded by the stagnation on statutory fees. At the time of writing

- 4.16 It was decided that the number of vehicles that could apply for a subsidy should not be limited albeit that the scheme, which would be run for three years, would be subjected to an annual review. The funding required to support the project would be set aside from the Council's budget and drawn down as required.
- 4.17 The scheme was reviewed at the 10 July 2023 Licensing Committee meeting during the discussion on the annual report where Members agreed to retain the scheme in the current format.

5 Proposals

- 5.1 The Licensing Committee is asked to note the proposed fees and comment on the statutory consultation process.
- 5.2 The Council is required to undertake a statutory consultation in respect of the Hackney Carriage and Private Hire Vehicles and Private Hire Operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.5 for Members to consider and approve.

6 Other options considered

- 6.1 None. It is a requirement of the Inter Authority Agreement for the JPPC to consider the fees and charges and make a recommendation to the individual authorities. There is a requirement to set fees and charges annually and there is a statutory requirement to undertake consultation on the proposed charges for operators and vehicle licence fees.

7 Conclusion

- 7.1 Members of the Licensing Committee are asked to note the proposed fees and charges and the consultation proposals and agree a way forward.

8 Appendices

- 8.1 Appendix A – Proposed Fees and Charges for 2024/25

Background Papers:

Joint Public Protection Committee Report (25 October 2023) can be found here:

<https://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CIId=449&MIId=7410&Ver=4>

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 Overview and Scrutiny Management Committee or associated 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"/> |

Wards affected: All

Officer details:

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DRAFT PUBLIC PROTECTION PARTNERSHIP FEES AND CHARGES 2024/2025

The Public Protection Partnership (PPP) provides chargeable services on behalf of two authorities, Bracknell Forest Council and West Berkshire Council.

Fees effective from 1 April 2024

Please Note:

- All Statutory Fees and those linked to national schemes are based on fees published on 21 September 2023 and may be subject to change by Central Government or the management of the schemes.
- The Hourly rate is **£68.25ph** for 2024/25 (uplift based on CPI Index as at August 2023 of 6.7%), if there is a minimum number of hours or it is capped it is indicated in the text below.
- Class A Statutory Fees are marked with **Pale Gold** and Class B Discretionary Fees are headed **Blue**
- There are some additional fees which will be due when making an application, these are listed separately (if known) and with a note if varied amounts
- If you have any questions regarding our fees and charges please contact PPP Partnership Support Customer Care team using our [Make an enquiry form](#).

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LICENCES, REGISTRATIONS AND CONSENTS

Pre-Application Advice

We provide chargeable pre-application advice for the following licenses and consents:

License/Consents	2023/24 Fee	2024/25 Fee
Gambling Act	£64ph	£68.25
Licensed Premises Notifications	£64ph	£68.25
Licensing Act 2003	£64ph	£68.25
Scrap Metal	£64ph	£68.25
Sex Establishments	£64ph	£68.25
Skin Piercing & Dermal Treatments	£64ph	£68.25
Street Trading Consents	£64ph	£68.25

Animal Licences

Animal Licences – (Class A – Fee Discretionary)			
*The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits and aborted visits will be charged at an additional fee **Additional vets fee payable		2023/24 Fee	2024/25 Fee
NEW - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£192	£204.75
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£448 minimum	£477.75 minimum
RENEWAL - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£160	£171
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£416 minimum	£444 minimum
NEW - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£128	£136.50
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£384 minimum	£409.50 minimum
RENEWAL - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£96	£102
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£352 minimum	£375 minimum
NEW - Home boarder (midterm fee removed for 2024)	Application Fee	£128	£136.50
	Granting Fee	Minimum 2 hours at £128*	Minimum 4 hours at £273
	Total Fee (minimum)	£256 minimum	£409.50 minimum
RENEWAL - Home boarder (midterm fee removed for 2024)	Application Fee	£96	£102
	Granting Fee	Minimum 2 hours at £128*	Minimum 4 hours at £273*
	Total Fee (minimum)	£224 minimum	£375 minimum

