

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES.

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| TO: | LICENSING APPLICATIONS COMMITTEE | | |
| DATE: | 25 SEPTEMBER 2018 | | |
| TITLE: | REVIEW OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT | | |
| LEAD COUNCILLOR: | SOPHIA JAMES | AREA COVERED: | REGULATORY SERVICES |
| SERVICE: | PLANNING DEVELOPMENT & REGULATORY SERVICES | WARDS: | BOROUGHWIDE |
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1. EXECUTIVE SUMMARY

- 1.1 The Council, as the named Licensing Authority for Reading, is required under the provisions of the Licensing Act 2003 to review its licensing policy every five years. The current licensing policy will be in force until 22nd October 2018. The Council is also now required to publish a Cumulative Impact Assessment for any cumulative impact area in Reading. There has been a Cumulative Impact area in the town centre since 2010 and the assessment attached to this report is required under paragraph 5A of the Licensing Act and will be reviewed every three years. Subject to approval, both the policy and Cumulative Impact Assessment will come into force on 22nd October 2018.

2. RECOMMENDED ACTION

- 2.1 That the revised Licensing Policy (attached to this report as appendix RF-1) be approved for implementation on 22nd October 2018.
- 2.2 That the Cumulative Impact Assessment in respect of the Town Centre Cumulative Impact Area (attached to this report as appendix RF-2) be approved for implementation on 22nd October 2018.

3. POLICY CONTEXT

- 3.1 The Licensing Act 2003 (the 'Act') requires that the Council review its Licensing policy every five years. Paragraph 5 of the Licensing Act 2003 outline what steps the Council should take in respect of the consultation process. It must consult all licence holders; organisations that have a statutory role in the Act such as the police and fire service (known as Responsible Authorities) and any organisations it considers as representing licence holders in Reading. When approved, the Council must state the dates for which the policy will be valid for. The Council must also have regard to any Cumulative Impact Assessment it has published.
- 3.2 Paragraph 5A of the Licensing Act has been inserted by the Policing and Crime Act 2017. It places the concept of 'Cumulative Impact' on a statutory footing. It has previously been stated only in the Secretary of State's Guidance to the Act. A Cumulative Impact Area has been in place in Reading since 2010. This is referred to as the Town Centre Cumulative Impact Area and is a presumption that applications for certain types of premises licences in the town will be refused because of the high number of premises in the town and the negative impact they are having on the promotion of the licensing objectives. The Council is therefore required to publish a 'Cumulative Impact Assessment'. The Council, as part of the consultation process, was required to outline the area covered by the Cumulative Impact Area - which is unchanged; that the assessment will apply to all grants and variations of licences in the area and the reasons why a Cumulative Impact Assessment was deemed required for that area.

4. BACKGROUND

- 4.1 Under the Act, Reading Borough Council is responsible for the issuing of licences and any subsequent enforcement action that may arise from any licence holder or unlicensed activity.
- 4.2 Reading Borough Council has responsibility for:
- Licensing premises and clubs for the sale or supply of alcohol; the provision of late night refreshment (sale of hot food from 2300hrs to 0500hrs) and the provision of regulated entertainment (live music, recorded music, etc)
 - Taking enforcement action against licence holders who are in breach of their licence; carrying out enforcement action against persons or premises carrying out unlicensed activity or taking action against licence holders who undermine the promotion of the four licensing objectives.
 - Publishing a licensing policy which sets out the Council's aims, objectives and policies for applicants and licence holders.
 - Publishing a Cumulative Impact Assessment for any area for which there is deemed to be a requirement to have a cumulative impact area.
 - Collecting all statutory licence fees which are set by Central government.

4.3 The licensing framework must centre around the 4 licensing objectives:

- To prevent crime and disorder;
- To protect children from harm;
- To prevent public nuisance;
- To maintain public safety.

4.4 The licensing framework must also centre around the principle that each application should be judged on its own merit.

5 THE PROPOSAL

5.1 The Licensing policy document attached to this report contains a number of changes as outlined in the 'Summary of Changes to Licensing Policy' document also attached to this report as **appendix RF-3**.

5.2 The Cumulative Impact Assessment attached to this report is a new document that is required to be published for the Town Centre Cumulative Impact Assessment. The area this assessment relates to is unchanged from the area already subject to a cumulative impact policy and will also relate to all applications for the grant and variation of a premises licence or club premises certificate.

6. CONTRIBUTION TO STRATEGIC AIMS

6.1 This policy and its implementation contribute to the following strategic aims in the Council's Corporate Plan 2018-22:

- Protecting and enhancing the lives of vulnerable adults and children.
- Keeping Reading's environment clean, green and safe.
- Securing the economic success of Reading.
- Promoting great education, leisure and cultural opportunities for people in Reading.

6.2 The Licensing Policy and Cumulative Impact Assessment are key documents for the regulation of the night time economy within Reading. Both documents clearly outline what the Council expects of applicants and licence holders. Licensing regulation is tied in with other policies, strategies and statutory frameworks implemented by the Council across Reading. Chapters 2 and 3 of the licensing policy document show how licensing shares aims and objectives with various planning legislation; environmental health legislation; immigration legislation and policing legislation. It also outlines numerous initiatives and strategies such as a 'Reducing the Strength' initiative to tackle the issues of street drinking and the sale of high strength alcohol proven detrimental to health as well as initiatives linked in with child protection and the Council's 'Drugs and Alcohol' and 'Health and Wellbeing' strategies.

6.3 The key aims for the licensing policy and cumulative impact assessment are to ensure that the four licensing objectives are actively promoted at all times. It

is also key that the licensing policy ensures close integration with other strategies; policies and initiatives to ensure that the towns day time and night time economies are welcoming and safe for all.

- 6.4 The Council must balance the need of businesses to trade successfully and responsibly with the needs of local residents not to be disturbed or affected by irresponsible licence holders and the associated crime and disorder and noise nuisance that may occur from those premises.

7. COMMUNITY ENGAGEMENT AND INFORMATION

- 7.1 A 12 week consultation process in relation to the Licensing policy and Cumulative Impact Assessment was undertaken between 29th May 2018 and the 19th August 2018. The Licensing Act outlines the organisations and bodies that must be consulted. Letters were sent to all licence holders as well as to bodies that represent licence holders; organisations that have a statutory role within the Licensing Act such as the police and fire service (called Responsible Bodies) as well as any other body or person that may have an interest in the policy.
- 7.2 The consultation was also available to view on the Council's website with an option for any person to give views via the site.
- 7.3 All responses received during the consultation are attached to this policy at appendix RF-4

8. LEGAL IMPLICATIONS

- 8.1 The Council has a statutory requirement to publish a statement of licensing policy. This policy must be reviewed every five years but can be reviewed at any time if there are substantive changes to legislation or local policy. Failure to review and publish a licensing policy will mean the Council is in breach of its statutory obligations which could lead to legal consequences. The Council also has a statutory requirement to publish a Cumulative Impact Assessment in relation to any cumulative impact area that it deems to be required. The assessment must be reviewed every three years.
- 8.2 A further consequence of not having a licensing policy would mean the Council would be unable to exercise its functions under the Licensing Act 2003 including determining applications and carrying out enforcement activities.

9. FINANCIAL IMPLICATIONS

- 9.1 The writing of the Licensing Policy, Cumulative Impact Assessment and consultation exercise were carried out within the resources of the Licensing Authority.
- 9.2 Failure to review and adopt a licensing policy and cumulative impact assessment would mean that the Council is in breach of its statutory

obligations and would lead to legal challenge and the associated costs of that challenge.

10. EQUALITY IMPACT ASSESSMENT

- 10.1 The Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all.

11. BACKGROUND PAPERS

Appendix RF-1 - Licensing Policy

Appendix RF-2 - Cumulative Impact Assessment

Appendix RF-3 - Summary of Changes to Licensing Policy document

Appendix RF-4 - Consultation responses

Licensing Policy

STATEMENT OF LICENSING POLICY + CUMULATIVE IMPACT ASSESSMENT

Licensing Policy effective from:

Cumulative Impact Assessment effective from:

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU
Email: licensing@reading.gov.uk
Web: www.reading.gov.uk/licensing



www.reading.gov.uk



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Our Vision

To promote Reading as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of all of the town's residents and visitors.

1. Introduction

1.1 This policy sets out how the Council as the Licensing Authority for Reading promotes the four licensing objectives stated in the Licensing Act 2003. The four licensing objectives, as outlined in Section 4 (2) of the Licensing Act 2003, are of equal importance and the Council along with other named Responsible Authorities, stakeholders, residents and licence holders shall work together in order to actively promote them. Those four licensing objectives are:

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

1.2 The Council must have regard to the four licensing objectives when carrying out its functions under the Licensing Act 2003. The Licensing Authority will also have regard to other Council policies which have been introduced to tackle issues that may undermine crime and disorder or any of the other licensing objectives. The Licensing Authority will have regard to the contents of this policy as well as the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003. It may also depart from this policy and the Secretary of State's Guidance if there are exceptional circumstances and it is appropriate to do so to promote the licensing objectives. If the Licensing Authority departs from the Secretary of State's Guidance it will give reasons as per paragraph 1.9 of that guidance.

1.3 The legislation also supports other key aims and purposes. These are outlined in paragraph 1.5 of the guidance and should be principal aims for all parties involved in licensing for the promotion of the licensing objectives. The licensing authority will have regard to these key aims in its decision making. They are:

- Protecting the public and local residents from crime, anti social behaviour and noise nuisance associated and caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.4 The Council has shaped its policies in line with the aims stated previously. The Licensing Authority will also have regard to other policies, strategies and initiatives that have been adopted to promote the licensing objectives. Such policies include a 'Reducing the Strength' initiative to tackle the consumption of super strength beers and ciders (above 6.5% ABV) by persons known to be street drinkers. Street drinking and excessive consumption of super strength products has been shown to undermine the licensing objectives and cause anti social behaviour - as well as being damaging to health. Other policies, initiatives and strategies which will be taken into account may include the Council's Drug and Alcohol policy as well as policies to do with general health and wellbeing and public health. The Council also places the highest priority when dealing with the potential exploitation of children and vulnerable people - whether that is through their attendance at licensed premises or their employment at those premises. The licensing authority would expect all licence holders and everyone involved in licensing to take cognisance of these policies, strategies and initiatives.

1.5 This licensing policy aims to make Reading's night time economy an economy for all. A diverse range of responsibly run premises are to be encouraged. The licensing authority wishes to discourage drunkenness and a move away from alcohol led vertical drinking establishments. We would expect responsibly run premises to actively promote the licensing objectives through promoting extra seating at their premises; instigating effective dispersal from their premises at the conclusion of licensable activities and engagement with the licensing authority and other responsible authorities in policies, initiatives and strategies that promote Reading as a safe, healthy, diverse and vibrant night time economy suitable for all.

1.6 The predominantly urban nature of Reading as a town means that an appropriate balance needs to be struck between the needs of local business and the needs of local residents. This licensing policy seeks to encourage all stakeholders to engage in the licensing process so that the needs of all can be taken into account and issues dealt with in a spirit of partnership and cooperation.

2. Integrating Strategies

2.1 The Secretary of State's Guidance to the Licensing Act 2003 states that the licensing authority should outline how it will secure proper integration between its licensing policy with policies and strategies concerned with local crime prevention, planning, transport, tourism, equality schemes, cultural strategies and any other policy or plan introduced for the management of town centres and night time economies. The Licensing Authority agree that such co-ordination and integration is crucial to achieve the Council's aims for a safe and vibrant night time economy.

Licensing and Planning integration

2.2 The planning authority of Reading Borough Council is a responsible authority under the Licensing Act 2003. It can make representations on applications or call for reviews of existing licences based upon any of the four licensing objectives. The prevention of crime and disorder and prevention of public nuisance are shared concerns of the planning and licensing authorities.

2.3 The planning authority have a number of policies that impact on Reading's night time economy. The Licensing authority recognises that licensing applications should not be a re-run of the planning application process. The planning authority remains the regime that is directed at development of land and the use of premises upon it. The licensing authority remains the regime that is directed at the licensable activities and responsible management of said premises upon that land.

2.4 Whilst there is a clear distinction and separation between the licensing authority and planning authority in terms of their remit, there are times when there are overlapping considerations. In order to secure proper integration across the Council's range of policies, **the Licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms, including complying with any conditions and timings that may be imposed upon a planning consent prior to any application being submitted under the Licensing Act.**

2.5 Where the planning authority has granted planning consent to a specific time, the Licensing authority would expect any applicants under the Licensing Act to not exceed that time within any application.

2.6 Where the planning authority has granted a planning consent that contains conditions that may undermine the promotion of the licensing objectives (such as a restriction in the opening hours based on potential public nuisance issues), the licensing authority would expect applicants to demonstrate how they will mitigate those issues within any application. Failure to do so could lead to representations being made against an application.

2.7 Whilst acknowledging that planning and licensing are separate regimes and that licensing authorities are not bound by the decisions of planning committees (and vice versa), the licensing authority shall aim for the proper integration between licensing and all other

Council policies, strategies and initiatives in order to actively promote the licensing objectives.

2.8 When licensing applications are determined by officers of the Licensing Authority or by the Licensing Sub Committee, conditions may be imposed upon a licence in order to ensure consistency between the licensing objectives and any measures already determined by the planning authority that could impact the licensing objectives.

2.9 The Council's 'Reading Central Area Action Plan' identifies in more detail those issues relating to licensed premises, the 24 hour economy and the general organisation of retailing within the town centre. It can be accessed here - <http://www.reading.gov.uk/readingldf>

2.10 The key issues surrounding the determination of planning permission are as follows:

- Impact on residential amenity through noise, odour, disturbance, litter, etc
- Impact on the viability of the town centre
- Potential financial contribution to a safer borough (CCTV)

These are all matters that are also proper concerns of the licensing authority and will be taken into account when determining applications. If appropriate to the promotion of the licensing objectives, conditions may be added to licences so as to ensure proper integration of Council policies and strategies.

Reducing the Strength Initiative

2.11 The Council recognises the link between high strength alcohol products, anti social behaviour and poor health outcomes. In 2017, the Licensing Authority in conjunction with partners at Thames Valley Police and the Community Alcohol Partnership launched a voluntary initiative to try and reduce the availability and sale of high strength beers and cider above 6.5% ABV.

2.12 There is a significant issue in the town centre and Oxford Road with persons identified as street drinkers purchasing single cans of high strength beers and ciders from licensed off licences. This has led to issues of anti social behaviour in local communities. Most off licences in the town centre and Oxford Road areas have voluntarily agreed to stop selling single cans of high strength beers and ciders. Some have agreed to only sell packs of four whilst others have agreed not to sell these products at all. This has led to a reduction in the number of incidents of street drinking.

2.13 We would expect all licence holders and potential applicants to have regard to this initiative and include measures to restrict the sale of high strength products in single quantities or to not sell them at all. Failure to do so could lead to representations being made against applications for licences or applications to review licences that may be undermining the licensing objectives by selling these products in an irresponsible way.

2.14 The Licensing authority, in conjunction with relevant partners, will be expanding this initiative to include all off licences in Reading and would expect all applicants and current licence holders to take cognisance of this fact. Current licence holders are also expected to take steps to prevent any irresponsible retailing of these products.

Licensing and Public Health

2.15 The Licensing authority recognises the potential impact of alcohol on the public health of the residents of Reading. This can have a massive impact on the National Health Service and medical providers locally. Public Health are a responsible authority under the Licensing Act 2003 and can make representations on licence applications as well as calling for reviews on premises that undermine the licensing objectives.

2.16 The Secretary of State's Guidance states that health bodies can make representations based on any of the four licensing objectives. The licensing authority considers that data around hospital admissions due to alcohol consumption; data that shows a correlation between anti social behaviour and excessive alcohol consumption in different localities, data that violence related to alcohol or the night time economy in general; data that links high alcohol consumption to a particular area and data that undermines the physical, moral and psychological of children and vulnerable persons to all be relevant to the promotion of the licensing objectives. Any or all of this data would be grounds for public health exercising their right to participate in the licensing process.

2.17 The Licensing authority takes the issue of public health extremely seriously and would expect applicants and licence holders to familiarise themselves with any local issues that may be detrimental to the public health of the people of Reading. The licensing authority will take cognisance of the issues raised by public health to do with licensed premises and issues surrounding alcohol and will determine applications in line with ensuring that all of the licensing objectives are actively promoted for the safety of the local communities in which a licensed premises operates. The Council's 'Joint Strategic Needs Assessment' which outlines the health and wellbeing of the local population can be accessed here - <http://www.reading.gov.uk/jsna>

The Council's 'Drug and Alcohol Misuse Needs Assessment' also highlights issues around licensed premises, street drinking and health outcomes and this can be accessed here:

http://www.reading.gov.uk/media/4501/Item-15-Appendix/pdf/Item_15_Appendix.pdf

Alcohol Harm Reduction Strategy

2.18 The Council must have regard to the Government's Alcohol Harm Reduction Strategy when formulating this licensing policy and discharging its functions under the Licensing Act 2003. The strategy outlines measures proposals to cut binge drinking, cut alcohol related violence and cut the number of people drinking to damaging levels.

Other Initiatives

2.19 Reading's night time economy has achieved Purple Flag and Best Bar None status. These are nationally recognised schemes meaning the town has achieved a level of excellence and we would expect all licence holders and potential applicants to take cognisance of these standards and practices. The Authority and its partners shall seek to work with all stakeholders in the town to maintain these standards.

3. Licensing and integration with other legislation

3.1 Many other pieces of legislation impact directly or indirectly on the licensing regime. The Licensing Authority must have regard to the following when it discharges its responsibilities under the Licensing Act 2003 and in relation to the promotion of the four licensing objectives:

Crime and Disorder Act 1998

3.2 This Act requires local authorities and other bodies to consider crime and disorder reduction. Section 17 of the Act states that it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that is reasonably can to prevent, crime and disorder in its area (including anti social and other behaviour adversely affecting the local environment). This links specifically with the licensing objective of prevention of crime and disorder and the licensing authority will take into account all reasonable measures that actively promote this licensing objective.

The Anti-social Behaviour, Crime and Policing Act 2014

3.3 This Act gives a wide range of powers to local authorities and the police to tackle incidents of crime, disorder and nuisance that may be impacting on residents. The Act introduced public spaces protection orders which allows the local authority to designate areas in the borough where anti social behaviour such as street drinking will be prohibited. The Council has designated areas where street drinking is prohibited and is in the process of introducing a new public space protection order. The Act also gives powers to the local authority and police to close licensed premises where nuisance and anti social behaviour is taking place or likely to take place. This Act therefore clearly supports and actively promotes the licensing objectives contained within the Licensing Act 2003.

Immigration Act 2016

3.4 Section 36 and Schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 and made Home Office Immigration Enforcement a Responsible Authority concerned with the licensing objective of prevention of crime and disorder. They will exercise their power both in respect of being a consultee on new licence applications and having right of entry to licensed premises with a view to seeing whether an offence under any of the Immigration Acts is being committed on a licensed premises. This will primarily involve the detection and prevention of illegal working on premises that have an alcohol licence or a late night refreshment licence. The offence of employing people at a licensed premises who have no right to work in the UK is also now listed in the Secretary of State's guidance under Section 11.27 which covers criminal activity deemed to be particularly serious and where a licensing authority should consider revoking a premises licence even in the first instance. This Act clearly supports and actively promotes the licensing objective of preventing crime and disorder and the licensing authority will work with colleagues in the Immigration service and Thames Valley Police to enforce this.

Human Rights Act 1998

3.5 The Council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licence holder to operate their business without undue interference (Article 1 of the First Protocol). This promotes the need for the licensing authority to reach a balance between these two principles when making decisions.

Equality Act 2010

3.6 The Act places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and those who do not. Protected characteristics include age, disability, race, religion and sexual orientation. When making a decision, the licensing authority will have regard to this due to the goal of ensuring that the night time economy is safe and accessible to all.

Other Legislation that the Licensing Authority will consider

3.7 The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences
- Reading Borough Council Act 2013 which deals with street trading and touting
- Health and Safety at Work Act 1974 and Food Hygiene regulations
- Planning legislation (see paragraphs 2.2-2.9 of this policy)

4. Scope of the Licensing Policy

Consultation

4.1 In drawing up and reviewing this policy, the licensing authority consulted with the bodies designated as Responsible Authorities within the Licensing Act 2003. The Authority also consulted with licence holders, local residents groups and groups representing the trade including licensing solicitors and Pubwatch.

- The chief officer of the police for the Reading local authority area
- The fire authority of the Reading local authority area
- The Public Health authority for the Reading local authority area
- Reading Borough Council Environmental and Nuisance team
- Reading Borough Council Environmental Health/Food Safety team
- Reading Borough Council Trading Standards team
- Reading Borough Council Planning Authority
- Reading Borough Council Safeguarding Board
- Alcohol licensing team at the Home Office
- All premises licence holders who hold a licence with Reading Borough Council
- Local organisations who are representative of local holders of premises licences
- Persons or bodies representative of local residents
- Licensing solicitors representing multi-site operators

4.2 This policy statement will remain in effect for a period of five years from the date it is approved by the Council. During this period it will be reviewed if necessary.

4.3 The Cumulative Impact Assessment - which forms part of the Council's Licensing policy - will remain in force for a period of three years from the date it is approved by the Council.

4.4 This policy document is prepared in accordance with Section 5 of the Licensing Act 2003 having regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act.

4.5 The Licensing Authority shall, as required by Section 4 of the Licensing Act, have regard to this policy in its decision making. The policy may be departed from in the individual circumstances of any case merit this and it is in the interests of promoting the licensing objectives. In such cases, the Licensing Authority shall give full reasons for departing from this policy.

4.6 The Licensing Authority has a duty under the Licensing Act 2003 to carry out its functions so as to promote the four licensing objectives. All four licensing objectives are of equal importance.

4.7 This policy addresses the principles behind the decisions in respect of all applications for:

- Premises Licences
- Club Premises Certificates
- Community Premises
- Personal Licences
- Temporary Event Notices
- Variation of conditions attached to licences
- Review of premises licences and club premises certificates

Fundamental Principles

4.8 The Licensing Authority recognises that persons who meet the requirements as set out in the Licensing Act 2003 can apply for a premises licence, club premises certificate and temporary event notice and carry out licensable activities in accordance with that authorisation.

4.9 The Licensing Authority recognises that bodies designated as Responsible Authorities and 'Other persons' under the Act can make representations in relation to any application for the grant/variation or review of a premises licence or call for the review of any premises licence or club premises certificate that has been granted by the authority.

4.10 The Licensing Authority recognises that in relation to a premises licence or club premises certificate that it cannot:

a) Modify conditions attached to a premises licence or club premises certificate unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives

b) Exclude a licensable activity from the scope of a premises licence or club premises certificate unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives

c) Refuse to specify a person on a premises licence as the Designated Premises Supervisor unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objective of crime and disorder

d) Refuse an application for a grant or variation - unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objectives. Minor variations will be determined on the basis of their impact on any of the licensing objectives.

e) Refuse an application to transfer a licence unless it has received a relevant representation about the application and then only to the extent that granting such application would undermine the promotion of the licensing objective of prevention of crime and disorder.

f) Attach conditions to a premises licence or club premises certificate unless those conditions are consistent with the operating schedule of an application form, they have been agreed with the applicant during the application process, or they have been placed upon a licence by the licensing sub-committee in order to promote the licensing objectives.

g) Modify the mandatory conditions attached to all licences.

4.11 The Licensing Authority recognises that in relation to Temporary Event Notices and Personal Licences that it cannot:

a) Refuse an application for a personal licence unless the applicant is shown to have a relevant conviction that the local police believe will undermine the crime and disorder licensing objective.

b) Suspend for three months or revoke a personal licence unless that person has a relevant conviction or has been convicted of an immigration penalty.

c) Refuse a temporary event notice unless a relevant representation is received from the police or the body within the council that deals with noise nuisance.

4.12 The Licensing Authority recognises that in relation to representations that it cannot:

a) Reject a representation unless it is deemed frivolous, vexatious or irrelevant to the promotion of the licensing objectives. In considering whether a representation is frivolous, vexatious or irrelevant, the Authority will follow the steps as outlined in the Secretary of State's Guidance at paragraphs 9.4 to 9.10. If a representation is rejected, then reasons shall be given to the person who made that representation.

4.13 The Licensing Authority will carry out all of its functions with a view to promote the four licensing objectives and to ensure, as far as is practicable, that there is integration with all Council policies, strategies and initiatives.

4.14 It is recognised that the licensing function is only one means of securing the delivery of the active promotion of the licensing objectives and should not therefore be seen as a panacea for solving all problems within local communities. The licensing process can only seek to control measures within the control of a licence holder or potential licence holder. The Licensing authority will continue to work in partnership with other bodies within the Council and outside the Council to ensure that the licensing objectives are actively promoted through any relevant strategy, initiative or policy.

Licensable Activities

4.15 This policy relates to all applications for the following licensable activities:

- The sale of alcohol by retail
- The supply of alcohol to club members
- The provision of regulated entertainment:
 - Performance of a play
 - Performance of a film
 - An indoor sporting event
 - Boxing or wrestling
 - Performance of live music
 - Performance of recorded music
 - Performance of dance
- The provision of late night refreshment (the sale of hot food and drink between 2300hrs and 0500hrs)

4.16 There has been numerous bills put through Parliament to deregulate certain licensable activities. This includes the Live Music Act 2012 and various deregulation bills. Paragraphs 16.1 to 16.72 of the Secretary of State's Guidance cover at length examples of regulated entertainment that has been deregulated.

4.17 This policy can not list all instances of deregulation. However, some key examples are as follows:

- a) Live music - no licence is required for a performance of unamplified live music between 0800hrs and 2300hrs on any premises. Further, no licence is required for a performance of amplified live music between 0800hrs and 2300hrs on premises that have a licence to sell alcohol on the premises.
- b) Recorded music - no licence is required for a performance of recorded music between 0800hrs and 2300hrs on any day on premises that have a licence to sell alcohol on the premises and is performed to an audience of no more than 500 persons.

4.18 Applicants, licence holders or members of the public who are unclear whether an activity is licensable or not should contact that licensing authority for information.

5. Licensing Applications

Grant and Full Variations

5.1 All licensing applications for the grant or full variation of a premises licence or club premises certificate must be served on the licensing authority. Applications can be served electronically via the gov.uk portal or via hardcopy. All applications must be accompanied by a plan of the premises which shows the licensable area; an immigration document demonstrating that the licence holder has the right to live and work in the UK and the correct fee. Failure to provide the correct documentation or fee will result in the application being returned to the applicant as invalid.

5.2 Any applicant that proposes to serve an application in hardcopy must ensure that the application is served on all of the Responsible Authorities stated in the Licensing Act 2003. Contact details for the below are attached as an appendix to this policy:

- a) The Licensing Authority for which the premises is located
- b) The chief officer of the police for the area
- c) The chief fire officer of the police for the area
- d) Reading Borough Council Safeguarding Board
- e) Reading Borough Council Environmental Health
- f) Reading Borough Council Environmental Protection and Nuisance
- g) Reading Borough Council Trading Standards
- h) Reading Borough Council Planning authority
- i) Reading Borough Council Public Health
- j) The Alcohol team at Home Office Immigration Enforcement
- k) A Licensing authority other than Reading Borough Council if the premises is part situated in that borough as well.

5.3 In addition, where applications for the grant or full variation of a premises licence are for a boat, a copy of the application must be served on the Navigation authority; the Environment Agency; The canal and river trust and the Secretary of State.

5.4 It is the responsibility of the applicant to ensure that any application for the grant or full variation of a licence advertise the application in accordance with the relevant Licensing regulations. A blue notice should be placed on, at or near the premises to advertise the application for 28 days starting with the day after the application is served. A newspaper advert doing the same must be placed in a newspaper circulating in the Borough of Reading within 10 working days. Failure to do either of these things or to put inaccurate information in them will invalidate an application.

5.5 The Licensing Authority will advertise any valid applications on the Council's website for the same period of 28 days starting with the day after the application was received.

5.6 During the 28 day consultation period, the authority will scrutinise the application along with all of the other Responsible Authorities to judge whether it undermines the promotion of the licensing objectives. The application will be made available to any person who requests to see it. As per Section 18 (6) of the Licensing Act 2003, it will consider the likely effect of granting any licence on the promotion of the licensing objectives. The authority will expect all applicants to have taken cognisance of the Secretary of State's Guidance; local strategies and initiatives; this policy and any other known local issues before submitting their application and that these matters are addressed within the operating schedule of the application.

5.7 Whilst many applications will be resolved without the need for a committee hearing, any matters or representations that are not resolved will trigger a hearing before the properly constituted Licensing Applications Committee for determination.

Minor Variation Applications

5.8 In August 2009, the Government introduced a simplified process to make minor variations to licences. These kind of variations will be ones that are considered to have no adverse impact on the promotion of the four licensing objectives. These applications will be considered by duly authorised officers of the Licensing Authority.

5.9 Minor Variations cannot be used to:

- a) extend the period for which the licence or certificate has effect;
- b) specify within a premises licence, a new DPS;
- c) add the sale or supply of alcohol as a licensable activity;
- d) authorise an extension alcohol hours;
- e) vary substantially the layout; activities or conditions of a licence;
- f) authorise an individual to supply alcohol at a community premises

5.10 Minor Variations can be used to:

- a) make minor changes to the structure or layout of a premises;
- b) make small adjustments to the licensing hours;
- c) remove out of date, irrelevant or unenforceable conditions;
- d) add or remove licensable activities (not the sale of alcohol);
- e) Add conditions that may have been agreed with a responsible authority.

5.11 Under the Minor Variation application process, the applicant must send the application to the Licensing Authority only. The applicant must also display a white notice

on, at or near the premises which advertises the proposed changes for a period of ten working days beginning with the day after the application was received by the authority. There is no requirement to advertise this application in the newspaper.

5.12 The Licensing Authority - upon receipt of a valid application - will determine the application in relation to its impact on the four licensing objectives and consult any Responsible Authority it wishes. The authority may reject the application if it believes the licensing objectives will be undermined by granting it. The authority can reject the application even if it receives no representations against it. If the authority fails to make a determination within five working days after the ten working day consultation period, then the application will be deemed refused and the fee shall be returned to the applicant.

Review of a premises licence or club premises certificate

5.13 Any premises that has a premises licence or club premises certificate may have that licence reviewed by any of the named Responsible authorities - including the Licensing Authority in its role as a Responsible Authority. Thames Valley Police may also submit a Summary Review if there is a premises associated with serious crime and disorder. When the Licensing Authority instigates a review it will ensure that there is a clear separation of functions between the officer acting as the licensing authority and the officer acting as a responsible authority.

5.14 A premises licence review can also be instigated by a person defined in the Act as 'any other person'. One example of this is local residents.

5.15 The Act provides strict guidelines, timescales and procedures for review applications and hearings and the Authority will deal with every review application in accordance with these rules.

5.16 Further details on review applications can be found in this policy under the heading 'Enforcement'.

Designated Premises Supervisors

5.17 This person must hold a personal licence and would generally be in day to day control of the premises.

5.18 No alcohol may be sold or supplied from a licensed premises unless it is sold by a personal licence holder or a personal licence has authorised others to sell alcohol in their absence.

5.19 In 2009, the Government empowered the Licensing Authority - upon the application of a management committee of a community premises - not to apply the normal mandatory conditions in relation to the sale of alcohol. Instead the authority can impose a condition rendering the management committee responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence.

5.20 Any application for a change of the Designated Premises Supervisor must be made to the Licensing Authority either electronically via gov.uk or in hardcopy. Any hardcopy applications must also be served on Thames Valley Police. An application form completed by the premises licence holder; a consent form signed by the prospective DPS; the premises licence and a fee of £23 must be submitted.

5.21 Where an objection is received by the Authority from Thames Valley Police in respect of the proposed DPS, the authority is required to hold a hearing before the Licensing Applications Committee within the timescales set out in the Act and accompanying regulations.

Transfer of Premises Licence

5.22 Where a licence holder wishes to transfer their premises licence to another person or body, then an application shall be made to the Licensing Authority to do so. An application form completed by the proposed new owner; a consent form giving permission for the transfer from the previous owner; the premises licence and a fee of £23 must be submitted - either electronically or in hardcopy. All hardcopy applications must also be served on Thames Valley Police.

5.23 If the authority receives a representation in relation to any proposed transfer, then it must hold a hearing in the required timescales.

5.24 A licence will lapse if the licence holder meets any of the criteria as outlined in Section 27 of the Licensing Act 2003. This means that any licence holder who dies; becomes incapacitated; becomes insolvent or has their company dissolved will see their licence lapse. This would mean that no licensable activity can take place unless a transfer is received within 28 days. A licence will also lapse if the holder of the licence no longer has the right to work in the UK. Should this happen, then a new licence will have to be applied for from someone who does have the right to work in the UK.

5.25 A club premises certificate will cease to exist if it does not meet the criteria laid out in the Licensing Act 2003. A club premises certificate cannot be transferred.

Personal Licence Applications

5.26 Under the Act, the Licensing Authority will automatically grant applications for personal licences so long as they meet the application criteria outlined in the Act. If an applicant has been convicted of a relevant offence or has been subject to an immigration penalty that may undermine the prevention of crime and disorder licensing objective, Thames Valley Police or Home Office Immigration may make representations against the grant of the application.

5.27 Where relevant representations are received, the Licensing Authority will hold a hearing in accordance with the regulations and timescales outlined in the Act. The Licensing Applications Committee will then make a determination on the application taking into account the relevant representations received.

5.28 When a Personal Licence holder moves address, they must notify the authority that issued their licence. Failure to do so is an offence under the Licensing Act 2003.

5.29 When a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty, they must notify the authority who issued their personal licence so that their licence can be endorsed to that effect. Failure to do so is an offence under the Licensing Act 2003.

5.30 Where a Personal Licence holder is convicted of a relevant offence or has paid an immigration penalty then the licensing authority may look to suspend the personal licence for a period of up to six months or revoke it. This is as per Section 132A of the Licensing Act 2003. If the Licensing Authority decided to take this action then it will allow the licence

holder to make representations which will be considered at a properly constituted hearing in front of the licensing applications committee.

Temporary Event Notices

5.31 An event organiser who wishes to arrange a one off event or extend the hours for licensable activities at a premises, may notify the Authority of the proposed event. The application (or notice) needs to be submitted to the Licensing Authority with the fee of £21. The application must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hardcopy then it must also be sent to Thames Valley Police and the Council's Environmental Protection and Nuisance team.

5.32 A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the day of the application; the date the application is submitted; weekends or bank holidays. Failure to adhere to these timescales may invalidate the application.

5.33 An applicant who also holds a Personal Licence may apply to hold 50 events per year. An applicant who does not hold a Personal licence may only apply for 5 events.

5.34 Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totalling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

5.35 If the police or the Environmental Protection and Nuisance team make a representation in regard to a temporary event notice then the Licensing Authority will arrange a hearing before the Licensing Application Committee in the required timescales.

5.36 Applicants are encouraged to submit Temporary Event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event.

Late Temporary Event Notices

5.37 Late notices can be given no later than five working days before an event but no earlier than nine working days before an event. If there is an objection to the proposed event from either Thames Valley Police or the Council's Environmental Protection and Nuisance team then the authority will issue a counter notice. This means that the event will not be permitted to go ahead.

5.38 The number of late notices that can be given in any one calendar year is limited to ten for personal licence holders and two for non personal licence holders. Late notices count toward the total for the number of events per year held at a single premises and for the number of events per year applied for by the applicant.

Applications and the Immigration Act 2016

5.39 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises.

5.40 These new provisions apply to applications for a grant of a premises licence; the transfer of a premises licence and for the grant of a personal licence. As part of the process for any individual applying for any of the above licences, the applicant must provide a

relevant right to work document. If a right to work document is not produced then the application will be deemed invalid and returned to the applicant. The Licensing Authority will not and can not issue a licence to someone who does not have the right to work in the UK.

5.41 Applicants are required to submit a copy of a relevant and valid right to work document. A list of acceptable right to work documents can be found on the Council's website here - <http://www.reading.gov.uk/alcohol-premises-licence> Applicants are advised to check the latest information about acceptable immigration documents on the gov.uk website.

5.42 As a Licensing Authority, we have to be satisfied that applicants have a right to work in the UK. As part of that process, we may refer your right to work document to the Home Office's Status Verification Evidence and Checking Unit (SVEC). The Home Office are also a named 'Responsible Authority' under the Licensing Act 2003 and will be sent copies of all applications for them to conduct their own checks.

5.43 When an applicant has limited leave to remain and work in the UK, any licence issued to that person will lapse at the expiry of that leave. A licence will also lapse if the Home Office revokes or curtails someone's leave in the UK. In these instances, applicants are advised to produce evidence of any extension to their entitlement to work to the Licensing Authority. If no evidence of this is produced, then the licence will lapse and all licensable activities permitted by that licence must cease. If an applicant then gets further leave to work in the UK, they will then have to apply for a new licence.

5.44 The Home Office - as a named Responsible Authority under the Licensing Act 2003 - can make representations in relation to applications predominantly in relation to the licensing objective of the prevention of crime and disorder.

5.45 Immigration offences such as the employment of illegal workers are now listed as one of the most serious criminal offences in the guidance to the Licensing Act 2003. The payment of Immigration penalties are also now a relevant offence under the Licensing Act 2003.

5.46 The Licensing Authority consider the prevention of crime and disorder licensing objective in relation to the prevention of illegal working in licensed premises to be of particular seriousness and will expect applicants to address these issues within any application submitted to us.

Committee Hearings

5.47 Applications that attract representations (except Minor Variations) will be determined by the Licensing Applications Committee or Sub Committee. The relevant committee meeting will be discussion led and the committee members will listen to the points raised by the applicant and any objector. All parties will be notified of the decision of the committee. All hearings will be held in accordance with the relevant regulations and timescales outlined in the Act.

Appeals

5.48 If an applicant is aggrieved by a decision of the Licensing Authority, an appeal may be lodged with the Magistrates Court for the area. The Authority must in all cases be the respondent to such an appeal.

6. Licensing Conditions

General Approach

6.1 Conditions shall be appropriate and proportionate for the promotion of the licensing objectives and shall be unambiguous and clear in their stated aims. Conditions will also be tailored to the type, location and characteristics of the particular premises and the relevant licensable activities. Any condition imposed by the Authority shall also aim to avoid duplication of other legislation unless there is a requirement to impose such a condition in order to promote the licensing objectives (for example, a capacity limit for public safety reasons). This shall apply to all relevant applications (grant/variation of a premises licence or club premises certificate)

6.2 The operating schedule within an application should contain an assessment from the proposed licence holder of what they believe are appropriate and proportionate measures to enable them to carry out their proposed licensable activities. This assessment should be arrived at by taking cognisance of this policy and the Secretary of State's guidance which outlines the matters that an applicant should take into account such as issues in the locality and why their proposed measures are suitable for their proposed operation.

6.3 If an application receives no representations from Responsible Authorities or any other persons then the licensing authority must grant that licence. The licence would therefore be granted with conditions that are contained within the operating schedule. However, applicants should be aware that the licensing authority is not permitted to simply replicate the wording of an operating schedule into conditions. Conditions will be worded as per the Council's Pool of Conditions and will reflect the intention of the applicant.

6.4 The licensing authority does not have the power to impose conditions on a premises licence or club premises certificate unless it is receipt of a relevant representation and considers that conditions are appropriate and proportionate to promote the four licensing objectives.

6.5 Any conditions imposed upon a premises licence or club premises certificate will be tailored to that type of premises and the style of operation. Consideration will also be given to the locality of the premises; issues in the locality; the issues set out in the Guidance and any policy, initiative or other matter the licensing authority wishes to take into account in order to promote the four licensing objectives.

6.6 The licensing authority will avoid attaching conditions which duplicate other legislation. However, some crossover may occur if the licensing authority believes that additional measures to control licensable activity are required to promote the four licensing objectives.

Mandatory Conditions

6.7 There are conditions that are imposed on all premises licences and club premises certificates. These are mandatory conditions and will apply to all licences and certificates that authorise the sale or supply of alcohol. These conditions will apply even if they are not contained on the physical copy of any licence.

6.8 The mandatory conditions are laid out in the Secretary of State's guidance. Licence holders must ensure, for example, that irresponsible drink promotions do not take place on the premises. Licence holders must also ensure that any drink measurement is compliant and that all sales meet the minimum permitted pricing. Licences that permit alcohol to be sold and consumed on the premises must also provide free potable water to customers. The licensing authority considers irresponsible drinks promotions and alcohol being sold below

the permitted minimum price as extremely serious offences that only promote excessive and irresponsible alcohol consumption and which then go on to cause alcohol related crime; anti social behaviour and poor health outcomes. Any premises found engaging in such activity is likely to face appropriate enforcement action for undermining the promotion of the licensing objectives.

6.9 The mandatory conditions stipulate that no sale of alcohol may be made under a premises licence at any time when there is no Designated Premises Supervisor or when the proposed Designated Premises Supervisor does not have a valid Personal licence. Every supply of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence. Any premises found to be in breach of this is likely to face appropriate enforcement action for conducting unlicensed activity and undermining the promotion of the licensing objectives.

6.10 The mandatory conditions also stipulate that the holder of any premises licence or club premises certificate must ensure that a suitable age verification policy is adopted at the premises in respect to the sale or supply of alcohol. All sales must then be carried out in relation to that policy and only then when suitable photographic identification is produced. Any premises found operating without a valid policy is likely to face appropriate enforcement action for conducting unlicensed activity and undermining the promotion of the licensing objectives.

Off Licences and Conditions - General Approach

6.11 Shops selling alcohol for consumption off the premises can be the focus of antisocial behaviour, crime and disorder and public disturbance. In the town centre and Oxford Road area, for example, there are significant issues with street drinking and the associated anti social behaviour this causes.

6.12 Any applications for off licences shall be considered in the light of all relevant matters that may undermine the licensing objectives such as street drinking in that locality as well as the availability of high strength beers, lagers and ciders and the detrimental effect those products have on health outcomes. This approach will apply to the whole Borough of Reading and the authority will seriously consider any representation made to it by Thames Valley Police, Public Health or other responsible authorities which indicate that the availability or sale of high strength beers, lagers and cider are likely to be detrimental to the promotion of the four licensing objectives.

6.13 When considering applications for off licences, the authority would expect applicants to acknowledge the above issues within their operating schedule.

6.14 The authority, whilst taking all applications on their own merits, will not generally grant applications for the 24 hour sale of alcohol for consumption off the premises. The authority will expect proactive measures to be included within the operating schedule that prohibits or restricts the sale of high strength beers, lagers and ciders above 6.5% in order to assist with preventing street drinking, preventing anti social behaviour and to actively promote the licensing objectives.

6.15 Applications for off licences would also be expected to contain evidence of appropriate staff training, the utilisation of a Challenge 25 age verification policy and the use of CCTV to cover the entire proposed licensable area. This is not an exhaustive list and conditions should be appropriate and proportionate to the style of operation and taking into account the issues in the locality.

6.16 All licence holders will be expected to actively participate in initiatives set up in Reading which aim to tackle the issues of alcohol related anti social behaviour and the proliferation of high strength beers, lagers and ciders above 6.5%. Initiatives such as 'Reducing the Strength' are proven to reduce alcohol related anti social behaviour in the Borough.