NEW - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£128	£136.50
	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	£128 + host inspection fee	£136.50 + host inspection fee
RENEWAL - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£96	£102
	Granting Fee	Per inspection at hourly rate	Per inspection at hourly rate
	Total Fee (minimum)	£96 + host inspection fee	£102 + host inspection fee
Assessment of hobby host as part of a franchisee licence	Host inspection fee	£128	£136.50
NEW - Dog Day Care	Application Fee	£192	£204.75
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£448 minimum	£477.75 minimum
RENEWAL - Dog Day Care	Application Fee	£160	£171
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£416 minimum	£444 minimum
NEW - Dog Breeding Establishment (**excluding vet fee)	Application Fee	£192	£204.75
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£448 minimum	£477.75 minimum
RENEWAL - Dog Breeding Establishment	Application Fee	£160	£171
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£416 minimum	£444 minimum
NEW - Dog Breeding Establishment (in domestic dwelling)(**excluding vet fee)	Application Fee	£128	£136.50
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£384 minimum**	£409.50 minimum
RENEWAL - Dog Breeding Establishment (in domestic dwelling)	Application Fee	£96	£102
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£352 minimum	£375 minimum
NEW - Pet Vending / Sale of pets	Application Fee	£128	£136.50
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£384 minimum	£409.50 minimum
RENEWAL - Pet Vending / Sale of pets	Application Fee	£96	£102
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£352 minimum	£375 minimum

NEW - Animal for Exhibition	Application Fee	£192	£204.75
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£448 minimum	£477.75 minimum
RENEWAL - Animal for Exhibition	Application Fee	£160	£171
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£416 minimum	£444 minimum
Riding Establishment - Inspections are carried out annually, regardless of the star rating or length of licence, by a qualified Veterinarian Officer. **Vets fees will be recharged separately.			
NEW - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£128	£136.50
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£416 minimum**	£409.50 minimum**
RENEWAL - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£96	£102
	Granting Fee	Minimum 4 hours at £256*	Minimum 4 hours at £273*
	Total Fee (minimum)	£352 minimum**	£375 minimum**
Fee per horse, for the first 10 horses		£16	£17
Fee per horse, for next 11-50 horses		£11	£12
Fee per horse, for every horse 51 & over		£9	£9.50
Other Fees			
Additional mid licence visit		£128	£136.50
Variation to the licence fee (inclusive of one visit)		£192	£204.75
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£32	£34
Re-evaluation of star rating (inclusive of one visit)		£128	£136.50
Transfer due to death of licensee	Admin cost	£32	£34

Wild Animals and Zoos

Wild Animals & Zoos	Duration	2023/24 Fee	2024/25 Fee
Dangerous Wild Animal Consent - New (** excluding vets fee)	2 years	£512	£546
Dangerous Wild Animal Consent – Renewal (** excluding vets fee)	2 years	£320	£341.25
Zoo Licences (new & renewals) Periodical inspections (** excluding Vets Fees)	Up to 6 years	£2240	£2388.75

Explosives Licences – Statutory

Description	Duration	All Council Areas
New licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£113.00
	2 years	£147.00
	3 years	£181.00
	4 years	£215.00
	5 years	£248.00
Renewal of licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£56.00
	2 years	£90.00
	3 years	£125.00
	4 years	£158.00
	5 years	£193.00
New licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£193.00
	2 years	£253.00
	3 years	£317.00
	4 years	£390.00
	5 years	£441.00
Renewal of licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£90.00
	2 years	£153.00
	3 years	£215.00
	4 years	£277.00
	5 years	£340.00
Varying the name of licensee or address of site		£38.00
Any other kind of variation		Cost Recovery
Transfer of licence		£38.00
Replacement Licence		£38.00
Full year registration for sale of fireworks (capped fee)		£500.00

Gambling Act 2005 – Statutory

Description	Type	All Council Areas
Casinos (regional)	New Application	£15,000
	Provisional Statement	£15,000
	Application with Provisional Statement	£8,000
	Variation	£7,500
	Transfer/Reinstatement	£6,500
	Annual Fee	£15,000