6.17 The Council has introduced a controlled drinking zone across Reading which allows the police to seize alcohol and receptacles. Applicants and current licence holders will be expected to take cognisance of this and put measures in place that avoid alcohol being purchased and then consumed on the street.

6.18 The sale of alcohol to underage young people is an offence under the Licensing Act and can severely undermine the prevention of crime and disorder and the protection of children from harm licensing objectives. The excessive consumption of alcohol by young people is also likely to impact negatively on health outcomes. Applicants for off licences will be expected to include robust measures to ensure that alcohol is sold responsibly and that any staff are trained to a high level to achieve this. Evidence of best practice in terms of recording refusals of age restricted products will be expected within all applications.

Late Night Refreshment (takeaways) and Conditions - General Approach

6.19 Late night food outlets are a major contributor to crime and disorder and anti social behaviour within Reading. Applicants who wish to provide hot food or drink after 2300hrs and up to 0500hrs, will need to demonstrate that their proposed operation will not exacerbate issues of crime and disorder in that locality.

6.20 Applicants for late night refreshment are expected to take cognisance of the Secretary of State's Guidance and to include appropriate and proportionate measures within their operating schedule to assist in actively promoting the licensing objectives.

6.21 The licensing authority will expect all applicants who wish to provide late night refreshment to include measures for adequate staff training; measures to ensure that no public nuisance occurs from the premises as well as additional measures to assist in crime prevention such as CCTV and door supervisors.

6.22 Public nuisance can often occur from takeaways being sited in residential areas. This could be in relation to the use of delivery vehicles and the congregating of customers outside the premises. Applicants are expected to make an assessment of their proposed locality and implement measures to avoid disturbing local residents such as the use of electric bikes and the implementation of a dispersal policy.

6.23 Where it is practical, the authority will also look to ensure that all packaging used for the provision of hot food and drink shall be made of recyclable materials or be biodegradable. This will include all fixed premises and static vans.

Restaurants and Cafes - General Approach to conditions

6.24 The licensing authority would expect all bona fide restaurants to take cognisance of the Secretary of State's Guidance and this policy and include measures that actively promote the four licensing objectives.

6.25 As well as the measures outlined above in relation to a Challenge 25 age verification policy, CCTV and staff training, the authority will expect all bona fide restaurants to include a condition within their operating schedule to the effect that the sale of alcohol will be ancillary to a sit down food order and that the premises will operate solely as a restaurant

with waiters and waitresses providing table service. It is the authority's view that restaurants should not be a place where upright vertical drinking takes place.

6.26 Where a restaurant wishes to provide a delivery service for their products - including alcohol - the authority will expect measures to be included within the operating schedule of how those deliveries will operate. For example, to ensure that deliveries are being made to full postal addresses and not fields; that deliveries which contain alcohol are subject to the premises age verification policy and refusals made accordingly and that delivery bikes are not causing a public nuisance to local residents.

Alcohol led bars and clubs with regulated entertainment - General Approach to conditions

6.27 The licensing authority is of the opinion that premises that are alcohol led; provide limited seating for customers; provide little food and provide entertainment facilities have the strongest potential to undermine the promotion of the licensing objectives. The licensing authority believes that venues that encourage up right vertical drinking and the sale of alcohol - often at cheap prices - leads to a negative impact on the town and only serves to promote drunkenness and crime and disorder if they are poorly operated. Any applicant who wishes to operate such a venue will have to demonstrate that it's proposed use does not undermine the promotion of the licensing objectives and the authority would expect any operating schedule to contain stringent policies and procedures to achieve this. Measures such as CCTV, employment of door supervisors and the use of a club scan device will be expected as a minimum requirement.

Hotels - General Approach to conditions

6.28 Hotels - where alcohol is predominantly sold to hotel guests - are expected to include measures within the operating schedule in relation to a robust age verification policy; robust staff training procedures and the use of modern, full coverage CCTV. Applicants are expected to take cognisance of this policy and the relevant sections of the Guidance.

6.29 The licensing authority believes that Child Sexual Exploitation (CSE) is an issue of serious national importance. This clearly fits under the remit of preventing crime and disorder and protecting children from harm as well as other Council and nationwide policies. It is expected that applicants and existing licence holders have robust measures in place to prevent child sexual exploitation taking place at their premises. The authority may, if it believes the issue has not been adequately addressed in the operating schedule or believes that children are being placed in harms way at a licensed premises, impose conditions on a licence to address those issues. The authority would expect all licence holders to have robust procedures in place to prevent any potential child exploitation taking place and will take the utmost serious consideration of any representations received by Thames Valley Police or the Council's Safeguarding team that outline that any child or vulnerable person is being placed at risk in any licensed premises.

Film Exhibitions

6.30 The authority will not permit the showing of films which are likely to lead to disorder or incite violence towards any section of the public on the grounds of colour, race, ethnic origin, disability, religious beliefs or sexual orientation.

6.31 The authority expects that all films will be shown in accordance with the classification assigned to it by the British Board of Film Classification and that premises showing films have sufficient procedures in place to prevent underage persons from viewing it.

6.32 For a film to be classified by the licensing authority, any applicant will be required to fill in the appropriate application form, pay the appropriate fee and clearly display notices at the premises where they intend to screen the film. The licensing authority may, upon viewing the film, refuse to classify it or impose conditions on it to ensure there are suitable controls in place.

Fire Safety and Capacity Limits

6.33 The authority is committed to ensuring public safety in licensed premises by working in close partnership with Royal Berkshire Fire and Rescue Service subject to the provisions of the Regulatory Reform (Fire Safety) Order 2005.

6.34 Applicants and licence holders are expected to produce a comprehensive fire risk assessment before their premises is used for licensable activities. This document should be revised and maintained in accordance with the provisions of the Regulatory Reform Order 2005.

6.35 The Licensing authority will not generally seek to impose a safe capacity figure as a condition on a premises licence or club premises certificate unless it is appropriate for the promotion of the licensing objectives. Licence holders should ensure that all measures that impact on the public safety licensing objective are adhered to.

7. Licensing Hours

General Approach

- 7.1 The Licensing Act 2003 gives the licensing authority the power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of this policy. The licensing authority will make appropriate decisions on licensing hours for the locality of each premises. All applications will be considered on its individual merits.
- 7.2 When an application receives representations, the authority may consider reducing the opening hours and times for licensable activities if it considers it appropriate for the promotion of the licensing objectives.
- 7.3 As part of the operating schedule submitted with any application, the applicant is expected to take cognisance of the guidance, this policy and any other available data pertaining to their prospective locality and the potential impact their operation may have on that area.
- 7.4 Where it is deemed appropriate and proportionate to do so, the authority may seek to reduce the hours for licensable activities in order to promote an orderly and gradual dispersal from a certain area or certain premises.
- 7.5 All applicants and licence holders are expected to achieve and to adhere to any relevant planning permissions - including hours of operation. Applicants are expected to achieve planning permission before applying for any licence. Where the planning authority have set a terminal hour on a premises planning permission, the licensing authority will generally only grant a licence to that hour. This is to ensure consistency and integration between licensing and planning as detailed in section 2 of this policy.

Licensed Premises in Residential Areas

- 7.6 When dealing with applications and issuing licences, the authority is likely to impose stricter conditions on premises operating in residential areas if it considers it appropriate and proportionate to do so. This will apply to all premises types.
- 7.7 Generally, any licensed premises looking to open past 11pm (2300hrs) in a residential area will need to demonstrate clearly in their operating schedule that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant document and ensure that robust measures are included in any application.
- 7.8 Premises that wish to provide regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters; keeping doors and windows closed and restricting the hours when music is played.
- 7.9 Premises with outdoor areas such as beer gardens and smoking areas may also be subject to further restrictions in regard to their operation and use.
- 7.10 Where any outside area is used for drinking and/or smoking - including the public highway outside of a licensed premises - and complaints of public nuisance or noise are received the authority will consider controls to limit the disturbance.

7.11 Premises that are planning to put on events that involve regulated entertainment may be required to provide the authority with a detailed event management plan of that event which may include a detailed noise risk assessment.

7.12 The licensing authority will seek the input of the Council's Environmental Protection and Nuisance team when looking at measures that may be appropriate for the prevention of public nuisance. This will include taking cognisance of any representations that are submitted as part of the application process or any enforcement action they have taken under their own legislation - such as noise abatement notices.

Hours of Sales in Off Licences

7.13 Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during their normal trading hours. However, in the case of individual shops that are suspected or known to be a focus of crime and disorder, anti social behaviour or public nuisance, then subject to relevant representations being received, a limit on licensing hours and opening hours may be appropriate.

Drinking up/Winding down time/Dispersal

7.14 Premises that provide licensable activity that may undermine the promotion of the four licensing objectives; cause disturbance to residents or in any way exacerbate issues of anti-social behaviour and crime and disorder, are expected to adopt, implement and maintain a robust dispersal policy. Licensed premises in residential areas or within the Council's Cumulative Impact Area are also expected to outline measures such as a suitable wind down time where licensable activities will come to a gradual conclusion before closing time to allow for a gradual and orderly dispersal from the premises and area. It is expected that all staff will be aware of any dispersal policy and wind down times so as to ensure that customers actively leave the premises and area within permitted hours and with the minimum of disturbance to local residents.

7.15 In the case of nightclubs, dance venues and similar premises, it is expected that licence holders and designated premises supervisors instigate and operate a wind down time starting at least thirty minutes before closing time. During this time, the pace, volume and type of music played should be slowed down and reduced to background levels. The sale of alcohol should also cease and staff should be available to assist in the gradual dispersal of patrons from the premises and the immediate area. It is expected that door supervisors should also assist with the gradual dispersal of patrons from the premises and the area and direct people to public transport if appropriate.

Late Night Refreshment

7.16 There are concerns about noise, nuisance, crime and disorder and anti social behaviour in respect of premises open late and providing hot food and drink. Operators and potential applicants of late night refreshment venues wishing to open past 11pm will need to demonstrate that there are suitable policies and procedures in place to mitigate any undermining of the licensing objectives from their operation. If suitable practices and policies are not put in place and it is the belief of the Authority that crime and disorder and/or a public nuisance is likely to occur due to the late operation of late night refreshment premises, then the Authority will look at reducing the hours and or (subject to relevant representations being received) removing late night refreshment from an application in its entirety.

7.17 The Authority - whilst taking each application on its own merits - is unlikely to grant excessive hours to any premises if it believes it will undermine the promotion of the licensing objectives in the locality where it proposes to operate. Applicant's should ensure that their application takes cognisance of the information available - including crime data - and ensure that the operating scheduled is tailored accordingly. Premises within the Council's town centre Cumulative Impact Area will also need to ensure that they rebut the presumption of refusal against applications in that area.

8. Children in Licensed Premises

8.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

8.2 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

8.3 The Authority will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. The Authority will also expect any licence holder who wishes to hold events for children to provide it and Thames Valley Police with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

8.4 The authority will give considerable weight to representations about child protection matters particularly from the Reading Local Safeguarding Children's Board who act as the Responsible Authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

8.5 The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises.

8.6 The Authority will expect all licence holders or premises that wish to allow children on to their premises to ensure that access is restricted where appropriate. This would include, ensuring that all children are accompanied and that they do not have access to or sight of alcohol. Examples of when access could be restricted or denied to the premises altogether could be:

- where adult entertainment is provided;

- where there have been convictions of members of staff or the current management for serving alcohol to minors or there is strong anecdotal evidence of alcohol being sold to minors;
- where there is a known association at the premises for drug taking or drug dealing;
- where there is a strong element of gambling on the premises - particularly large stake games involving significant sums of money
- where the supply of alcohol for consumption on the premises is the exclusive or primary use of the services provided at the premises.

8.7 The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). The authority will expect any licence holder or applicant who intends to show films to outline suitable robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

8.8 Where a large number of children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

8.9 Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises then that is a matter for them. The authority will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premises up until a certain time and then excluding them for the rest of the time the premises is open.

8.10 The Authority strongly recommends that events where persons under the age of 18 years and persons over 18 years do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night. It is the authority's view that mixed age events should not take place within the late night economy - particularly at venues that are alcohol and entertainment led and which are operating late at night. It is the authority's view that these mixed aged events can have an adverse impact on a young persons well being as well exposing them to unacceptable levels of harms associated with the night time economy.

8.11 The responsible authority for protecting children from harm in the Reading Borough Council local area is the Local Safeguarding Children's Board. Whilst the Local Safeguarding Children's Board is a named Responsible Authority under the Licensing Act 2003, the authority is of the view that all responsible authorities can provide input and representations in relation to child protection issues. The authority will therefore give serious consideration to any representation from other responsible authorities such as Public Health and Trading Standards if they pertain to child protection issues.

Child Sexual Exploitation

8.12 There is an increasing connection between the use of licensed premises and the sexual exploitation of children and vulnerable people. There have been high profile cases nationwide of such abuse. This has included the use of licensed premises to exploit, groom

and assault children and vulnerable people as well as exposing them to drugs and alcohol. The authority places the highest priority on the protection of children and vulnerable people from this kind of harm and expects all licence holders and potential licence holders to take cognisance of all national guidance in relation to preventing this kind of activity taking place at their premises.

8.13 The authority undertakes test purchasing operations with Thames Valley Police in order to ascertain whether premises have sufficiently robust policies and procedures in place to deter CSE from taking place at their premises. Premises that fail these test purchase operations should expect the authority to take further action in regard to any failure so as to ensure that children and vulnerable persons do not suffer any further harm. The Authority would expect any responsible licence holder to constantly review their policies and practices in relation to actively promoting the licensing objective of protection of children from harm.

8.14 Where it is brought to the authority's attention that any licensed premises is continually exposing children and vulnerable people to harm, the authority - in consultation with other responsible authorities - will look to take immediate remedial action to prevent further harm utilising any or all of the powers at its disposal.

Children and Alcohol

8.15 The Licensing Act 2003 contains a number of offences in relation to the sale of alcohol and children as detailed below:

| Section | Offence | Prosecuting Authority |
|--------------|---|---|
| Section 145 | Unaccompanied children prohibited from certain premises | Police and/or Licensing Authority |
| Section 146 | Sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147 | Allowing the sale of alcohol to children | Police, Licensing Authority and/or Local Weights and Measures Authority |
| Section 147A | Persistently selling alcohol to children | Police and/or Local Weights and Measures Authority |
| Section 149 | Purchase of alcohol by or on behalf of children | Police and/or Licensing Authority |
| Section 150 | Consumption of alcohol by children | Police and/or Licensing Authority |
| Section 151 | Delivering alcohol to children | Police and/or Licensing Authority |
| Section 152 | Sending a child to obtain alcohol | Police and/or Licensing Authority |
| Section 153 | Prohibition of unsupervised sales by children | Police and/or Licensing Authority |

8.16 The Licensing Authority expects all applicants for grants or variations of their premises licence or club premises certificate to outline robust measures to protect children from harm. This can include appropriate staff training as well as a Challenge 25 age verification policy for the sale of alcohol and any other measure which is deemed appropriate for the style of premises.

8.17 The Authority carries out joint test purchasing operations with other responsible authorities such as Thames Valley Police and Trading Standards as well as the Community Alcohol Partnership officer. Test purchasing operations will also be carried out to ensure that licensed premises are adhering to their age verification policy as per the mandatory conditions attached to all licences that sell alcohol.

8.18 Where a licensed premises is found to have sold alcohol to a child under the age of 18 years of age then the authority will look to take immediate remedial action against that premises and that licence holder. Similarly, if a premises is found to be selling alcohol in breach of its licence conditions or the mandatory conditions, those are offences which the authority deems to be particularly serious and will look to take action to prevent a re-occurrence.

9. Enforcement

General Principles

9.1 It is the responsibility under the Act for all responsible authorities; licence holders and prospective licence holders to actively promote the four licensing objectives. The Council along with partner agencies, has a wider responsibility to protect the public as a whole and prevent crime, harm or nuisance from taking place.

9.2 The Authority will carry out its licensing functions with a view to actively promoting the licensing objectives and maintaining public safety. This applies to the dual role the licensing authority has both as the administrator of the process and as a responsible authority.

9.3 The Licensing Authority has previously and will continue to work with other responsible authorities and partner agencies in order to ensure that the licensing objectives are promoted and that a consistent and joined up approach is taken to enforcement across Reading.

9.4 Reading Borough Council and Thames Valley Police work in partnership when carrying out work that involves licensed premises and any matter that undermines the licensing objectives. The Authority and Thames Valley Police also work in partnership with colleagues in the Home Office Immigration Enforcement team and Trading Standards on a variety of issues including the prevention and detection of illegal working in licensed premises and issues surrounding super strength alcoholic products and responsible alcohol retailing.

9.5 The Licensing Authority, Trading Standards and Thames Valley Police have established a regular partnership group to discuss and identify issues arising from licensed premises and to decide what, if any, enforcement action should be taken against any such premises. The partnership group is often attended by other colleagues so as to provide the widest possible, joined up approach to tackling issues in relation to licensed premises. It is the authority's view that issues are best tackled, whenever practicable, through this joined up approach as it provides consistency and a best practice approach to dealing with licensing issues.

Inspections

9.6 The Authority will carry out inspections at all premises where a premises licence is in force. Additionally, an inspection may also be carried out where an application for a grant, variation or review is received by the Authority to ascertain the likely effect of granting any application on the promotion of the licensing objectives. Inspections may also be carried out if the Authority or one of our partner agencies/responsible authorities are made aware of complaints or other incidents that undermine the promotion of the licensing objectives.

9.7 Inspections will be carried out solely by the Licensing Authority or in conjunction with other partners such as Thames Valley Police, Home Office Immigration Enforcement and Trading Standards.

Test Purchasing

9.8 It is the Authority's view that the sale of alcohol or other age restricted products to children is completely unacceptable. The Authority will work with colleagues in Thames Valley Police, Trading Standards and the Community Alcohol Partnership to regularly carry out test purchases on licensed premises. The sale of alcohol to children is an offence under

the Act. Any premises or licence holder that is found to be selling alcohol to children is likely to have enforcement taken against them.

9.9 A further offence of persistently selling alcohol to children has also been inserted into the Licensing Act 2003. This is defined as alcohol being sold to a child on two occasions within a period of three consecutive months. Any premises that is found to be persistently selling alcohol to children will, as per the Secretary of State's Guidance at paragraph 11.30, have that premises licence reviewed with a view to having it revoked.

9.10 As well as test purchasing exercises being undertaken to establish whether alcohol is being sold to children, test purchasing exercises will also be carried out to ascertain whether a premises is adhering to its age verification policy. Most licences will have a condition stating what the premises' age verification policy should be. Further, the mandatory conditions on all premises licences that authorise the sale of alcohol clearly state that each premises must implement an age verification policy and that all sales must be carried out in accordance with that policy. Therefore, if a premises operates a Challenge 25 policy and only accepts certain photographic ID, then they will be tested to see that this is being done. It is the Authority's view that a Challenge 25 age verification policy should be adopted as best practice with only nationally accredited photo ID being acceptable as proof of age. Any premises found to be selling alcohol not in accordance with their own adopted age verification policy will be committing an offence which could lead to enforcement action being taken to prevent a reoccurrence.

9.11 Further offences in relation to children and alcohol are listed at paragraph 8.15 of this policy and licence holders are expected to be aware of these and to undertake due diligence to prevent these serious crimes occurring. All premises that sell alcohol are expected to have robust systems in place to ensure alcohol is not sold to children.

Enforcement Approach

9.12 Where offences are found to have been carried out on licensed premises, the Authority has a number of enforcement options available to it. The Authority will work with partner agencies to determine which enforcement option is appropriate for the promotion of the licensing objectives. The seriousness of the offences found will be taken into consideration as well as any previous issues of non compliance or criminality that have taken place at the licensed premises.

9.13 The enforcement options available to the Authority are wide-ranging. The Authority may consider, for example, that a letter detailing the issues found during an inspection followed by a period of time to rectify them is sufficient to promote the licensing objectives. Similarly, the Authority may consider that the breaches are sufficiently serious to warrant an immediate performance meeting with a licence holder so that a discussion can take place about the adequacy of the processes in place at the premises. This could, for example, lead to recommendations being put to the licence holder to implement much more robust conditions and processes to avoid a repeat of the breaches found. The authority may also decide to prosecute relevant persons for offences being carried out on licensed premises. Licence holders should note that the authority can take one or more of these options available to it at the same time for the same offences should it be deemed appropriate to do so.

9.14 Licence holders should be aware that some criminal activity on licensed premises is considered to be of such seriousness to warrant a licence being reviewed straight away. There is certain criminal activity stated within the Secretary of State's Guidance that should be taken particularly seriously and where revocation of a licence, even in the first instance, should be seriously considered. This can include the sale or storage of smuggled alcohol or

cigarettes on a licensed premises; the employment of an illegal worker at a licensed premises and the use of a licensed premises to sell or distribute drugs and weapons. Clearly if a premises is found to be committing such serious offences, then the premises and licence holder is severely undermining the licensing objectives. It is likely, under such circumstances, that a licence review will be initiated by the Authority or colleagues within Thames Valley Police, Home Office Immigration Enforcement or the relevant responsible authority with a view to having the licence revoked.

9.15 Licensed premises that have a history of non compliance over a period of months and years and/or incidents of serious crime taking place at that premises, will likely find that the Authority will initiate a review with a view to asking for the licence to be considered for revocation.

9.16 When considering what enforcement action to take, the Authority will always consider what is the most appropriate and proportionate step to promote the licensing objectives. The Authority is not required to wait for offences to occur before deciding it needs to take appropriate action. Case law - notably *East Lindsey District Council v Abu Hanif* - states that the promotion of the licensing objectives requires a prospective consideration of what is warranted in the public interest having regard to the twin considerations of prevention and deterrence. Similarly, the Secretary of State's Guidance to the Licensing Act makes clear that there is no requirement for the Authority to wait for the outcome of any criminal proceedings before it initiates any enforcement action. This is the approach that the Authority will take when considering what, if any, action should be taken when condition breaches and other criminal activity is found at licensed premises.

9.17 Thames Valley Police may also initiate a Summary Review when they believe a premises is associated with serious crime, serious disorder or both. The Summary review process is outlined in Section 53A to 53D of the Licensing Act 2003 and is reserved for the most serious crime and disorder issues. When a Summary Review is submitted by Thames Valley Police, the Authority will deal with the application as set out in the Act. Similarly, Immigration Enforcement may also close a licensed premises under a compliance order which will then trigger an expedited review once the Authority is notified by the Magistrates Court. This will be dealt with in accordance with the processes and timescales detailed in the Act.

9.18 Any responsible authority or person defined as 'any other person' within the Act can initiate a review of any premises licence or club premises certificate. When another responsible authority or other person initiates a review, the Authority will deal with it as the Licensing Authority and may also wish to make representation in support of the review within it's role as a responsible authority if it has relevant information.

9.19 Licensed premises that are found to be compliant and which do little to undermine the promotion of the licensing objectives will be deemed as a much lower risk than premises that breach conditions, carry on serious criminal activity and generate complaints.

9.20 The Authority shall endeavour to work with licence holders and applicants where it is believed that steps can be taken to rectify issues identified at licensed premises. However it can not merely continue that approach if it has previously failed or the licence holder is unresponsive. It is the responsibility of all licence holders and responsible authorities to ensure that licensed premises are not undermining the promotion of the licensing objectives and that licensable activity is carried out lawfully. The Authority will work with partners to determine what action is appropriate for each premises where issues are discovered. Each premises and the action required for each will be assessed on it's own individual merits.

9.21 The Council, in determining a review application can take the following steps in order to promote the licensing objectives:

- modify the conditions on the licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the premises licence

9.22 If a summary review has been submitted by Thames Valley Police then the Authority can, within 48 hours of an application, take immediate steps if it deems it appropriate for the promotion of the licensing objectives. These are called 'interim steps' and can include modifying conditions; removing alcohol as a licensable activity; removing the designated premises supervisor or suspending the licence. The interim steps - unless successfully appealed by the licence holder within 48 hours - shall remain in place at least up until the final review hearing. The final review hearing will then see the Authority make two determinations - what action to take in relation to the premises licence and whether it is appropriate for the interim steps to remain in place.

'Shadow licences'

9.23 A shadow licence is generally the term given to a licence applied for at a premises that already has a premises licence. Typically the applicant is a landlord of a premises where a tenant is conducting licensable activity under a separate licence. There is case law to suggest that this is permissible however the Authority is concerned that this undermines the sanctions available to it in response to a review application under the Act. This would be the case if enforcement action - including a review - was taken in respect of one of the licences yet the premises continued to operate under the authority of a second licence. The Authority recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control in order to promote the licensing objectives. Where the landlord is also a premises licence holder, the Authority considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives. If appropriate, the Authority will seek to review both licences if it is considered the best way to actively promote the licensing objectives.

9.24 Any application for a 'shadow licence' and any enforcement action that may need to be taken will be dealt with in accordance with this policy and the measures already set out. This would include, for example, a prospective applicant for a 'shadow licence' in the Council's Cumulative Impact Area being able to rebut the presumption of refusal against such licences being granted in that area.

Personal Licences

9.25 Any personal licence holder who is convicted of a relevant offence or has had to pay an immigration penalty are required to notify the Authority of this. Where it is discovered that a personal licence holder has been convicted of a relevant offence or has had to pay an immigration penalty, the Authority will look to take action under Section 132A of the Licensing Act. This can lead to a personal licence being suspended for a period of up to six months or revoked in its entirety. Any licence holder who commits these offences would likely have undermined the licensing objectives and an assessment will need to be made as to whether they should be permitted to carry on holding a personal licence and whether they should be in a position where they could authorise the sale of alcohol from a premises.

Temporary Event Notices

9.26 Any person who applies for a temporary event notice will be subject to the same assessment of their activity that is applied to premises licence holders. Enforcement officers can enter any premises where a temporary event notice is about to or is being carried on to ensure that it is being carried out lawfully.

9.27 The Licensing Authority can not in itself object to the holding of a temporary event notice. Thames Valley Police and the Environmental Health team can object to a temporary event notice if it believes that holding such event would undermine the licensing objectives. Given that the Authority works in partnership with Thames Valley Police and Environmental Health, it may, if requested, provide both with any information that it has in relation to enforcement matters including inspections carried out and/or complaints received. However, it will be down to Thames Valley Police and Environmental Health to make a representation if they reach the conclusion that holding the event will undermine the licensing objectives.

9.28 Any person who applies for a temporary event notice who is found not complying with the notice, will be subject to enforcement activity for carrying out licensable activities not in accordance with the authorisation they have applied for.

10. Administration, Exercise and Delegation of Functions

10.1 The powers of the Licensing Authority under the Licensing Act 2003 may be carried out by the Licensing Committee; by a Sub Committee or by one or more officers acting under delegated authority. The Licensing Committee will consist of between 10-15 members and the committee may establish one or more sub-committees consisting of two or three members.

10.2 As many of these functions will be largely administrative with no areas of contention, then officers who are duly authorised will carry out these functions.

10.3 A Licensing Sub-Committee shall hear all applications where relevant representations have been received and applications for the review of a premises licence that may have been submitted by Responsible Authorities or any other persons.

10.4 Officers will deal with all other licence applications where either no representations have been received or where representations have been received but have been resolved to the satisfaction of all parties so that a hearing is not required. Officers will also deal with and determine minor variation applications as well as considering whether a person with a Personal Licence - who has been convicted of a relevant offence or has been ordered to pay an immigration penalty - should be referred to the licensing sub-committee with a view to suspending or revoking their licence.

10.5 The Licensing Authority has two roles within the Licensing Act 2003. The second of these is the role as a responsible authority. This means that the authority can make representations and apply for licences to be reviewed if it is of the belief that a premises or licence holder is likely to or already is undermining the licensing objectives. When exercising its role as a Responsible Authority there will be a clear separation of work between the officer acting as the Licensing Authority and the officer acting as the Responsible Authority.

10.6 When considering whether to exercise its role as a Responsible Authority, officers shall ensure that cognisance is taken of the Authority's Licensing policy; the Secretary of State's Guidance; information it has obtained during enforcement visits or joint working with other Responsible Authorities or any other relevant information available to it.

10.7 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. All representations must relate to one or more of the four licensing objectives. They will be determined objectively; not based on any political judgements and will take cognisance of the Secretary of State's Guidance which states that in borderline cases the benefit of the doubt should be given to the person making the representation.

10.8 Where an officer of the Authority determines that a representation is frivolous or vexatious, then the person who made that representation will be given a written reason as to why that is the case.

10.9 Only in exceptional circumstances will the Authority remove personal details from representations and then only on the grounds of the potential for fear or intimidation being inflicted on the person making that representation. The Authority will also adhere to its obligations under the Data Protection Act and may redact personal contact details such as phone numbers, email addresses and house numbers.

10.10 The Authority shall expect applicants to address how they will promote the licensing objectives within their application and to have taken cognisance of this policy document;

the Secretary of State's Guidance and any publicly available data about the locality they wish to trade.

10.11 Delegation of functions

| Matters to be dealt with | Sub Committee | Officers |
|--|--|------------------------------------|
| Application for personal licence | If a police or home office objection | If no objection made |
| Application for personal licence with unspent convictions | All cases | |
| Application for premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| Application for provisional statement | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | All cases |
| Application for transfer of premises licence | If a police objection or home office objection | All other cases |
| Applications for interim authorities | If a police objection | All other cases |
| Application to review premises licence/club premises certificate | All cases | |
| Decision on whether a representation is irrelevant frivolous vexatious etc | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | All cases | |
| Determination of an objection to a temporary event notice | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition | If a police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application | | All cases |
| Determination of minor variation application | | All cases |

11. Responsible Authorities Contact Details

11.1 The Responsible Authorities duly named within the Licensing Act 2003 are outlined below. Applicants are advised to contact any of the relevant Responsible Authorities to seek guidance on their application before submitting it.

11.2 Applications submitted electronically will be sent to the Responsible Authorities below by the Licensing Authority. If an application is submitted in hardcopy – including applications for the review of a premises licence submitted by someone regarded as ‘any other person’ – then they must be distributed to all of the Responsible Authorities below by the applicant.

Contact Details

1. The Licensing Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email – licensing@reading.gov.uk
Telephone – 01189 373762
2. Thames Valley Police, Licensing Team, Oxford Road, Kidlington, Oxon, OX5 2NX
Email – licensing@thamesvalley.pnn.police.uk
Telephone – 101
3. Royal Berkshire Fire and Rescue Service, Newsham Court, Pincents Kiln, Calcot, Reading, RG31 7SD
Email – westhubfiresafety@rbfrs.co.uk
4. Environmental Protection and Nuisance Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email – environment.protectionteam@reading.gov.uk
5. Environmental Health Food Safety Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email – consumerprotection@reading.gov.uk
6. Trading Standards Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email – consumerprotection@reading.gov.uk

7. Planning Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email - planning.administration@reading.gov.uk
8. Public Health, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email - public.health@reading.gov.uk
9. Reading Local Safeguarding Children's Board, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email - Safeguarding.adults@reading.gov.uk
10. Home Office Immigration Enforcement (Alcohol Licensing Team), Home Office, Lunar House, 40 Wellesley Road, Croydon, CR9 2BY
Email - alcohol@homeoffice.gsi.gov.uk
11. (Boat Applications only) - Environment Agency, Kings Meadow House, Kings Meadow Road, Reading, RG1 8DQ

Cumulative Impact

NB: The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment in the forthcoming pages. The licensing policy and the statements, provisions and aspirations contained within it, are consistent with the approach laid out in the Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. The statements within the policy are aimed at encouraging best practice; a safe environment for all and, most importantly, to actively promote the four licensing objectives. The statements in the licensing policy including the approaches to conditions; hours; enforcement and all other matters will also apply to the premises designated within the Town Centre Cumulative Impact Area.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the full rationale for the Cumulative Impact Assessment and supporting evidence, as a standalone chapter within the licensing policy document, we believe that this would make a summary unnecessary and would only serve to duplicate the information provided in the forthcoming pages. It is acknowledged that the Cumulative Impact Assessment (Chapters 12 and 13) must be reviewed every three years whilst the licensing policy (Chapters 1 to 11) must be reviewed every five years.

Cumulative Impact Assessment

CUMULATIVE IMPACT ASSESSMENT FOR THE TOWN CENTRE CUMULATIVE IMPACT AREA

Cumulative Impact Assessment effective from:

Reading Borough Council

Civic Offices

Bridge Street

Reading

RG1 2LU

Email: licensing@reading.gov.uk

Website: www.reading.gov.uk/licensing



www.reading.gov.uk



Reading
Borough Council
Working better with you

12. Cumulative Impact Assessment

12 Cumulative Impact Assessment for the Town Centre

NB: The Licensing Authority, when publishing its licensing policy, is required to have regard to the Cumulative Impact Assessment in the forthcoming pages. The licensing policy and the statements, provisions and aims contained within it, are consistent with the approach laid out in the Cumulative Impact Assessment for the Town Centre Cumulative Impact Area. The statements within the policy are aimed at encouraging best practice; a safe environment for all and, most importantly, to actively promote the four licensing objectives. The statements in the licensing policy including the approaches to conditions; hours; enforcement and all other matters will also apply to the premises designated within the Town Centre Cumulative Impact Area.

The Licensing Authority is also required to publish, within the licensing policy, a summary of the Cumulative Impact Assessment. However, by including the full rationale for the Cumulative Impact Assessment and supporting evidence, as standalone chapters within the licensing policy document, we believe that this would make a summary unnecessary and would only serve to duplicate the information provided in the forthcoming pages. It is acknowledged that the Cumulative Impact Assessment (Chapters 12 and 13) must be reviewed every three years whilst the licensing policy (Chapters 1 to 11) must be reviewed every five years.

Cumulative Impact Assessments - Background

12.1 The concept of Cumulative Impact has been described within the Secretary of State's Guidance since the commencement of the 2003 Act. It has been part of the Council's licensing policy since 2010 and is a proper matter for the Authority to consider when discharging its licensing functions and developing its licensing policy. It is also consistent with the Authority's obligations to prevent crime and disorder as outlined in Section 17 of the Crime and Disorder Act 1998. However, this assessment shall not relate to the demand for a certain types of premises (need). The issue of 'need' is not a proper matter for the Authority to consider within the licensing policy statement.

12.2 Cumulative Impact for the purposes of this policy means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, this may include the potential impact on crime and disorder or public nuisance on an area that a large concentration of licensed premises may have.

12.3 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5A of the Licensing Act. This amendment came into force on 6th April 2018.

12.4 This Cumulative Impact Assessment (CIA) is therefore being published under these new provisions of the Licensing Act 2003. The assessment will be reviewed

every three years from the date it came into force consulting the persons outlined in Section 5 of the Licensing Act 2003.

12.5 This assessment relates to the area shown at Appendix 1 called the Town Centre Cumulative Impact Area. This assessment applies to all grants and material variations of premises licences and club premises certificates.

12.6 The assessment will relate to all premises within the specified area that have a premises licence or a club premises certificate which will be carrying on or proposing to carry on the following licensable activities:

- The sale or supply of alcohol on or off the premises
- The provision of late night refreshment on or off the premises
- The provision of any regulated entertainment

Whilst this Cumulative Impact Assessment does not apply directly to Temporary Event Notices, the Secretary of State's Guidance to the Licensing Act 2003 states that it is open to the police and Environmental Health officers to refer to this assessment and the evidence contained within it when objecting to a TEN. The Authority believes this is a right and proper approach as extension of hours within the Cumulative Impact Area can have a direct impact on the promotion of the licensing objectives.

12.7 This assessment is being published because the authority is of the opinion that the number of licensed premises and club premises certificates within the town centre area is such that it is likely that granting further licences or variations to licences would be inconsistent with the authority's duty to promote the licensing objectives. This opinion has been reached after careful consideration of evidence showing high levels of crime and disorder within the town centre; the nature of those offences - which include violent and sexual offences - which are and the comparable data between the Reading night time economies and other night time economies in the Thames Valley area.

12.8 The content of this Assessment does not change the fundamental way that decisions are made under the 2003 Act. The Authority will make all decisions on applications within the Town Centre Cumulative Impact Area on a case by case basis with a view on how best to promote the licensing objectives. It also does not remove the requirement for a relevant representation to be submitted by a responsible authority or a member of the public (defined as 'any other person' within the Act) against an application for it to be considered by the Licensing Sub-Committee. An application that does not receive relevant representations is deemed granted under the Act.

The Town Centre Cumulative Impact Area - General Principles

12.9 The Town Centre Cumulative Impact Area is attached at appendix 1. This area has been subject to a cumulative impact policy within the Council's Licensing policy statement since 2010 and there is no change to the size or scope of that area within this assessment.

12.10 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate and all premises that may benefit from a premises licence or club premises certificate. This includes material variations for increased hours for licensable activity; increased capacity and any other matter that may add to cumulative impact in the Town Centre Cumulative Impact Area. Section 5A of the Licensing Act 2003 uses the phrase 'to grant any further relevant authorisations' in relation to Cumulative Impact Assessments. The Authority interprets that to mean all grant and variation applications in the relevant area. A material variation to increase the scope of a licence - whether that be for extended licensable activities; extended hours or an increase of capacity - is, by all definition, a grant of a new relevant authorisation in the area as it replaces the currently existing one. This is consistent with the Secretary of State's Guidance and the explanatory notes to the Policing and Crime Act 2017 which was the legislation that inserted Cumulative Impact Assessments into the Licensing Act 2003. The Home Office have also confirmed that this is the intent of the legislation.

12.11 The Authority has considered in formulating this assessment - in close consultation with Thames Valley Police - that significant concerns do exist over the high concentration of licensed premises within the town centre area. The high concentration of licensed premises is already causing a negative cumulative impact on one or more of the licensing objectives. Therefore granting further licences or certificates or variations to licences and certificates may be inconsistent with the Authority's duty to promote the licensing objectives and protect the public as a whole.

12.12 Concerns do exist about the concentration of premises in parts of the town centre, particularly in Friar Street, Gun Street, St Mary's Butts and adjoining roads, together with the impact these premises are having upon the licensing objectives. These concerns and the associated impact on the crime and disorder licensing objective are underpinned by the evidence in this assessment.

12.13 The effect of the Cumulative Impact Assessment is to create a presumption that applications for the grant of a premises licence or club premises certificate or material variations within the stated area will be refused if relevant representations are received. This is because of the high concentration of licensed premises already in existence in the town centre and the further undermining of the licensing objectives that is likely to occur if further licences are granted.

12.14 Applications will be considered on a case by case basis. Any application which is unlikely to have a negative effect on the promotion of the licensing objectives may be granted subject to it being consistent with the provisions and aims set out in this assessment and the licensing policy as a whole. Applicants for a premises licence or club premises certificate within the Town Centre Cumulative Impact Area should address issues of cumulative impact within their applications. Failure to do this will likely lead to representations being submitted with a recommendation that the application is refused by the licensing committee.

12.15 Where during the application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area,

responsible authorities are concerned that the licensing objectives will be impacted on or undermined, or that the application undermines the ability of the Authority to actively promote the licensing objectives or aims of the licensing policy statement, then relevant representations are likely to be made. The application will then proceed to a hearing. If during the hearing to determine the application, an applicant is able to demonstrate that there will be no negative impact on the authority's duty to promote the licensing objectives and there will be no increase in the cumulative impact, a licence may be granted. However, if it cannot be demonstrated that an application will not undermine the licensing objectives; will not increase the cumulative impact within the town and will not impact on crime and disorder and public nuisance within the town then it shall be the policy of this authority to refuse the application. The onus is on the applicant to demonstrate that the Council should overturn its own policy in relation to Cumulative Impact.

The Town Centre Cumulative Impact Area

12.16 The area covered by this assessment - known as the Town Centre Cumulative Impact Area - occupies 64.42 hectares which is 1.6% of the total area of the Borough of Reading. However the number of licensed premises within the area totals 181 which is 30% of the total number of licensed premises within Reading. 167 out of those 181 premises are licensed to sell alcohol. There are 142 premises open past 2300hrs in the Cumulative Impact Area of which 132 are licensed to sell alcohol.

12.17 The numbers and types of premises within the Town Centre Cumulative Impact Area are as follows:

- Night Clubs and Bars - 33
- Pubs - 22
- Restaurants - 61
- Hotels - 6
- Café - 5
- Off Sales (off licence) - 25
- Takeaways - 10
- Private Clubs - 3
- Theatre - 1
- Others (including open spaces, shopping centres) - 15

12.18 This assessment shall set out the approach the Authority shall take when dealing with certain types of premises and the associated licensable activities. Each application will be assessed on a case by case basis. However, the onus is on the applicant to address the issue of cumulative impact within their application along with how they plan to promote the licensing objectives and aims stated within the Authority's licensing policy.

12.19 The 2003 Act gives the authority power to set appropriate licensing hours that are consistent with the promotion of the licensing objectives. The licensing authority cannot set predetermined hours of operation and must take decisions on a case by case basis.

12.20 However, the evidence within this assessment clearly shows crime levels significantly increase after 2300hrs. Therefore any applicant who wishes to operate past 2300hrs must demonstrate how their operation will not negatively impact the promotion of the licensing objectives in an area which is already under stress from a high concentration of licensed premises.

12.21 Applications for the grant or variation of a premises licence or club premises certificate who wish to operate up to 2300hrs must also demonstrate how their operation is consistent with the provisions and aims laid out in this assessment and the statements within the main body of the licensing policy. For example, an off licence would have to demonstrate how their operation is consistent with the Authority's ambition to reduce the sale of super strength alcohol and to reduce incidents of street drinking. If an application for the grant or variation of a premises licence or club premises certificate within the Town Centre Cumulative Impact Area is unable to demonstrate how it will promote the licensing objectives and is inconsistent with the aims within the Council's licensing policy, then it is likely to attract representations. The likely recommendation of that representation is for the application to be refused.

12.22 The paragraphs below outline the approach the Authority will generally take in relation to different types of premises. This applies to all grant and material variation applications as well as any 'shadow licences' applied for within the Town Centre Cumulative Impact Area.

Application of the policy by premises type.

12.23 As already stated in paragraph 12.13, it is the general policy of the Authority to refuse applications for the grant or variation of a premises licence or club premises certificate in the Town Centre Cumulative Impact Area. This general policy refers to all licensable activities specifically the sale of alcohol on or off the premises; the provision of late night refreshment on or off the premises and regulated entertainment. It also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant.

12.24 However, the policy stated in 12.13 and 12.23 is not absolute and applicants will have the opportunity to address matters affecting Cumulative Impact within their application. Applicants will have to demonstrate that their application and proposed operation is not inconsistent with the Authority's licensing policy; this assessment and the Authority's ability to be able to promote the licensing objectives.

12.25 This assessment takes a different approach to different types of premises. In the case of hybrid premises that would fall into one or more types (for example, a take away that wishes to sell alcohol on the premises or for delivery), applicants will have to demonstrate how all facets of its operation will be consistent with this assessment and will actively promote the licensing objectives.