Casinos (large)	New Application	£10,000
	Provisional Statement	£10,000
	Application with Provisional Statement	£5,000
	Variation	£5,000
	Transfer/Reinstatement	£2,150
	Annual Fee	£10,000
Casinos (small)	New Application	£8,000
	Provisional Statement	£8,000
	Application with Provisional Statement	£3,000
	Variation	£4,000
	Transfer/Reinstatement	£1,800
	Annual Fee	£5,000
Bingo Clubs	New Application	£3,500
	Provisional Statement	£3,500
	Application with Provisional Statement	£1,200
	Variation	£1,750
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Betting Premises	New Application	£3,000
	Provisional Statement	£3,000
	Application with Provisional Statement	£1,200
	Variation	£1,500
	Transfer/Reinstatement	£1,200
	Annual Fee	£600
Tracks	New Application	£2,500
	Provisional Statement	£2,500
	Application with Provisional Statement	£950
	Variation	£1,250
	Transfer/Reinstatement	£950
	Annual Fee	£1,000
Family Entertainment Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£950
	Variation	£1,000
	Transfer/Reinstatement	£950
	Annual Fee	£750
Adult Gaming Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£1,200
	Variation	£1,000
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Lotteries & Amusements	New Application	£40
	Annual Fee	£20
All licences	Notification of change	£50
	Copy of licence	£25
Club gaming or machine permit	New Application	£200
	Existing holder	£100
	Renewal	£200
	Annual Fee	£50
	Variation	£100
	Copy of licence	£15

Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)	New Application	£100
	Renewal	£100
Licensed Premises Notifications		All Council Areas
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	Notification of intention	£50
Gaming Machine Permit (more than 2 machines) on-premises which hold on premises alcohol licence	Application (existing holder)	£100
	New Application	£150
	Annual Fee	£50
	First Annual Fee (payable within 30 days of date permit takes effect)	£50
	Variation	£100
	Transfer	£25
	Change of name	£25
	Copy of permit	£15

Hackney Carriage and Private Hire Licences

Vehicle Licences		Bracknell Forest 2023/24 Fee	West Berkshire 2023/24 Fee	All Council Areas (where applicable) 2024/25 Fee
Hackney Carriage Vehicle – New		£288	£288*	£307*
Hackney Carriage Vehicle – Renewal		£256	£256*	£273*
Private Hire Vehicle – New		£288	£288	£307
Private Hire Vehicle – Renewal		£256	£256	£273
Home to school – New and renewal		£160	N/a	£171
Private Hire Vehicle with Dispensation - New		£288	£288	£307
Private Hire Vehicle with Dispensation - Renewal		£256	£256	£273
Temporary Vehicle Licence	Up to 3 months	£256	£256	£273
Driver Licences				
Driver – New	3 year	£328	£328	£350
Driver – Renewal	Includes initial tests, safeguarding and disability trainings	£296	£296	£316
Home to school – New & Renewal	3 year Includes initial tests, safeguarding	£225	N/a	£240

	and disability trainings			
Conversion of driver licence to another type	1.5hrs (inc retaking tests)	£96	£96	£102

* It was agreed at the Executive meeting on the 22 September 2022 that West Berkshire Council would offer a fee based remittance scheme, subsidised by the Council and that it be introduced from 01 April 2023 for both electric (100%) and hybrid (50%) vehicles that met the agreed criteria.

Private Hire Operators (PHO)

Private Hire Operator	Number of Vehicles	2023/24 Fee	2024/25 Fee
NEW	1	£480	£512
	2	£560	£597
	3	£640	£682
	4	£720	£768
	5	£800	£853
	6	£880	£938
	7	£960	£1024
	8	£1040	£1109
	9	£1120	£1194
	10	£1200	£1280
	11	£1280	£1365
	12	£1360	£1450
	13	£1440	£1536
	14	£1520	£1621
	15	£1600	£1706
	16	£1680	£1792
	17	£1760	£1877
	18	£1840	£1962
	19	£1920	£2048
	20	£2000	£2133
20+	£2000	£2133	
RENEWAL	1	£352	£375
	2	£432	£461
	3	£512	£546
	4	£592	£631
	5	£672	£717
	6	£752	£802
	7	£832	£887
	8	£912	£973
	9	£992	£1058
	10	£1072	£1143
	11	£1152	£1229
	12	£1232	£1314
	13	£1312	£1399
	14	£1392	£1484
	15	£1472	£1570
	16	£1552	£1655