12.26 Restaurants: Where applications are made for restaurants to sell alcohol ancillary to the consumption of a substantial table meal, it is not envisaged that there will be a negative impact on the promotion of the licensing objectives. However, this is subject to certain caveats. The Authority believes that a restaurant is a premises that provides one hundred percent seating for its customers and that the sale of alcohol shall only be made with the ordering of a substantial meal. There should be no vertical drinking on the premises and substantial food shall be available at all times the premises is open via waiter and waitress service. Applicants will be expected to include information within their applications in regard to these matters.

Where restaurants wish to offer a home delivery service, applicants should detail within their application how they will ensure that any alcohol sold as part of that order will be dealt with in terms of age verification. If the above caveats are satisfied then it is likely that the application will fit with the Authority's vision to create a night time economy for all and the Authority will look favourably upon such applications.

12.27 Hotels: Where applications are made for hotels to sell alcohol for the consumption of their bona fide guests only, then it is not envisaged there will be a negative impact on the promotion of the licensing objectives.

However, applications that wish to sell alcohol to non guests or provide late night refreshment and regulated entertainment will likely attract representations if it cannot be demonstrated that there will be no negative impact on the Authority's duty to promote the licensing objectives. Hotels operating as late night bars where members of the public, who are not bona fide guests, can attend the premises and purchase alcohol and late night refreshment will also likely attract representations.

Hotels will also be expected to demonstrate how they will address and prevent any issues of potential child sexual exploitation and the other provisions laid out in the licensing policy referencing the wider issue of child protection.

12.28 Theatres: Where applications are made for theatres to sell alcohol on the premises to paying patrons, it is not envisaged that there will be any negative impact on the promotion of the licensing objectives.

12.29 Traditional Public Houses: Experience has shown that traditional public houses tend to appeal to a more mature clientele than bars and night clubs. Pubs that sell substantial food all day; provide substantial seating; sell real ales; do not offer cheap drink promotions and do not provide regular entertainment are unlikely to have a negative impact on the licensing objectives. However, an application will only be granted if the Authority is satisfied that granting the application will not add to the cumulative impact within the town and will not cause undue disturbance to any local residents. The application must also comply with the statements and other provisions of the Council's Licensing policy.

Traditional pubs offering cheap drink promotions, regular entertainment and have the potential to undermine the promotion of the licensing objectives through their

operation are likely to be refused. The applicant will have to demonstrate how their proposed operation is not inconsistent with the Authority's ability to promote the licensing objectives and safeguard the public as well as the statements and provisions in the Council's licensing policy.

Any application for a public house for licensable activities and opening hours beyond 2300hrs is likely to be refused unless the applicant can demonstrate the proposed operation will not have a negative impact on the promotion of the licensing objectives.

12.30 Cafe Bars: Where an application is received for a cafe bar, then it is envisaged that there will be a negligible impact on the Authority's ability to promote the licensing objectives. However, this is subject to a number of caveats. The Authority is of the view that genuine cafe bars should provide one hundred percent seating for patrons; food shall be available for the duration of the proposed opening hours and that alcohol should only be sold in conjunction with a substantial food order. Cafe bars should not be places that encourage vertical drinking. Any application for a cafe bar for licensable activities and opening hours beyond 2300hrs is likely to be refused unless the applicant can demonstrate the proposed operation will not have a negative impact on the promotion of the licensing objectives.

Subject to the caveats above, applications for genuine cafe bars will generally be looked upon favourably by the authority.

12.31 Late Night Refreshment Outlets (takeaways): All applications for late night food establishments are likely to attract representations unless the applicant can demonstrate that there are exceptional reasons to grant such a licence. Late night food outlets are a major contributor to crime and disorder within the late night economy, therefore the general policy is to refuse such applications.

Late night food outlets will need to demonstrate within their operating schedule detailed and robust measures to mitigate issues of crime and disorder associated with operating within the night time economy. It is not acceptable or conducive to the promotion of the licensing objectives for late night food outlets to simply operate to the minimum of standards. Any applicant will be expected to operate to the highest of standards which actively promote the licensing objectives and the provisions outlined in the Council's licensing policy.

Late night food outlets that sell alcohol will also be expected to demonstrate how they will responsibly retail alcohol on and off the premises. If it cannot be demonstrated that any alcohol will be sold responsibly and in accordance to the provisions in this policy, then that also will likely attract representations.

12.32 Off Licences: Premises that wish to sell alcohol for the consumption off the premises have and continue to cause issues within the town centre. Applications for the sale of alcohol for consumption off the premises will likely be refused if the Authority is satisfied that granting such a licence would undermine the promotion of the licensing objectives.

Applications for off sales may be granted subject to certain caveats. Any application that wishes to sell alcohol for consumption off of the premises up until 2300hrs should familiarise themselves with the contents of the Council's Licensing Policy - particularly the concerns around the sale of high strength beers, ales and ciders. Any application for an off licence should familiarise themselves with the Council's 'Reducing the Strength' initiative and the concerns around selling single cans to street drinkers. The Authority is of the view that street drinking is a major contributor to anti social behaviour within the town centre and elsewhere.

It is expected that any applicant for an off licence will put forward robust measures within their application that mitigates such issues. Applications that put forward measures such as not selling high strength products; robust staff training and an age verification policy of at least Challenge 25 as well as other crime prevention measures such as CCTV covering the entire licensable area, are less likely to attract representations.

Applications for an off licence looking to sell alcohol past 2300hrs are likely to attract representations as it is likely that granting such licences will undermine the ability of the Authority to promote the licensing objectives. Therefore any application will be refused unless it can be shown by the applicant that there will be a no negative cumulative impact by granting such a licence.

12.33 Night Clubs and Late Night Bars: As stated in paragraphs 12.13 and 12.23, it will be the policy of this Authority to refuse grant and variation applications for night clubs and late night bars. Experience has shown that these types of premises which serve alcohol - often at low prices or through cheap drinks promotions; provide limited seating for customers; provide late night regulated entertainment and which are alcohol led - serving limited or no food - have the strongest potential to have a negative impact on the Authority's duty to actively promote the licensing objectives and to add to cumulative impact within the town. This also applies to material variations for the increase in capacity; the increase in opening hours and any other matter the Authority considers relevant which may have an impact on the promotion of the licensing objectives.

Any such application is likely to be refused unless there are exceptional circumstances and reasons as to why it should be granted.

12.34 The above paragraphs (12.27 to 12.33) as well as the other statements in this assessment - particularly paragraphs 12.13 and 12.23 also apply to applications seeking to significantly increase capacity; applications that seek extended opening hours; applications for 'shadow licences' (see paragraph 9.23 and 9.24) and any other matter the Authority deems may undermine it's ability to actively promote the licensing objectives.

Other Initiatives within the Town Centre Cumulative Impact Area

12.35 Prospective applicants and current licence holders should also familiarise themselves with the other initiatives that the Authority - in conjunction with it's partners - have instigated the below initiatives to assist in reducing instances of

crime and disorder within the town - particularly during the night time economy - which also aim to provide a safer environment for those frequenting the town:

- The town centre Pubwatch
- The use of street wardens
- Public Space Protection Order
- First Stop Centre at the Minster Church
- Reducing the Strength Initiative
- Test purchasing
- Regular routine inspections
- Purple Flag
- Best Bar None

Applicants who wish to operate in the Town Centre Cumulative Impact Area will be expected to make use of all of the above and participate fully with the Authority and its partner agencies to maintain a cohesive and best practice approach to promoting a safe environment in the town.

Early Morning Restriction Orders and Late Night Levy

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

12.37 An EMRO:

- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
- applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- applies to the whole or any part of the licensing authority's area;
- will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January each year);
- will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
- will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

12.38 It is not currently the view of the Authority that an EMRO is required to be introduced within the Town Centre Cumulative Impact Area. However, the situation within the area remains under constant review and should it be deemed required, the Authority, in consultation with partners - may decide that an EMRO is an appropriate measure to take to address issues of crime and disorder associated with the night time economy.

12.39 The late night levy enables the Authority to raise contributions towards the cost of policing the night time economy. The levy is payable by the holders of any premises licence between the hours of midnight and 0600hrs. Any proposal to introduce such a levy must be evidenced and approved by full Council.

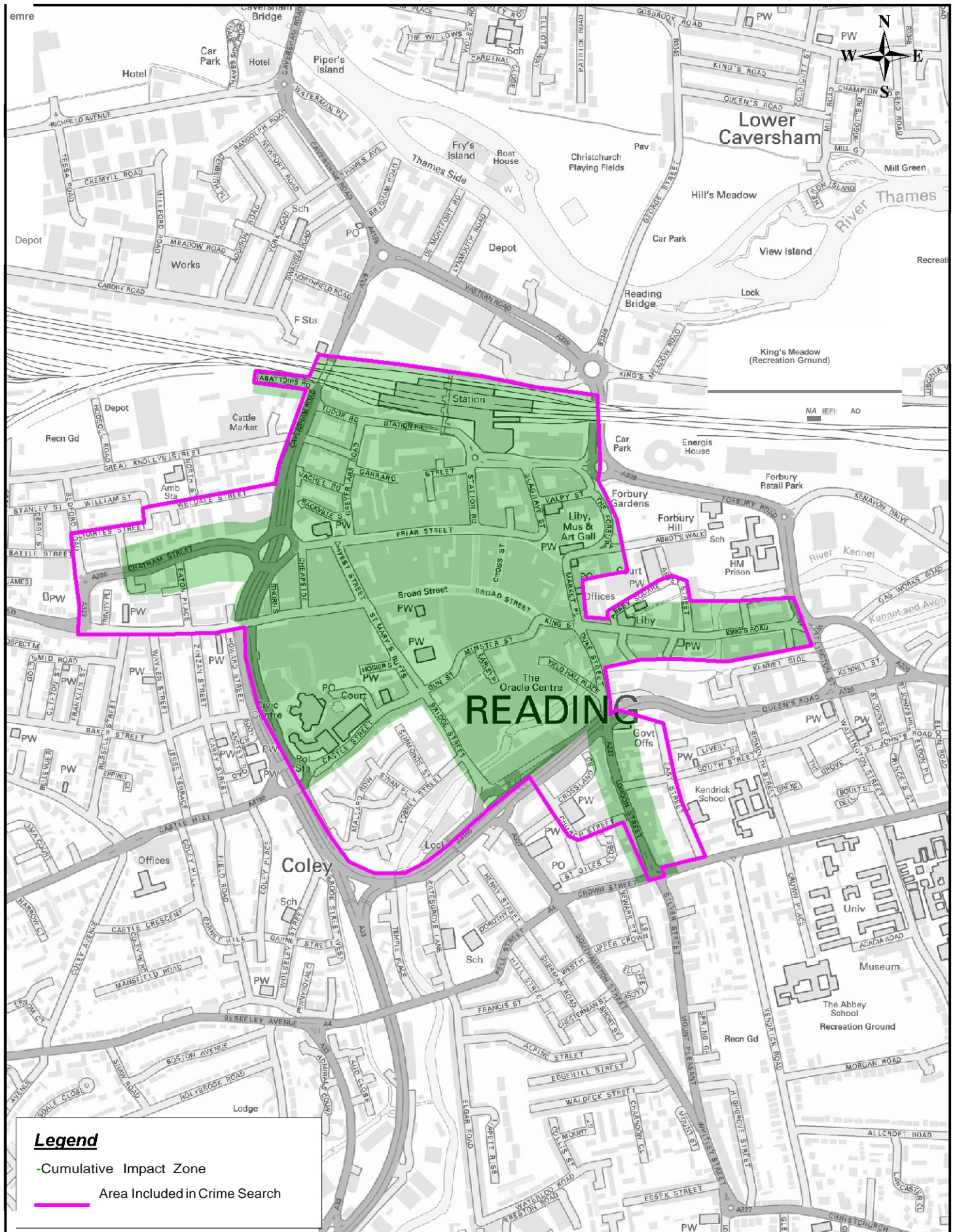
12.40 It is not currently the view of the Authority that a late night levy is required within the Town Centre Cumulative Impact Area. If this view was to change, then the Authority will follow the guidance issued by the Home Office and consult the persons or businesses effected.

13. Cumulative Impact Assessment Evidence

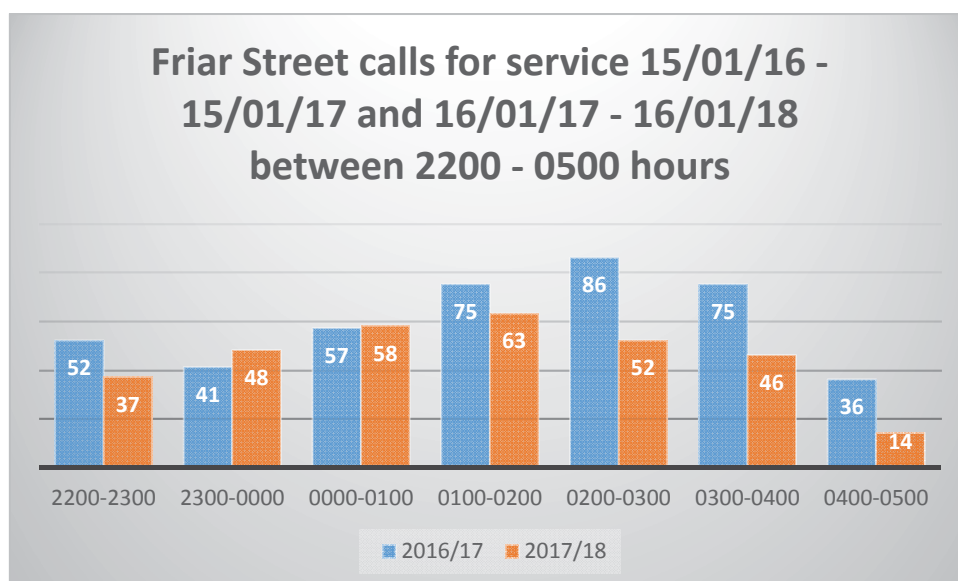
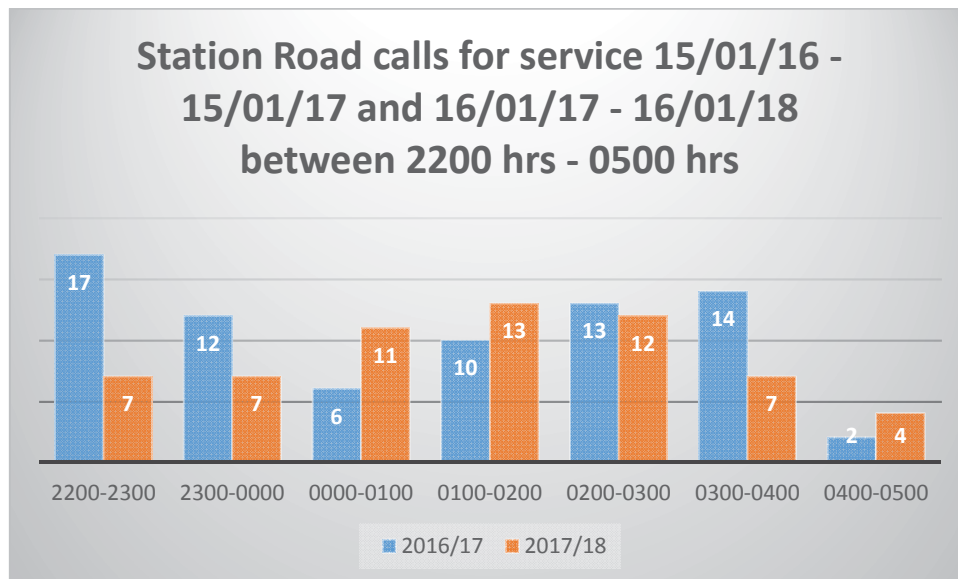
13.1 The area referred to in this Cumulative Impact Assessment is found at appendix 1 attached to this document. This area has been subject to a Cumulative Impact Policy since 2010. There is no change to this area in terms of its geography or size.

13.2 The evidence for the Cumulative Impact Area is contained within this chapter. It consists of the following:

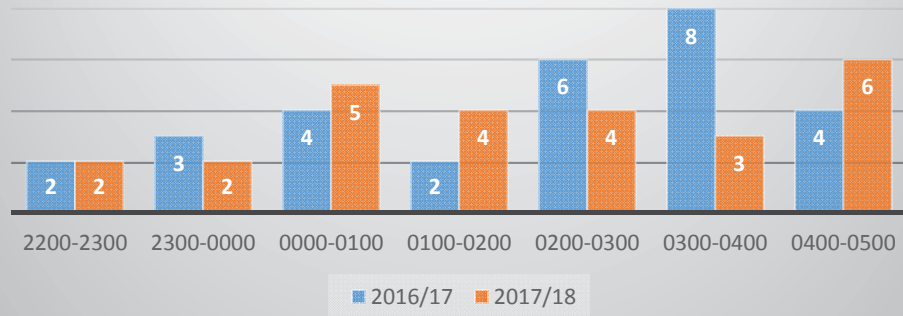
- Appendix 1 - A map outlining the Town Centre Cumulative Impact Area
- Appendix 2 - Calls for service on Thames Valley Police between 16th January 2016 and 16th January 2018 within the Town Centre Cumulative Impact Area. The figures show that between 2200hrs and 0500hrs (a 7 hour period) that the streets with the highest number of calls for service are Friar Street, Gun Street and St Mary's Butts. The figures also show that in between January 2016 and January 2017 - within that 7 hour period - there were 882 instances when Thames Valley Police were called upon. Between January 2017 and January 2018 that figure was 781. It is clear therefore that the night time economy with over 142 premises open past 2300hrs and 132 of those premises licensed to sell alcohol is having a significant impact on crime levels, public safety and the Authority's duty to actively promote the licensing objectives.
- Appendix 3 - A record of all the crimes committed within the Reading Town Centre Night time economy area as well as comparisons to other areas in the vicinity and the nearest comparable city. This clearly shows that the levels of crime within Reading's night time economy is a significant concern to both the police and the authority.
- Appendix 4 - Maps of the Town Centre Cumulative Impact Area and the levels of violent crime and sexual offences within the area between January 2017 and March 2018. Not only is this evidence of serious crimes being committed within the area, but also evidence that a significant proportion of those crimes are occurring in Friar Street, Gun Street and St Mary's Butts - streets that have been previously and continue to be identified in the licensing policy as specific areas of concern to the authority and the police.



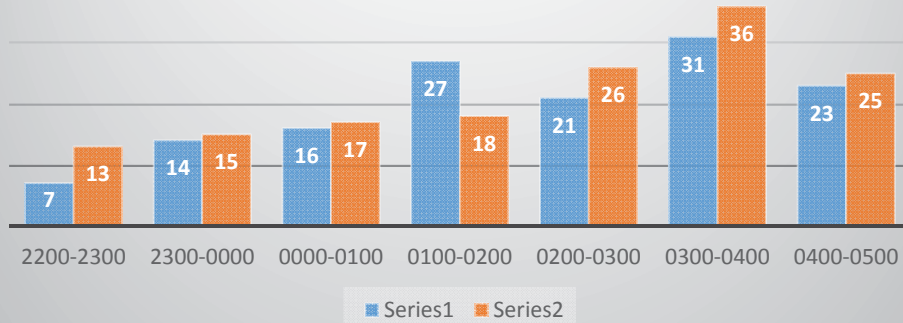
CALLS FOR SERVICE ON THAMES VALLEY POLICE FROM 15TH JANUARY 2016 TO 16TH JANUARY 2018 WITHIN THE TOWN CENTRE CUMULATIVE IMPACT AREA BETWEEN THE HOURS OF 2200HRS & 0500HRS



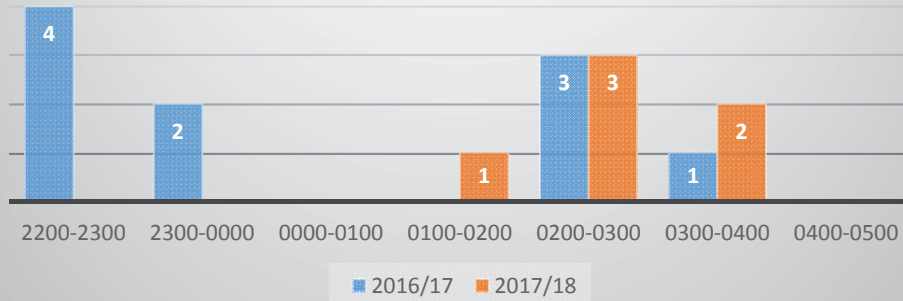
**West Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



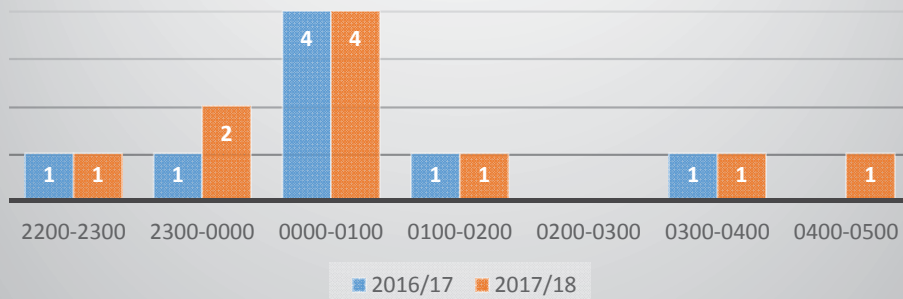
**St Marys Butts calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



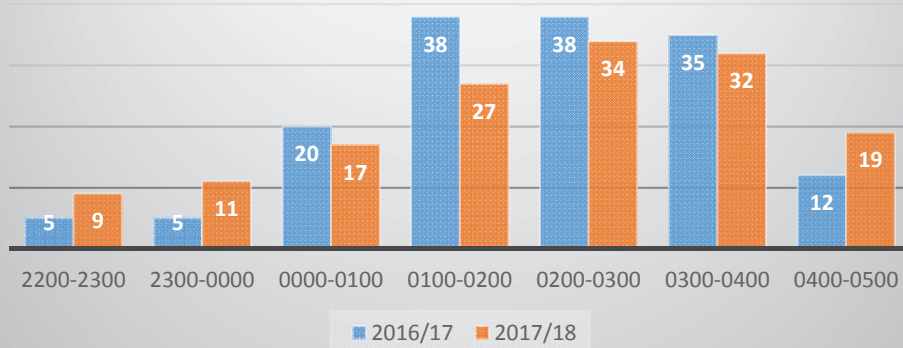
**Chain Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