	17	£1632	£1740
	18	£1712	£1826
	19	£1792	£1911
	20	£1872	£1996
	20+	£1872	£1996

Other Private Hire & Hackney Carriage Charges

Transfer of vehicle to new owner		£64	£68.25
Change of vehicle		£80	£85
Replacement Licence		£32	£34
Replacement Badge		£32 + Badge Costs (£5)	£34 + Badge Costs (£5)
Replacement Vehicle Licence Plate		£32 + Plate Costs (£26)	£34 + Plate Costs (£26)
Knowledge Test		£80	£85
Missed Appointment		£32	£34
Disclosure and Barring Service Check (DBS)		£70	At cost
Advertising on a Hackney carriage - New	Bracknell Only	£64	£68.25
Advertising on a Hackney Carriage - Renewal	Bracknell Only	£32	£34
Change of address (PH & HC)		£11.50	£17
Backing Plate		£26 at cost	At cost
Medical Exemption		£32	£34
Refund Processing Fee		£32	£34
Change of vehicle registration	Including	£32 + sticker and licence costs (£31)	£34 + sticker and licence costs (£31)
Age of vehicle Inspection – initial & renewal	Bracknell Only	£64	£68.25
Pre-application advice, hourly rate	Min 1 hour	£64	£68.25
First aid Training	Bracknell Only	Will be removed if revisions to policy adopted	

Hairdresser Registration

Description	2023/24 Fee All Council Areas (where applicable)	2024/25 Fee All Council Areas (where applicable)
Hairdresser/barber registration	£32	£34

Licensing Act 2003 – Statutory

Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)	PPP Areas
Band A – RV up to 4,300	£100
Band B – RV 4,300 to 33,000	£190
Band C – RV 33,001 to 87,000	£315
Band D – RV 87,001 to 125,000	£450
Band E – RV 125,001 and above	£635
Pre-application advice, hourly rate	£68.25
Premises Licence – Annual Fee (Class B – Statutory Fee)	
Band A	£70
Band B	£180
Band C	£295
Band D	£320
Band E	£350
Personal Licence - (Class B – Statutory Fee)	£37
Temporary Event Notices (TENs) - (Class B – Statutory Fee)	£21
Application for copy licence	£10.50
Application to vary DPS/transfer licence/interim notice	£23
Application for making a provisional statement	£315
Minor variation	£89
Application to disapply mandatory DPS condition	£23
Pre-application work, hourly rate	£68.25

Petroleum Licences – Statutory

Petroleum Licences	All Council Areas
Not exceeding 2,500 litres	£46
Not exceeding 50,000 litres	£62
Exceeding 50,000 litres	£131

Scrap Metal

Description		2023/24 Fee	2023/25 Fee
Scrap Metal site –New	3 Years	£512	£546
Scrap Metal site - Renewal	3 Years	£480	£512
Scrap Metal mobile collector - new	3 Years	£256	£273
Scrap Metal mobile collector - renewal	3 Years	£224	£239
Scrap Metal - Variation of Licence		£256	£273
Scrap Metal - change of site manager		£64	£68.25
Scrap Metal - copy of licence		£16	£17
Scrap Metal - Change of Name		£32	£34

Sex Establishments – Statutory

Description	Type	All Council Areas
Sex Establishments - (Class A – Fee Discretionary)	Cinema	min £3,100 to max £5,150
	Shop	min £3,100 to max £5,150
	Entertainment Venue	min £3,100 to max £5,150

Skin Piercing & Dermal Treatments

Description	Type	2023/24 Fee	2024/25 Fee
Skin piercing Registrations (one off registration) - (Class A – Fee Discretionary)	Individual (4hrs)	£256	£273
	Premises (5hrs)	£320	£341
	Joint application (7hrs)	£448	£478
Pre-application work, hourly rate	Min. 1 hour	£64	£68.25

Street Trading Consents

Description	Type	Bracknell 2023/24 Fee	Bracknell Forest 2024/25 Fee	West Berkshire 2023/24 Fee	West Berkshire 2024/25 Fee
	Daily	£64	£68.25	£64	£68.25
Street Trading Consents - (Class A – Fee Discretionary)	1 Week	£156	£171	£156	£171
	Monthly Rate	£262	£273	£262	£273
	3 months	£699	£751	£699	£751
	6 months	£875	£938	£875	£938
	Annual Fee	£1487	£1587	£1487	£1587
	6 months max. 2 trading days a week incl. Fri, Sat & Sun	£699	£751	N/A	N/A
	6 months max. 2 trading days a week Mon-Thurs only	£525	£563	N/A	N/A
	Ice cream van (per van) 6 month	£781	£833	£875	£933
	Ice cream van (per van) 1 month	£202	£216	£262	£279
Variation fee		£96	£102	£96	£102
Refund for Street Traders	In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund. If the application is refused by a Panel, no refund of the application fee is payable.				
Pre-application work, hourly rate	Min. 1 hour	£64	£68.25	£64	£68.25