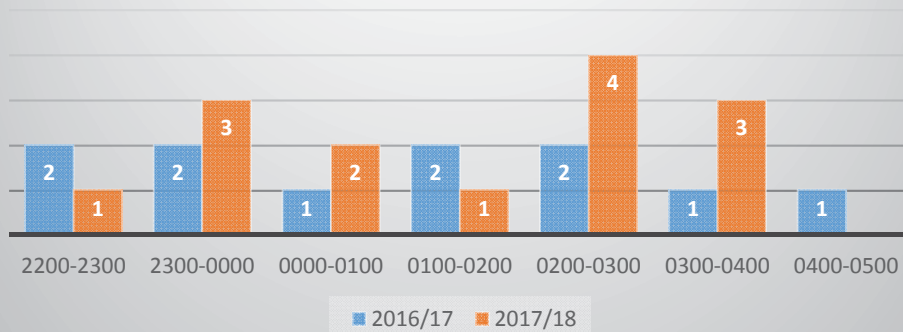
**Union Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



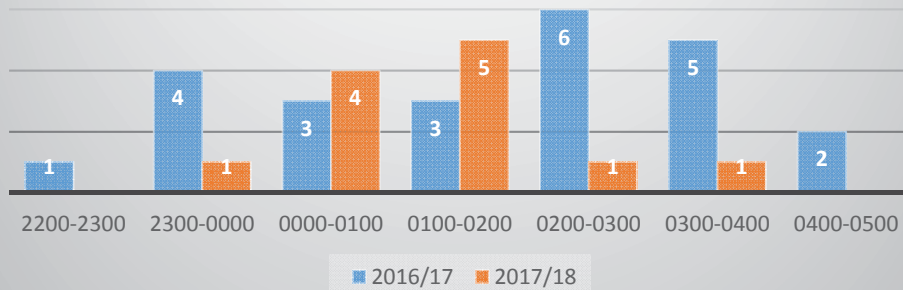
**Gun Street calls for service 15/01/16 -
15/01/17 and 16/01/17 16/01/18
between 2200 - 0500 hrs**



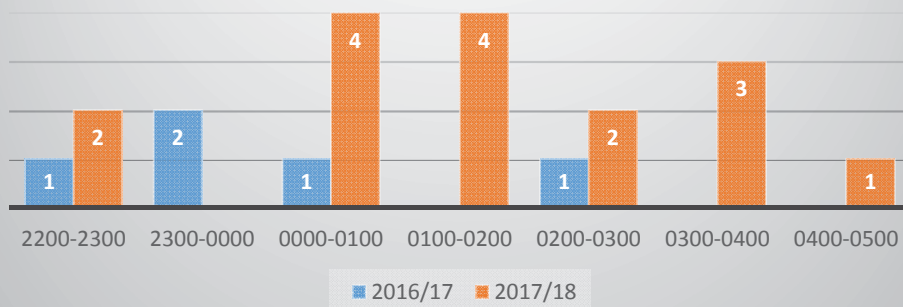
**Hosier Street calls for service
15/01/16 - 15/01/17 and 16/01/17 -
16/01/18 between 2200 - 0500 hrs**



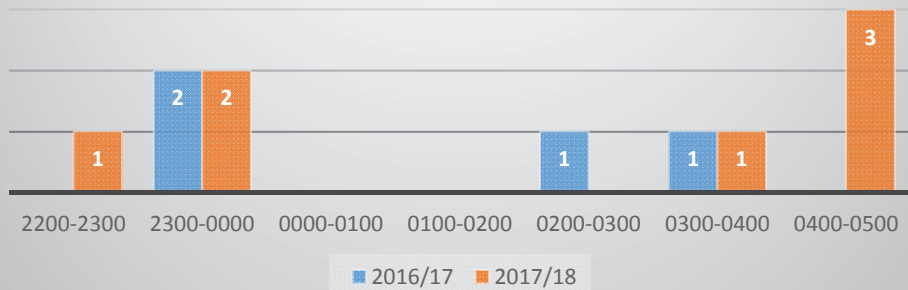
**Castle Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



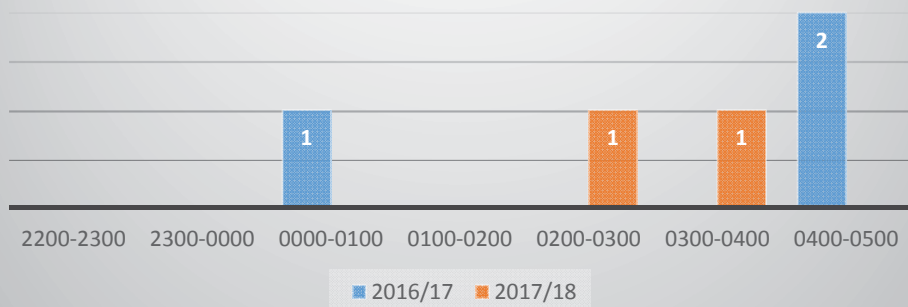
**Blagrove Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



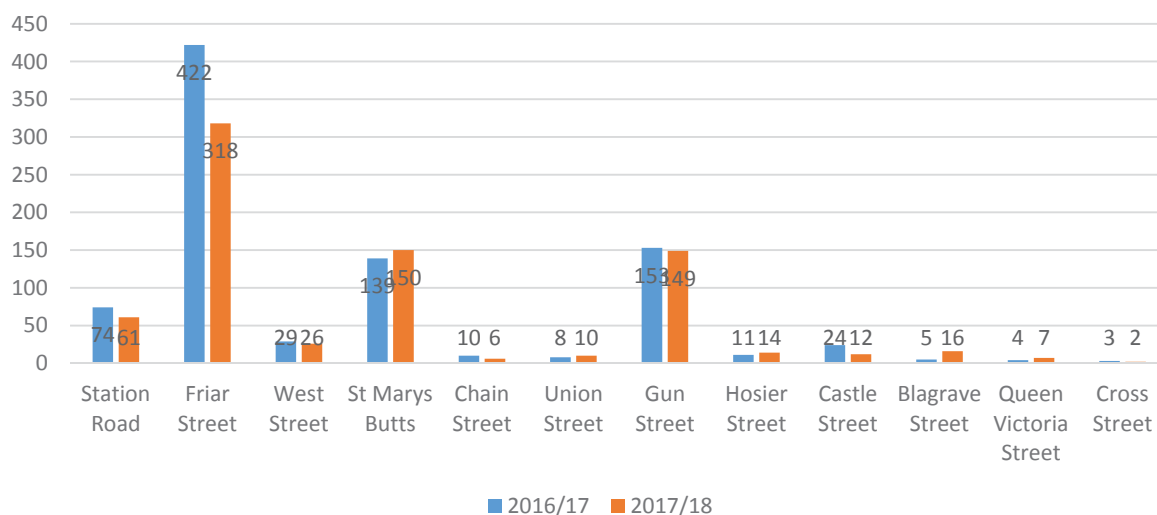
**Queen Victoria Street calls for service
15/01/16 - 15/01/17 and 16/01/17 -
16/01/18 between 2200 - 0500 hrs**



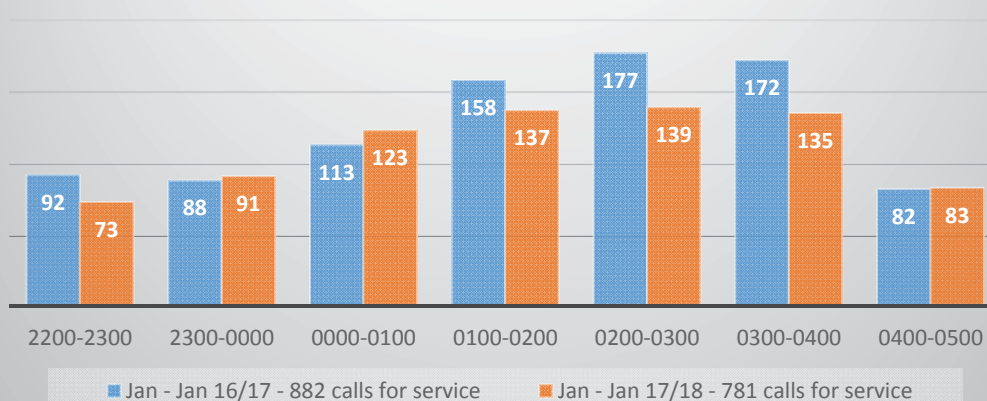
**Cross Street calls for service 15/01/16 -
15/01/17 and 16/01/17 - 16/01/18
between 2200 - 0500 hrs**



No.of calls for service per street within the Reading NTE/Cumulative Impact Area between 2200 - 0500 hrs between 15/01/2016 - 15/01/2017 and 16/01/2017 - 16/01/2018



Combined NTE calls for service comparing the annual periods 15/01/16-17 and 16/01/17-18 between the hours of 2200 and 0500.



1. A comparison of crimes across Thames Valley Police Night Time Economies

| | Arson | Criminal Damage | Public Order Offences | Violence with Injury | Violence without Injury | All Listed Offences |
|---------------------------|-------|-----------------|-----------------------|----------------------|-------------------------|---------------------|
| CA CHALVEY / UPTON / TOWN | 4 | 153 | 60 | 164 | 224 | 605 |
| EA READING NTE AREA | 16 | 217 | 104 | 455 | 435 | 1227 |
| EG WOKINGHAM TOWN | 5 | 105 | 11 | 74 | 46 | 241 |
| FA NEWBURY TOWN CENTRE | 5 | 57 | 23 | 104 | 102 | 291 |
| LA WINDSOR CENTRAL | | 81 | 52 | 146 | 130 | 409 |
| LC MAIDENHEAD CENTRAL | 4 | 96 | 50 | 90 | 113 | 353 |
| LF BRACKNELL TOWN CENTRE | 1 | 27 | 16 | 33 | 20 | 97 |

2. Crime data for the Night Time Economy of Oxford – which is the most comparable to Reading in terms of size and night time economy

| | Arson | Criminal Damage | Public Order Offences | Violence with Injury | Violence without Injury | All Listed Offences |
|---|-------|-----------------|-----------------------|----------------------|-------------------------|---------------------|
| BA OXFORD CENTRAL | 5 | 136 | 89 | 309 | 288 | 827 |
| BA OXFORD EAST | 3 | 99 | 20 | 78 | 98 | 298 |
| JA BANBURY TOWN | 9 | 143 | 33 | 143 | 172 | 500 |
| JC WOODSTOCK | 3 | 17 | 1 | 19 | 19 | 59 |
| JD KIDLINGTON | 9 | 66 | 7 | 28 | 48 | 158 |
| JE CHIPPING NORTON | 1 | 62 | 6 | 31 | 34 | 134 |
| JF BICESTER TOWN | 12 | 129 | 27 | 118 | 97 | 383 |
| JW WITNEY | 3 | 91 | 17 | 112 | 85 | 308 |
| MD DIDCOT | 10 | 66 | 21 | 51 | 87 | 235 |
| ME ABINGDON TOWN | 8 | 130 | 22 | 51 | 90 | 301 |
| MF WALLINGFORD / BERINSFIELD / CHOLSEY | 3 | 65 | 8 | 38 | 42 | 156 |
| MW WANTAGE / GROVE | 7 | 91 | 14 | 60 | 68 | 240 |

3. Summary of night time economy crimes (2200hrs until 0500hrs) across Thames Valley LPA from January 2016 to January 2018

| | | CA CHALVEY / UPTON / TOWN | EA/ READING NTE AREA | EG WOKINGHAM TOWN | FA NEWBURY TOWN CENTRE | LA WINDSOR CENTRAL | LC MAIDENHEAD CENTRAL | LF BRACKNELL TOWN CENTRE |
|-----------|-----------|------------------------------------|-------------------------------|-------------------------|---------------------------------|--------------------------|-----------------------------|-----------------------------------|
| 2015/2016 | January | 46 | 70 | 13 | 20 | 38 | 32 | 2 |
| 2015/2016 | February | 37 | 81 | 22 | 20 | 32 | 24 | 11 |
| 2015/2016 | March | 22 | 74 | 17 | 17 | 33 | 43 | 6 |
| 2016/2017 | April | 49 | 86 | 17 | 13 | 40 | 25 | 7 |
| 2016/2017 | May | 45 | 80 | 14 | 22 | 30 | 18 | 6 |
| 2016/2017 | June | 38 | 84 | 23 | 25 | 31 | 19 | 5 |
| 2016/2017 | July | 35 | 87 | 33 | 32 | 36 | 27 | 14 |
| 2016/2017 | August | 54 | 71 | 25 | 23 | 36 | 26 | 13 |
| 2016/2017 | September | 57 | 89 | 16 | 25 | 14 | 23 | 5 |
| 2016/2017 | October | 35 | 86 | 19 | 29 | 29 | 24 | 13 |
| 2016/2017 | November | 38 | 85 | 10 | 28 | 31 | 20 | 9 |
| 2016/2017 | December | 31 | 103 | 17 | 31 | 47 | 42 | 6 |
| 2016/2017 | January | 40 | 76 | 11 | 19 | 29 | 19 | 6 |
| 2016/2017 | February | 32 | 67 | 15 | 21 | 36 | 23 | 16 |
| 2016/2017 | March | 45 | 86 | 17 | 18 | 31 | 35 | 14 |
| 2017/2018 | April | 35 | 77 | 20 | 36 | 35 | 35 | 13 |
| 2017/2018 | May | 45 | 101 | 19 | 19 | 30 | 33 | 6 |
| 2017/2018 | June | 29 | 94 | 22 | 26 | 20 | 29 | 11 |
| 2017/2018 | July | 45 | 107 | 16 | 23 | 34 | 26 | 7 |

| | | | | | | | | |
|-----------|-----------|----|-----|----|----|----|----|----|
| 2017/2018 | August | 63 | 106 | 14 | 28 | 36 | 44 | 5 |
| 2017/2018 | September | 33 | 84 | 22 | 27 | 34 | 16 | 11 |
| 2017/2018 | October | 45 | 131 | 14 | 33 | 52 | 16 | 12 |
| 2017/2018 | November | 52 | 98 | 20 | 27 | 23 | 25 | 5 |
| 2017/2018 | December | 47 | 99 | 28 | 23 | 33 | 35 | 10 |
| 2017/2018 | January | 55 | 104 | 23 | 17 | 32 | 21 | 6 |

Summary of all crimes in Reading NTE

(April 2017 to March 2018)

2200hrs to 0500hrs

| | Arson | Arson not endangering life | Hospitality | Leisure | Medical | Public building | Public/open place | Shop | Travel | Not Recorded |
|-------------------------|-------|---|-------------|---------|---------|-----------------|-------------------|------|--------|--------------|
| Criminal Damage | | Criminal damage endangering life other buildings | 1 | | 3 | | 6 | 2 | | 5 |
| Criminal Damage | | Other criminal damage over £5000 vehicle | | | | | 1 | | | |
| Criminal Damage | | Other criminal damage under £5000 dwelling | | | | | | 1 | | 15 |
| Criminal Damage | | Other criminal damage under £5000 other | 6 | 4 | | | 11 | 9 | | 12 |
| Criminal Damage | | Other criminal damage under £5000 other building | 15 | 2 | | 1 | 3 | 14 | | 24 |
| Criminal Damage | | Other criminal damage under £5000 vehicle | 1 | | | | 65 | 4 | | 26 |
| Criminal Damage | | Racial/Religious crim/damage to dwelling/building/vehicle/other | 1 | | | | 1 | | | |
| Public Order Offences | | Arson | | | | | 3 | 1 | | 9 |
| Public Order Offences | | Breach of a Criminal Behaviour Order | | | | | | | | 2 |
| Public Order Offences | | Committing or conspiring to commit an act outraging public decency | 1 | | | | 1 | | | 1 |
| Public Order Offences | | Public Nuisance | | | | | | | | 4 |
| Public Order Offences | | Public Order: Cause intentional harassment alarm distress | 1 | | 1 | | 3 | | | 3 |
| Public Order Offences | | Public Order: Fear or provocation of violence | 2 | | | | 11 | 1 | | 8 |
| Public Order Offences | | Public Order: Harassment alarm or distress | | | | | 9 | 1 | | 15 |
| Public Order Offences | | Racially and/or religiously aggravated fear/provocation of violence 9B | | | | | | | | 3 |
| Public Order Offences | | Racially and/or religiously aggravated harassment alarm or distress 9B | | | | | | | | 6 |
| Public Order Offences | | Racially and/or religiously aggravated intentional harassment alarm or distress | 2 | | | | | | | 6 |
| Violence with Injury | | Assault occasioning actual bodily harm | 68 | 2 | | 2 | 116 | 14 | 1 | 214 |
| Violence with Injury | | Assault on Police: Assault occasioning actual bodily harm | 1 | | | | 1 | | | 3 |
| Violence with Injury | | Assault on Police: Wounding with intent to resist arrest | | | | | | | | 1 |
| Violence with Injury | | Causing serious injury by dangerous driving | | | | | | | | 1 |
| Violence with Injury | | Racially and/or religiously aggravated ABH | | | | | | | | 2 |
| Violence with Injury | | Wounding with intent to do GBH | 1 | | | | 4 | | | 6 |
| Violence with Injury | | Wound or inflict GBH with or without weapon | 1 | | | | 10 | | | 7 |
| Violence without Injury | | Assault on constable police act 1996 | | | | | 7 | | | 7 |
| Violence without Injury | | Breach of restraining order | | | | | | | | 3 |
| Violence without Injury | | Common assault and battery | 55 | 4 | | 3 | 118 | 16 | 2 | 188 |
| Violence without Injury | | Harassment protection from harassment etc | | | | | 1 | 2 | | 13 |
| Violence without Injury | | Harassment: Putting people in fear of violence | | | | | 1 | | | 2 |
| Violence without Injury | | Pursue course of conduct in breach of S1 1 which amounts to stalking | | | | | | | | 1 |
| Violence without Injury | | Racially and/or religiously aggravated common assault or beating | | | | | 2 | 1 | | 5 |
| Violence without Injury | | Stalking involving serious alarm/distress | | | | | | | | 1 |
| Violence without Injury | | Threats to kill | | | | | | 1 | | 2 |

Summary of all crimes in Oxford NTE

(as nearest comparable NTE)