ENVIRONMENTAL PROTECTION

Abandoned vehicles – Statutory

Description		Bracknell Forrest Only
Removal (prescribed fee)	Less than 3.5 tonnes	£150
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20
Enforcement Disposal costs (prescribed fee)	Less than 3.5 tonnes	£75
Fixed Penalty Notice	Reduced to £120.00 if paid within 7 days	£200
Enforcement invoice costs		£77

Anti-Social Behaviour Act

Description		2023/24 Fee	2024/25 Fee
Anti-Social Behaviour Act	High Hedges Fee (Class A – Fee Discretionary)	£1310	£1399

Dog Warden Services

Description	2023/24 Fee	2024/25 Fee
Stray Dogs – not taken to kennel	£80	£85
Stray Dogs – taken to kennel	£80 plus Cost recovery and Vets fees separate.	£85 plus Cost recovery and Vets fees separate
Kennels cost	Recharge based on cost	Recharge based on cost
Dog fouling fixed penalty charge	£75	£75
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping	Cost recovery charged at £64ph	Cost recovery charged at £68.25ph

Environmental Permitting Regulations 2016 – Statutory

Scheduled Processes – (Class B – statutory Fee)		All Council Areas
Standard Process		£1,650
Additional fee for operating without a permit		£1,188
Service Stations (PVR 1 & PVR II combined)		£257
Service Station (PVR 1)		£155
Dry Cleaners		£155
Vehicle Refinishers		£362
Mobile Screening & Crushing Plant		£1,650
Mobile Screening & Crushing Plant for the 3 rd to 7 th applications		£985
Mobile Screening & Crushing Plant for the 8 th and subsequent applications		£498
Substantial changes		
Standard Process		£1,050
Standard process where substantial change results in a new PPC activity		£1,650
Reduced Activities		£102
Annual Subsistence Charge (Statutory)		

Standard Process	Low	£772
	Medium	£1,161
	High	£1,747
Service stations PVR II	Low	£113
	Medium	£226
	High	£341
VR and other reduced fees	Low	£228
	Medium	£365
	High	£548
Dry cleaners/PVR1	Low	£79
	Medium	£158
	High	£237
Mobile Screening & Crushing Plant	Low	£626
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 2 nd permit	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 3 rd to 7 th permit	Low	£385
	Medium	£617
	High	£924
Mobile Screening & Crushing Plant for the 8 th and subsequent permits	Low	£198
	Medium	£316
	High	£473
Late payment charge	If invoice issued & not paid within 8 weeks	£52
Transfer and Surrender		
Transfer		£169
Partial Transfer		£497
Surrender		£0
Transfer Reduced fees		£0
Partial Transfer Reduced Fees		£47

Private Sector Housing

Description	2023/24 Fee	2024/25 Fee
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)	£435	£464
Enforcement Notices served under Housing Act 2004	Hrly Rate	Hrly Rate
HMO Licence NEW	£1280	£1365
HMO Licence RENEWAL	£865	£922
Caravan Site Licences		
Site licence new (plus additional fee per pitch)	£480	£512
New licence additional fee per pitch	£17	£18
Transfer of licence	£192	£205
Alteration of conditions	Hrly Rate	Hrly Rate
Annual inspection fee – per pitch	£15	£16
Enforcement action -per hour	Hrly Rate	Hrly Rate
Deposit, vary or deleting site rules	£128	£136.50
Mobile Homes Regulations 2020		
Application Fee – Fit and Proper Test	£128	£136.50

(any application taking more than two hours to process will be charged at an additional hourly rate of £68.25/ph or part thereof)		
Annual Check Fee – Fit and Proper Test	Hrly Rate	Hrly Rate
Where the authority has to assist with appointing a site manager the costs will be specified in the agreement between the parties		

Private Water Supplies

Description		2023/24 Fee	2024/25 Fee
Risk assessment (for each assessment)	Every 5 years. Min. charge 1 hour, simple risk assessment and report typically 5 hours	£64 hourly rate	£68.25 hourly rate
Sampling visit (for each sampling visit) *	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	£64 hourly rate	£68.25 Hourly rate
Investigation	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.	£128	£136.50
Regulation 9 Supply Analysis of Group A Parameters		Hourly Rate + Laboratory Costs	Laboratory Costs **
Regulation 9 Supply Analysis of Group B Parameters		Hourly Rate + Laboratory Costs	Laboratory Costs **
Regulation 10 Supply Parameters		Hourly Rate + Laboratory Costs	Laboratory Costs **
Analysis of Single Dwelling Supplies (upon request)		Hourly Rate + Laboratory Costs	Laboratory Costs **

* A local authority should not charge for a sample that is taken and analysed solely to confirm or clarify the results of a previous sample. A local authority can charge for a sample visit to verify the effectiveness of improvements, e.g. following completion of actions specified in a Notice.

** Laboratory fees set annually

Other Fees

	Hourly rate applies minimum of 2 hours	2023/24 Fee	2024/25 Fee
Environmental Information Request - Individual, Non-Commercial	Hourly rate applies minimum of 2 hours	£128 minimum	£136.50 minimum
Environmental Information Request - Commercial and Government	Hourly rate applies minimum of 2 hours	£128 minimum	£136.50 minimum
Civil Actions (Class A – Fee Discretionary)		£128 minimum	£136.50 minimum

Safety Certification and administration	Hourly rate applies minimum of 2 hours	£128 minimum	£136.50 minimum
Pre-Application Advice, hourly charge		£64	£68.25

TRADING STANDARDS

Buy with confidence

Description	Employee numbers	2023/24 Fee	2024/25 Fee
Application Fee (set nationally by Buy with Confidence scheme)	1-5 employees	£145	£145
	6-20 employees	£200	£200
	21-49 employees	£250	£250
	50+ employees	POA	POA
Annual fee (set nationally by Buy with Confidence scheme)	1-5 employees	£270	£270
	6-20 employees	£405	£405
	21-49 employees	£540	£540
	50+ employees	POA	POA
Members before 2017/18 Annual Fee (Bracknell Forest legacy members only)	1-5 employees	£136	£136
	6-20 employees	£206	£206
	21-49 employees	£274	£274

* West Berkshire & Wokingham schemes administered by Hampshire County Council

Primary Authority

Description	2023/24 Fee	2024/25 Fee
Primary Authority Work hourly chargeable rate	£64 Hourly Rate	£68.25 Hourly Rate
Annual charge - previous year usage 10 hours or less	£576	£614.25
Annual charge - previous year usage 20 hours	£1,158	£1228.50
Anything likely to be in excess of 20 hours	Individually assessed	Individually assessed

Support with Confidence

Description	Employee numbers	2023/24 Fee	2024/25 Fee
Application fee	1-5 employees	£64	£68.25
	6-20 employees	£130	£136.50
	21+ employees	£327	£349

Weights and Measures

Description		2023/24 Fee	2024/25 Fee
Weights and Measures Fees	Includes the cost of maintaining calibration of equipment annually (Based on ACTSO guidance)	£64 per hr	£68.25 per hr

Other Fees

Description		2023/24 Fee	2024/25 Fee
Food export certificates	Full cost recovery based on hourly rate	£64 minimum	£68.25 minimum
Food Hygiene Rating Scheme rescore	2 hours	£128	£136.50
General Business Advice (Non-Primary Authority)	Hourly rate (first 30 minutes free)	£64	£68.25
Resident Request for Advice	Hourly rate	£64	£68.25

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Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group

Committee considering report:	Licensing Committee
Date of Committee:	06 November 2023
Portfolio Member:	Councillor Lee Dillon
Report Author:	Moira Fraser
Forward Plan Ref:	N/a

1 Purpose of the Report

- 1.1 To provide the Committee with an update and raise any issues emanating from the most recent Liaison Group meeting.

2 Recommendation

- 2.1 That the Committee notes the report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no specific financial implications arising from this report. Any follow up actions will be met from within existing resources.
Human Resource:	Attendance at these taxi trade meetings and any follow up actions will be met from within existing resources.
Legal:	There are no legal implications associated with these meetings. The trade meetings are not a legal requirement but are seen as good practice and allow a meaningful dialogue with the trade in an attempt to reach agreement on a wide number manner of topics affecting them.