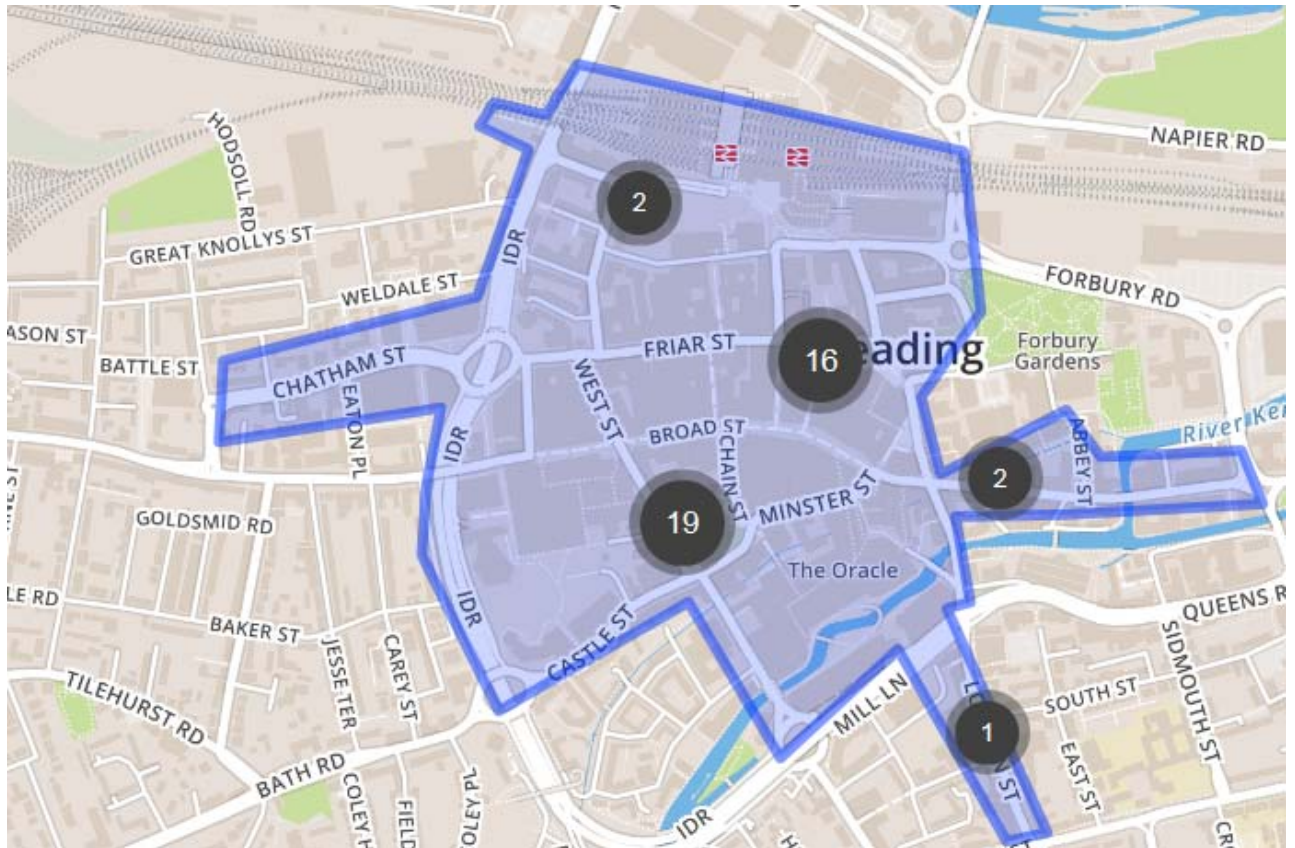
2200hrs to 0500hrs

April 2017 to March 18

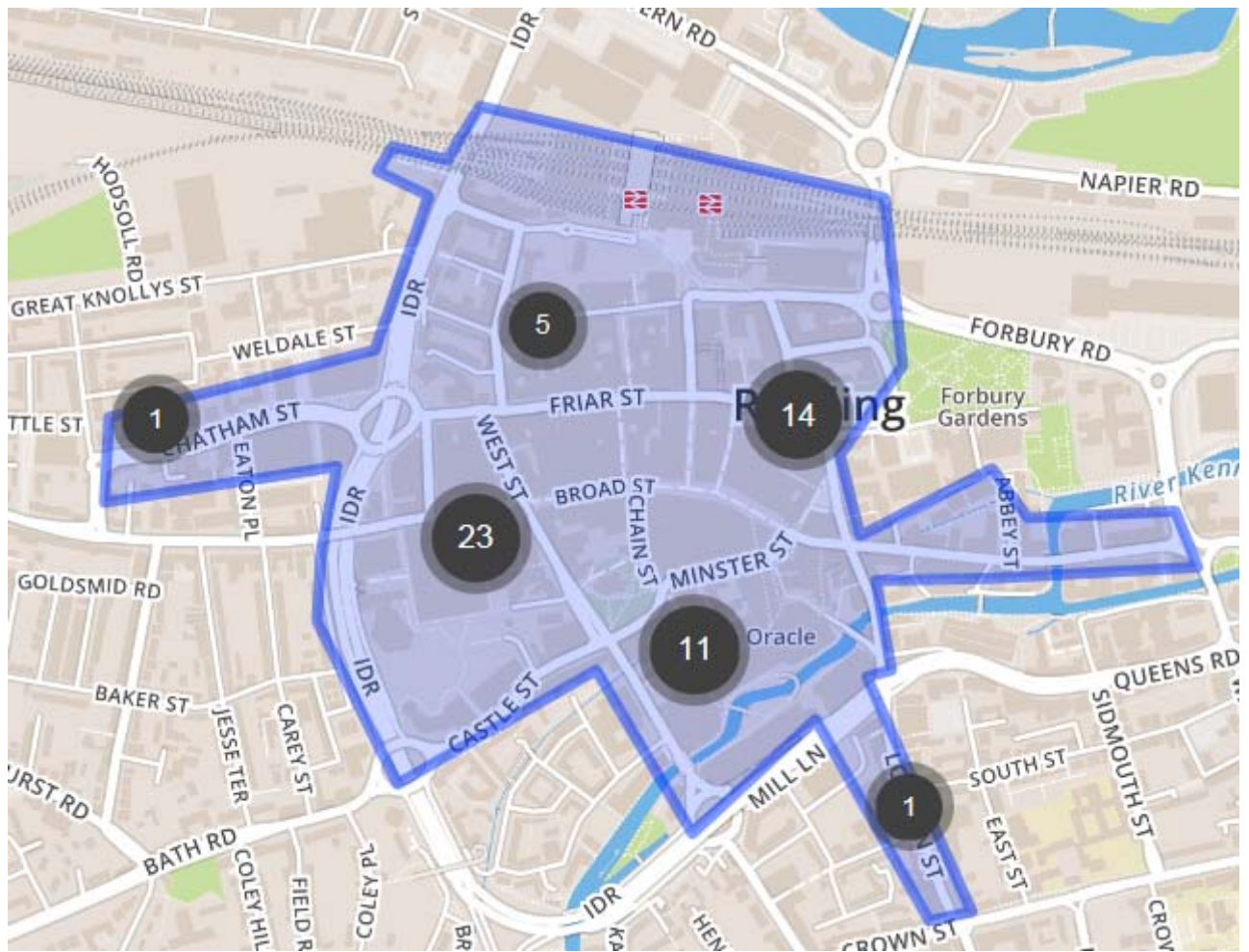
| | Hospitality | Leisure | Public building | Public/open place | Shop | Travel | Not Recorded |
|-------------------------|-------------|---------|-----------------|-------------------|------|--------|--------------|
| Arson | 1 | | 1 | 1 | | 1 | 1 |
| Criminal Damage | | | | | | | 4 |
| Criminal Damage | 5 | | 4 | 11 | 2 | 1 | 15 |
| Criminal Damage | 10 | 1 | 2 | 2 | 6 | | 20 |
| Criminal Damage | 1 | | | 41 | | | 11 |
| Public Order Offences | 2 | | | 4 | | | 10 |
| Public Order Offences | | | | | | | 3 |
| Public Order Offences | | | | | 1 | | 13 |
| Public Order Offences | | | | 6 | | | 8 |
| Public Order Offences | 1 | | | 6 | | | 11 |
| Public Order Offences | | | | 2 | | | 4 |
| Public Order Offences | 1 | | | 4 | 2 | | 11 |
| Violence with Injury | | | | | | | 1 |
| Violence with Injury | 54 | | | 76 | | 2 | 141 |
| Violence with Injury | | | | 2 | | | 3 |
| Violence with Injury | | | | 1 | | | |
| Violence with Injury | | | | | | | 3 |
| Violence with Injury | | | | 1 | | | |
| Violence with Injury | 1 | | | 3 | | | 2 |
| Violence with Injury | 4 | | | 8 | | | 7 |
| Violence without Injury | | | 1 | | | | 1 |
| Violence without Injury | | | 1 | 9 | | | 10 |
| Violence without Injury | 51 | 1 | | 62 | 7 | | 120 |
| Violence without Injury | | | | 1 | | | 10 |
| Violence without Injury | | | | 1 | 1 | | |
| Violence without Injury | | | | | | | 1 |
| Violence without Injury | 1 | | | 1 | | | 3 |
| Violence without Injury | | | | | | | 2 |
| Violence without Injury | 1 | | | 1 | | | 1 |
| Violence without Injury | | | | | | | 1 |

Violence and Sexual Offences within the Town Centre Cumulative
Impact Area - January 2017 to March 2018