Risk Management:	There are no risk management issues associated with this report. A good working relationship with the trade can assist with minimising reputational harm to the Council.			
Property:	None			
Policy:	The trade meetings are an opportunity to discuss policy issues but it is not a decision making forum. Any policy changes would be taken to the Licensing Committee, Joint Public Protection Partnership Committee or Council in accordance with the Scheme of Delegation.			
	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?		✓		The forum is a platform to discuss any policy changes. Equalities Impact Assessments would be undertaken where changes to policies and or procedures were proposed.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		The trade meetings are not a decision making forum.
Environmental Impact:		✓		The trade meetings are not a decision making forum.

Health Impact:		✓		The trade meetings are an opportunity to discuss issues of mutual interest and an opportunity for the trade to raise matters directly with the decision makers. It is therefore hoped that they would have a positive outcome for the wellbeing of members of the trade and ultimately of the residents that use their services.
ICT Impact:		✓		There is no ICT impact albeit that some of the meetings will be conducted via Zoom.
Digital Services Impact:		✓		None
Council Strategy Priorities:	✓			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy.
Core Business:		✓		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:		✓		The report does not have a significant impact on the rights of data subjects.
Consultation and Engagement:	All Members of the West Berkshire Taxi Trade are invited to attend these meetings. While only a few have opted to attend the notes from the meetings are circulated to all members of the trade. The meeting is also attended by Members of the Licensing Committee.			

4 Supporting Information

Background

- 4.1 The Taxi and Private Hire West Berkshire Council Liaison Group (TTLG) was set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.
- 4.2 The meeting held on the 23 October was attended by the Chairman of the Licensing Committee, and three members of the taxi trade as well as four officers.

- 4.3 Traditionally two meetings a year are held, one in October and one in January. Ad hoc meetings can be arranged to discuss any matters of concern or interest during the year. Given the low attendance at these meetings it is being proposed that Officers review the efficacy and format of the meetings going forward.
- 4.4 The notes of the last meeting will be circulated to members of this committee and the trade and are summarised as set out below:

2023/24 Fees

- 4.5 Officers explained to the trade that the draft fees, set out in a separate report on this agenda, had been considered at the Joint Public Protection Committee (JPPC) meeting on the 02nd October 2023. The JPPC had agreed to recommend that the hourly rate be increased from £64 to £68.25, an increase of 6.7% in line with CPI at the end of August 2023.
- 4.6 The trade was informed that the private hire operator, and hackney carriage and private hire vehicle licence fees would be subjected to a statutory 28-day consultation exercise. The dates and methodology of the consultation would need to be agreed by this Licensing Committee. The remainder of the fees would be subjected to any consultation undertaken by the council on the fees more generally. The trade would be informed as to how they could participate in the statutory consultation. In the event that any corporate consultation on fees was undertaken Officers would also keep them informed.
- 4.7 The trade did not comment in any of the fees specifically but did raise concerns about the fees being increased and questioned if they were receiving value for money.

Hackney Carriage Tariffs

- 4.8 Officers noted that as had been agreed the previous year this meeting was an opportunity for the trade to start to discuss proposals around any modifications to the fares for 2024/25. It was noted that CPI was tracking at 6,7% for September and this had previously been used as an indication of the level of uplift the trade would like to go out to consult on.
- 4.9 It had also been proposed during the discussions on the current fares that, in relation to the fouling charges, these should be set using a sliding scale linked to the tariffs. Officers requested that if this approach still found favour with the trade that this should be included in any business case submitted to the Council to base the consultation on.
- 4.10 To date no proposals have been received by the trade. Officers will work with the trade to take any proposals submitted through the appropriate governance and statutory requirements. As has become custom and practice officers would recommend undertaking an informal consultation with the trade before taking any firm proposals to the Executive. This would help to inform any decisions made by Members.

Update on the Taxi Policy

- 4.11 Officers apologised that, due to the ongoing vacancies in the team, this matter had not been progressed. Three new Licensing officers (2.6FTE) had however now been recruited and work on finalising the revised draft policy would begin in the new year.

Any Other Business

4.12 The trade raised a small number of specific concerns relating to illegal parking on taxi ranks. Officers were liaising with the Parking Team about enforcement action.

5 Conclusion

5.1 Officers are looking into the format of these meetings to ensure that they remain fit for purpose and are delivering against the stated aim of providing a forum to consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.

6 Appendices

None

Background Papers:

None

Subject to Call-In:

Yes: No:

Report is to note only



Wards affected: All

Officer details:

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