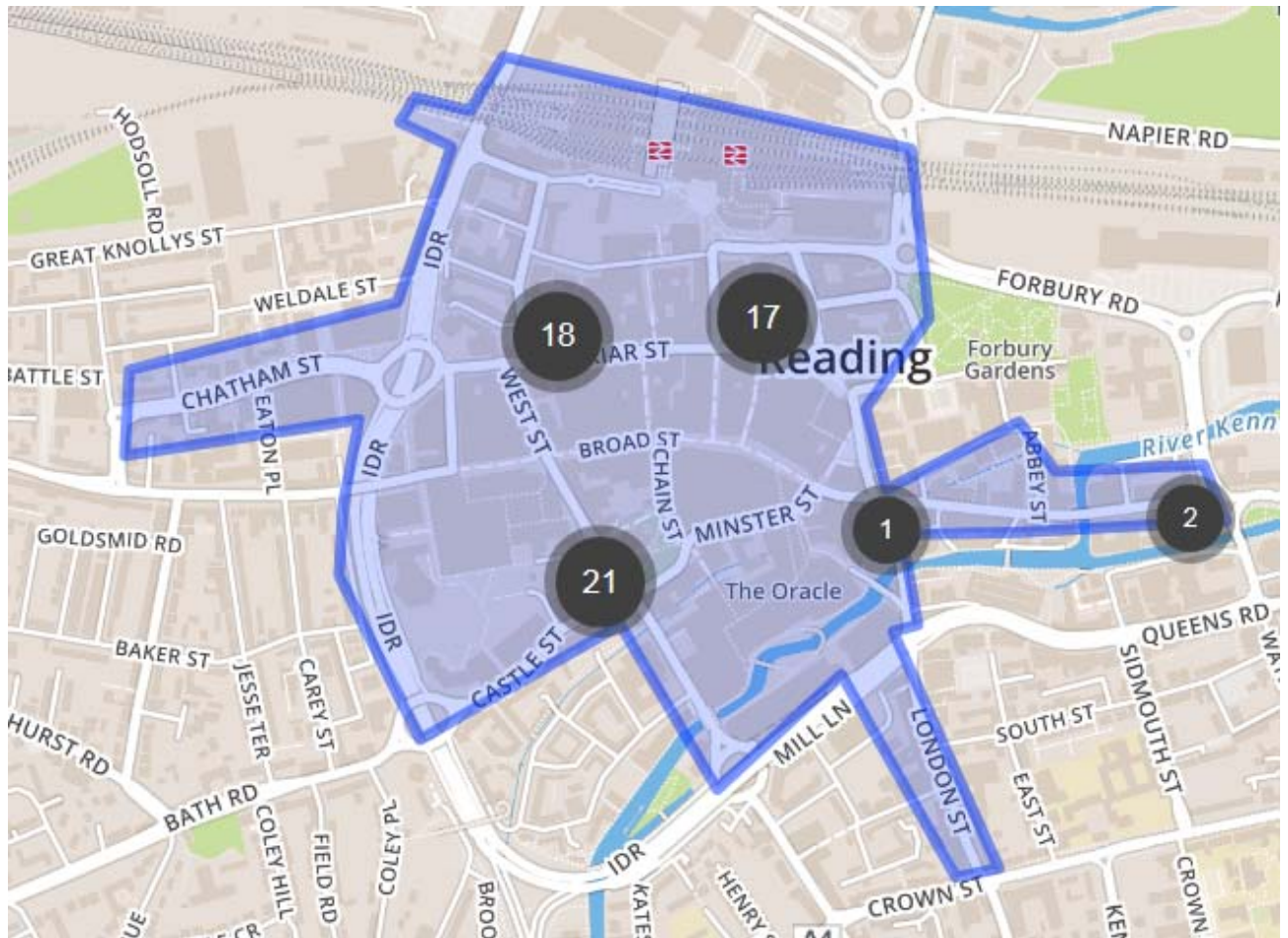
January 2017



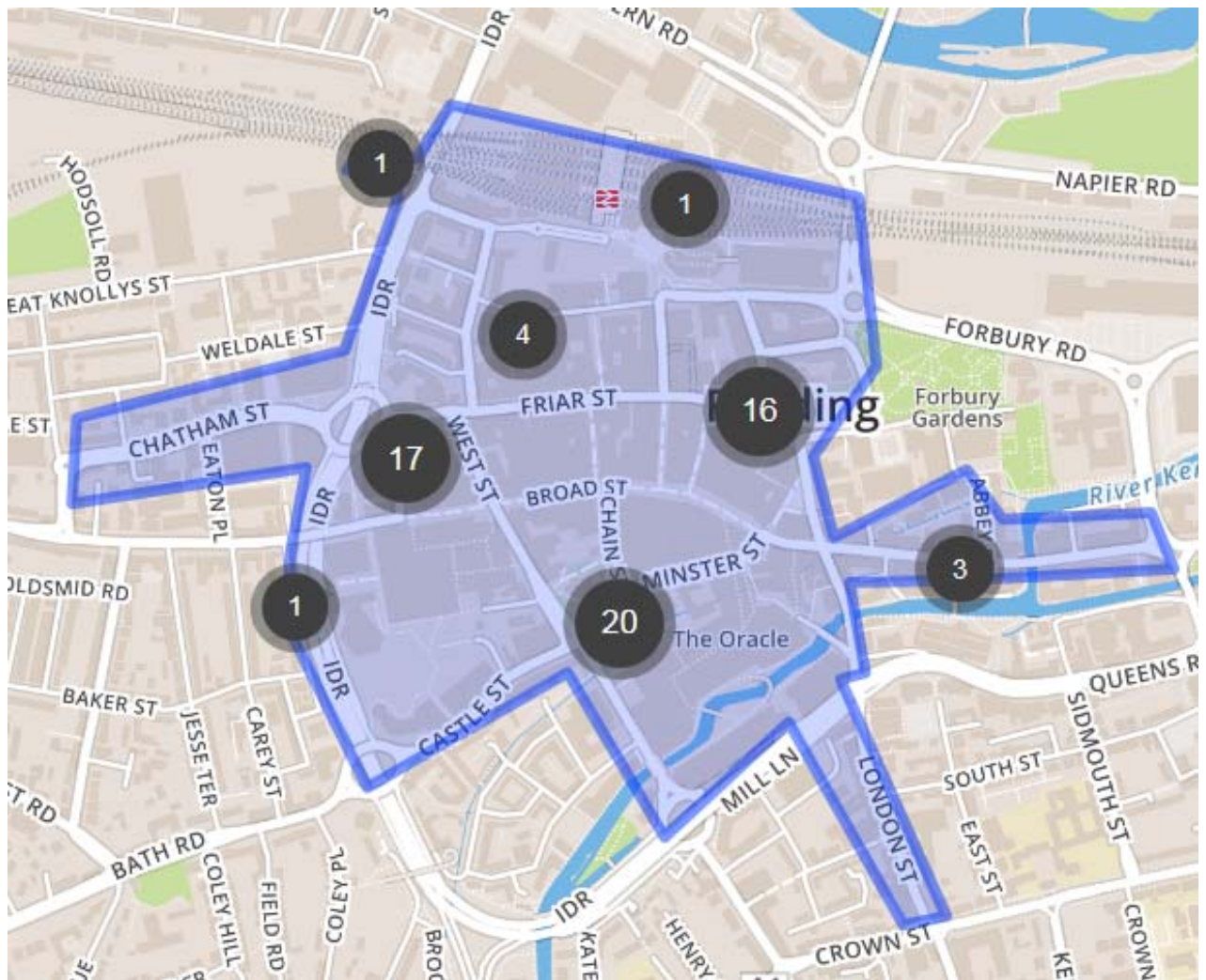
February 2017



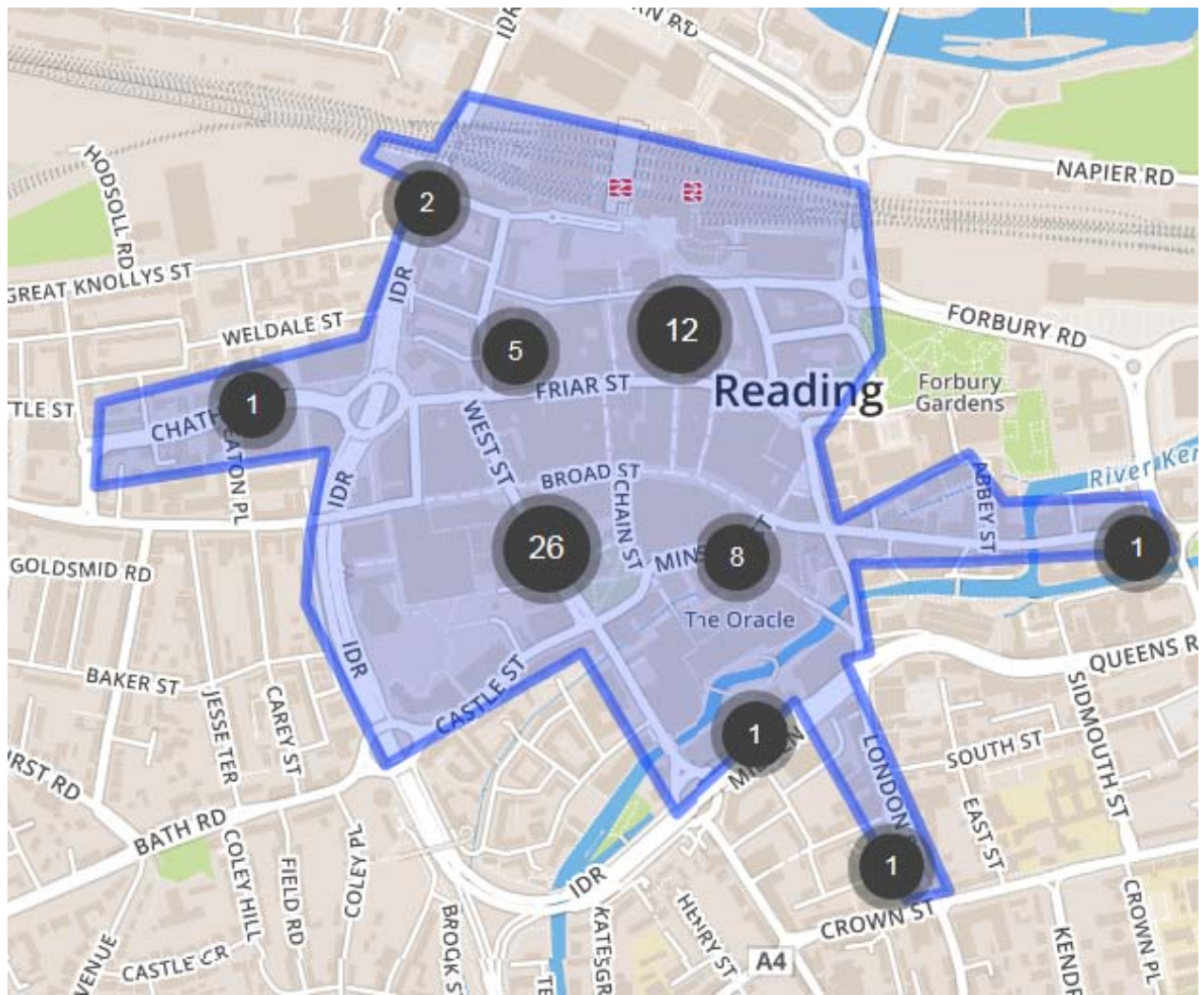
March 2017



April 2017



May 2017



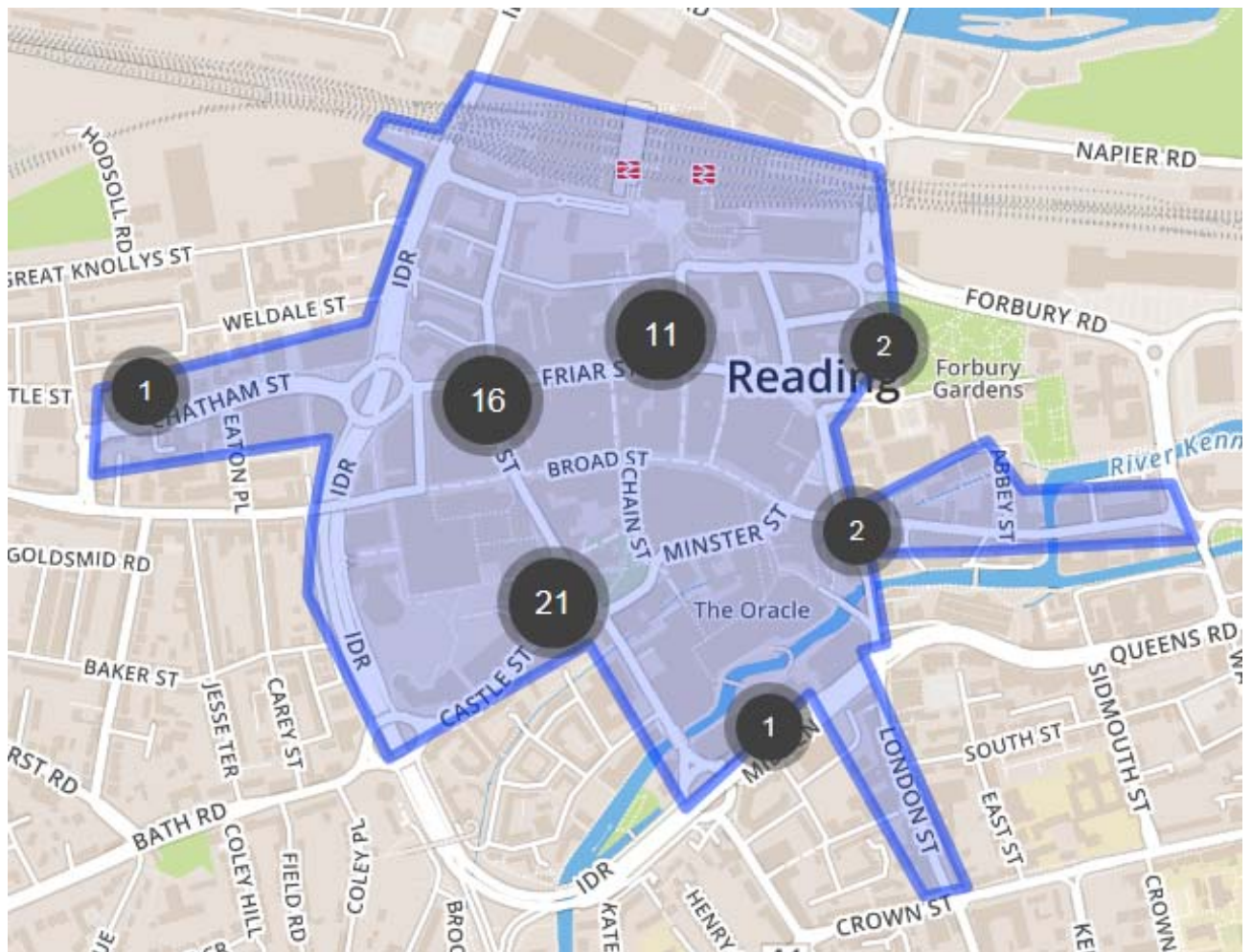
June 2017



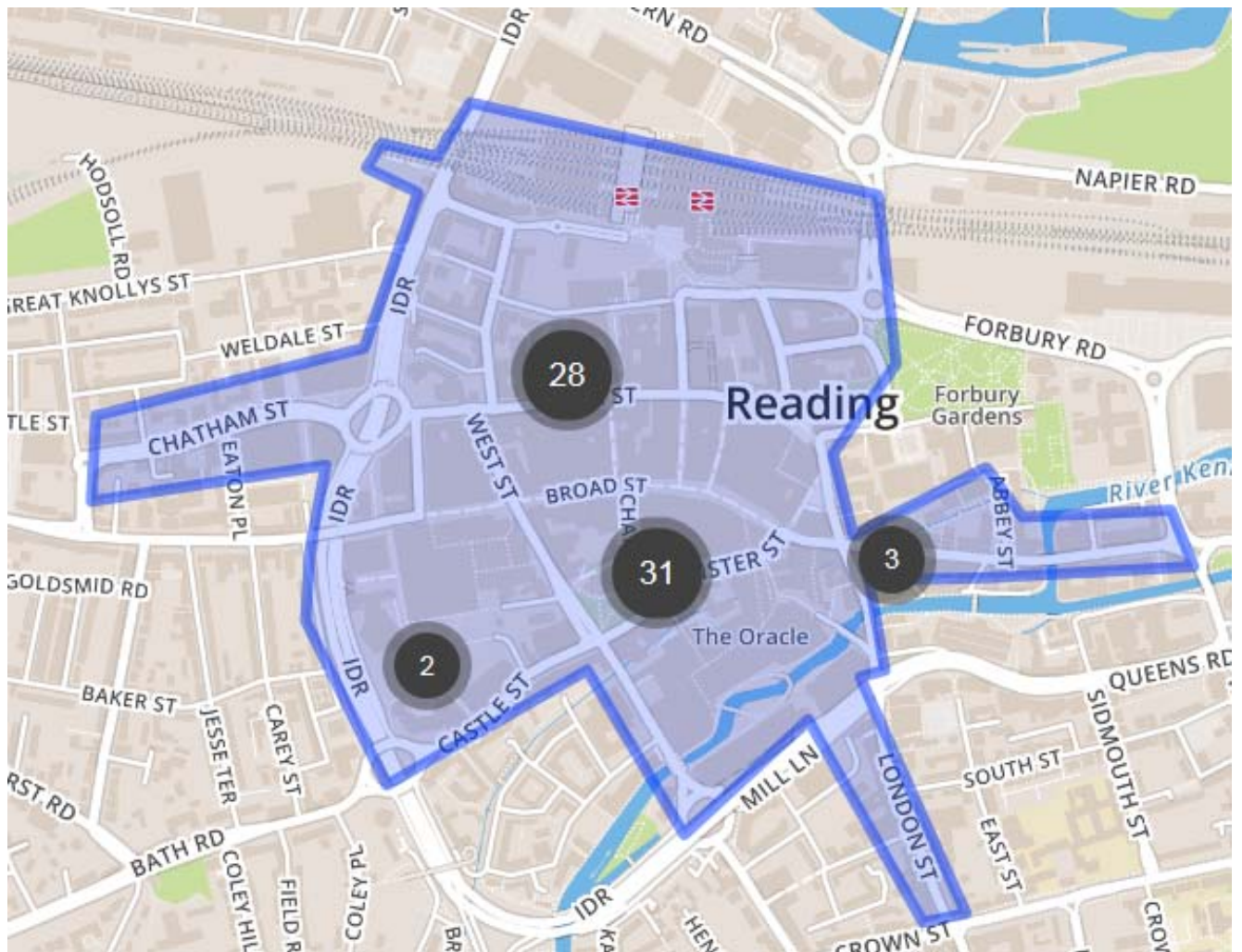
July 2017



August 2017



September 2017



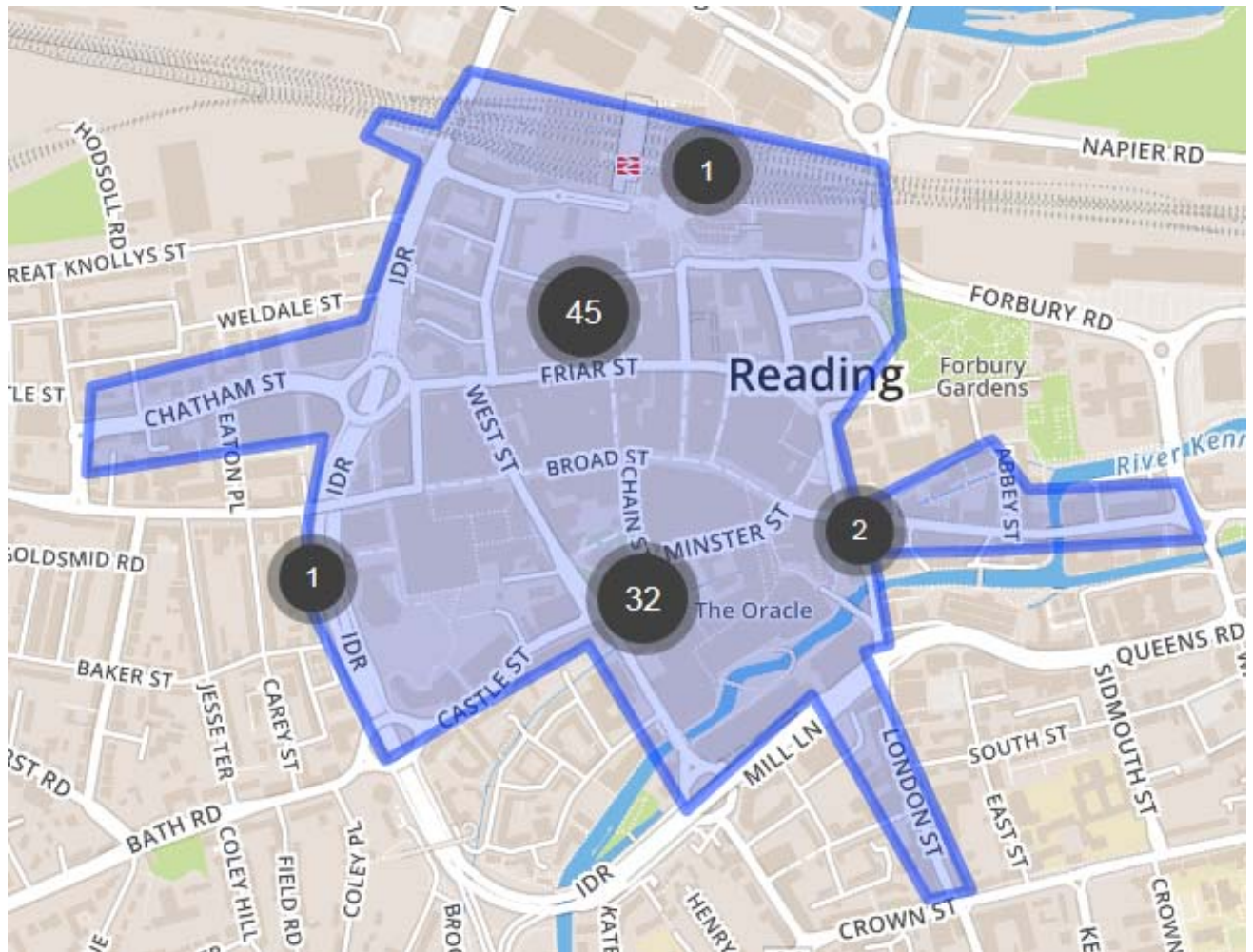
October 2017



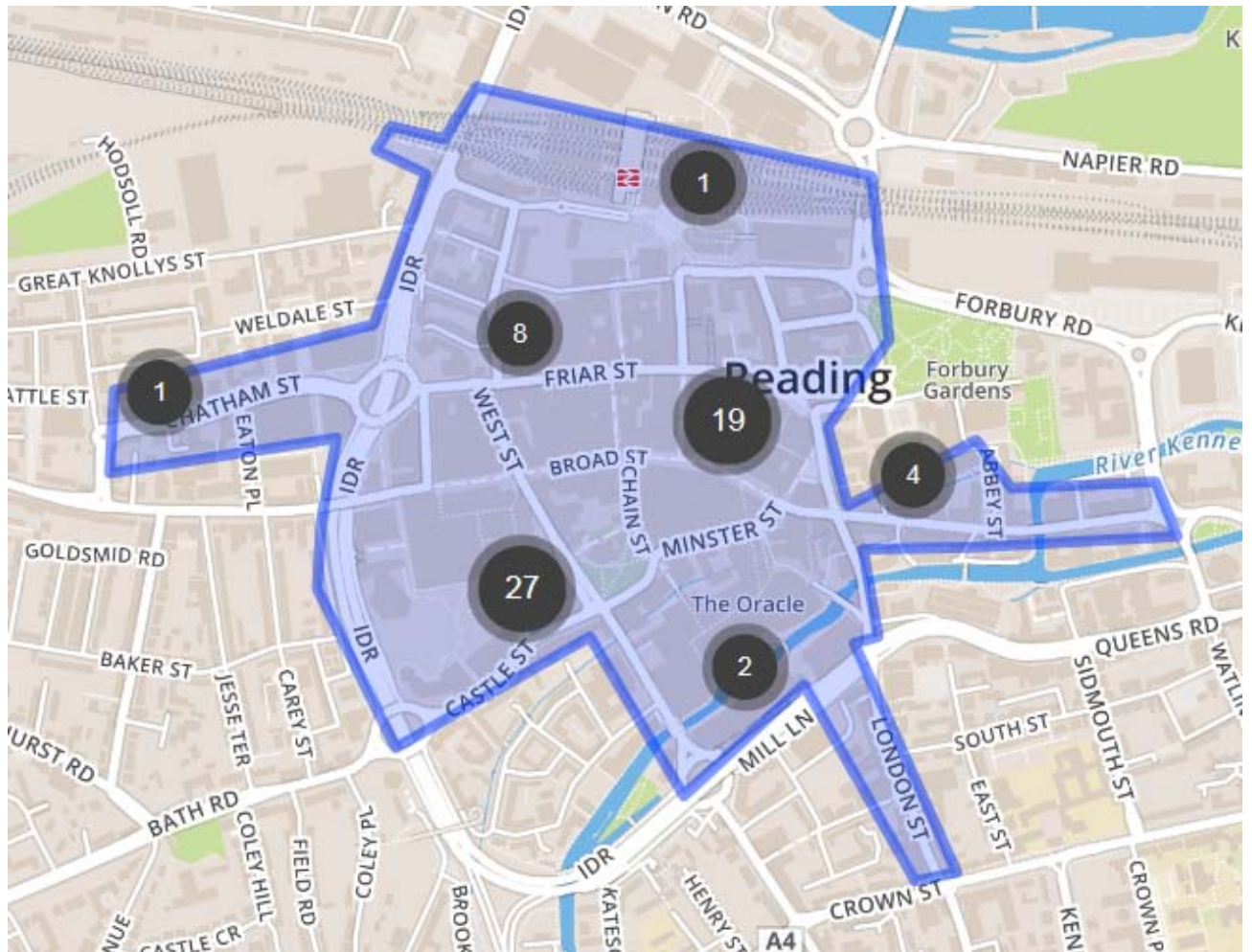
November 2017



December 2017



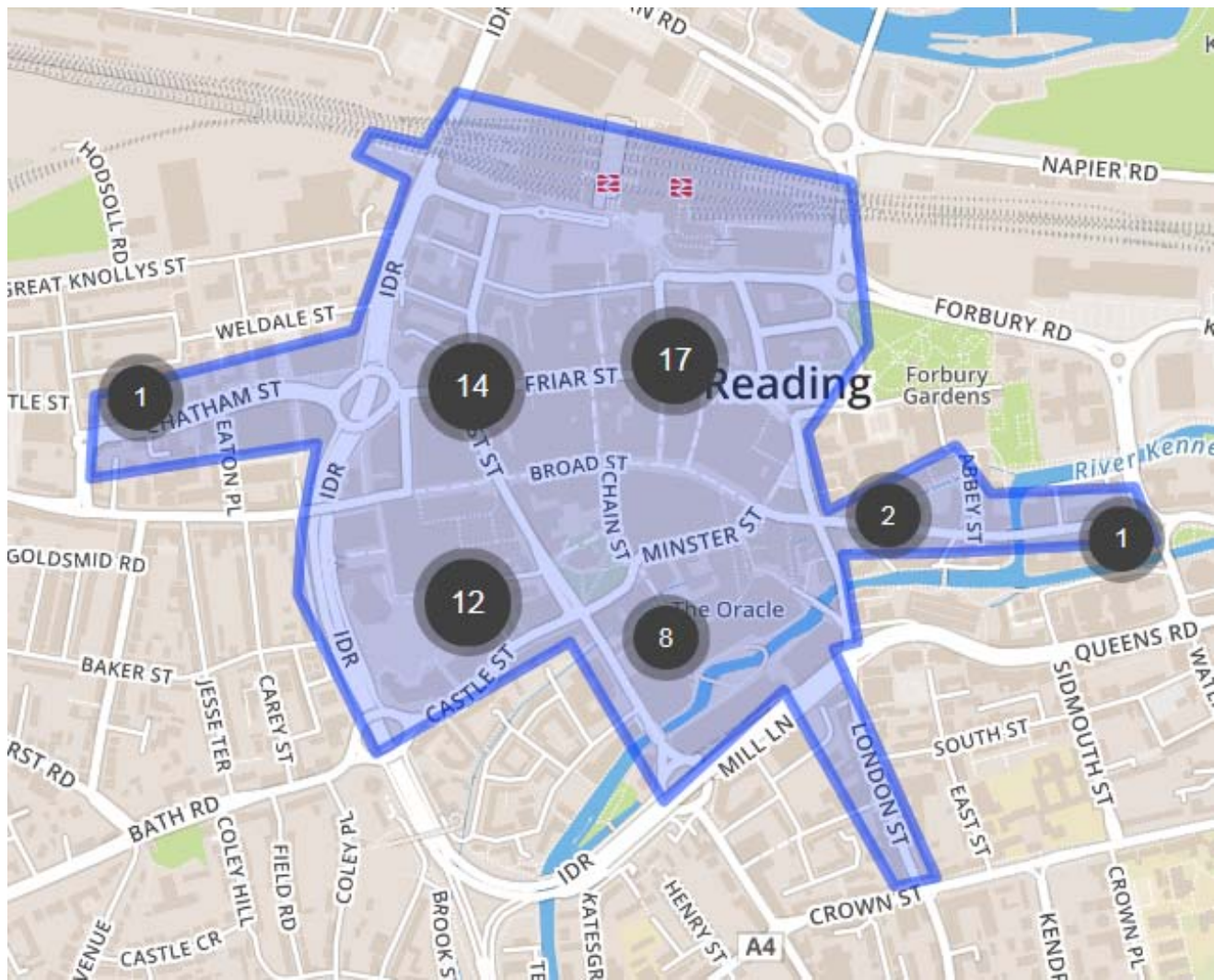
January 2018



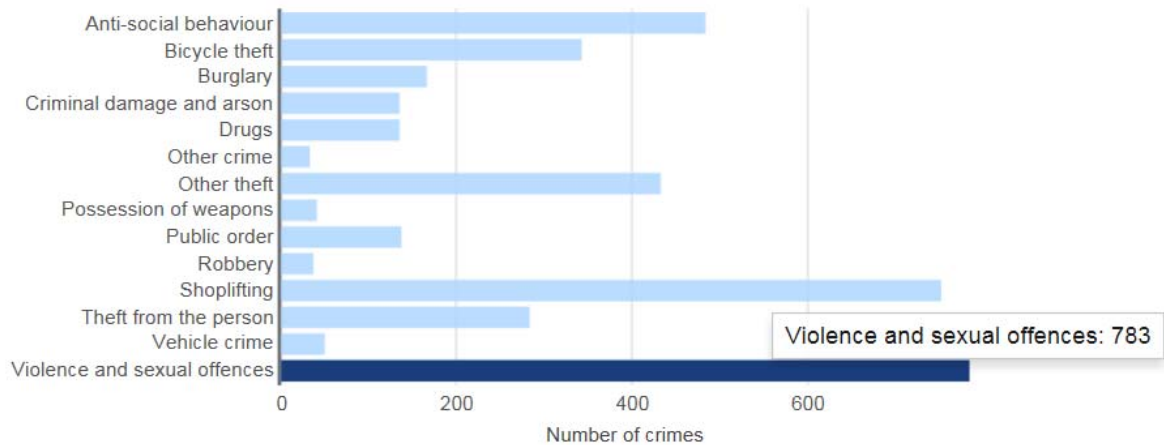
February 2018



March 2018



Crime Types in the Town Centre Cumulative Impact Area - April 2017 to March 2018



| Crime type ▾ | Total ▾ | Percentage ▾ |
|-------------------------------------|------------|---------------|
| Anti-social behaviour | 483 | 12.68% |
| Bicycle theft | 342 | 8.98% |
| Burglary | 166 | 4.36% |
| Criminal damage and arson | 135 | 3.55% |
| Drugs | 135 | 3.55% |
| Other crime | 33 | 0.87% |
| Other theft | 432 | 11.34% |
| Possession of weapons | 41 | 1.08% |
| Public order | 137 | 3.60% |
| Robbery | 37 | 0.97% |
| Shoplifting | 751 | 19.72% |
| Theft from the person | 283 | 7.43% |
| Vehicle crime | 50 | 1.31% |
| Violence and sexual offences | 783 | 20.56% |

Summary of Changes to Licensing Policy

BACKGROUND:

The Council is required under the Licensing Act 2003 to review its licensing policy statement every five years. Once the policy has been reviewed and amended accordingly, the Council must then consult relevant stakeholders. Relevant stakeholders in this instance would be holders of premises licences and club premises certificates; representatives of premises licence and personal licence holders; representatives of businesses and residents in the town as well as the Responsible Authorities listed in the Act such as Thames Valley Police.

The Policing and Crime Act 2017 amended the Licensing Act 2003 to put the concept of 'Cumulative Impact' on a statutory footing. It has inserted paragraph 5A in the Licensing Act. Previously the concept of Cumulative Impact was only mentioned in the Secretary of State's Guidance to the Act. Under the new paragraph 5A, the Council must review its Cumulative Impact Assessment every three years to ascertain whether it is still required. Consultations are sent to the same people as per the licensing policy (see above)

CUMULATIVE IMPACT ASSESSMENT

The Cumulative Impact Assessment is a separate document to the licensing policy but has been included within the policy document so that it is all in one place. There has been a Cumulative Impact area and policy within the town centre since 2010. Key points of the Cumulative Impact Assessment are as follows:

- There is no change to the area that the Cumulative Impact Area applies to and it is referred to as the Town Centre Cumulative Impact Area.
- There is no change to the types of applications that the policy will apply to. It will apply to all grant and material variations of premises licences or club premises certificates. This includes variations for the extension of licensable activities; increased opening hours; increased capacity and shadow licences.
- There is no change to the application of the policy to certain types of premises. Premises such as restaurants and cafes that are food led; provide 100% seating and have the sale of alcohol as ancillary to food would generally be welcomed (subject to certain caveats) and vertical drinking establishments generally wouldn't.
- The phrase 'rebuttable presumption against granting further licences' has been removed from the assessment as it is no longer mentioned in the guidance. However, the principle still remains. Applications for licences will still likely be refused if the authority 'is of the opinion that the number of licences within the cumulative impact area is such that it would be inconsistent with the Authority's duty to promote the licensing objectives' if more were granted or extended.

- The principle that each application will be decided on its own merits still applies as does the requirement for representations to be made for it to be considered by the licensing committee.
- The evidence for the CIP shows that crime and disorder is high between the hours of 2300 and 0500. The wording of the policy reflects this. There is still particular concern and high crime rates in Friar Street, Gun Street and St Mary's Butts.
- The opening two paragraphs of the assessment are required to be included as the assessment must have regard to the policy and vice-versa.

THE LICENSING POLICY:

The Licensing policy, whilst being re-worded and re-ordered, is not particularly different to previous policies. Key changes and updates are as follows:

- New section on 'Reducing the Strength' initiative and the goal of reducing the sale of single cans of super strength alcohol. This reflects initiatives that are already ongoing so the policy has been updated to reflect this.
- The 'Licensing Conditions' chapter (chapter 6) has been expanded to reflect what conditions may be appropriate to different applications. This assists applicants when applying as it clearly lays out what the Authority would expect as a minimum standard.
- Chapter 8 now deals with 'Children in licensed premises'. This has been expanded and deals with the issues of alcohol and CSE.
- Chapter 9 deals with the Authority's general approach to Enforcement which has been expanded to reflect current practices.
- The last two paragraphs of the policy are the same as the first two paragraphs of the Cumulative Impact Assessment. This is by design as the policy needs to refer to the assessment and vice-versa.

CONSULTATION PERIOD

The public consultation will run until 19th August. Any person who wishes to make comment on the policy or assessment can do so in writing, via email or via the website so as to encourage as wider consultation as possible.

If you have any comments on this policy then they will need to be submitted in writing to us on or before 19th August 2018.

If you require any further information or clarification, then please contact me.



Supt. Stan Gilmour
Local Policing Area Commander

Police Station
Castle Street
Reading
Berkshire
RG1 7TH

Friday 17 August, 2018

Licensing Policy and Cumulative Impact Assessment

Dear Sir/Madam

As part of the recent consultation process regarding the Reading Borough Council Licensing Policy and with specific regard to the proposed Cumulative Impact Assessment (CIA), Thames Valley Police wish to make the following representation.

On behalf of Thames Valley Police I wish to support the re-implementation of a CIA formerly Cumulative Impact Policy (CIP) in the specified area within Reading Town Centre.

Thames Valley Police have been supportive of the CIP since its introduction as a method to alleviate the negative impact that a high concentration of licensed premises has within this area on the promotion of the licensing objectives.

Due to the cumulative impact of the sheer volume of late night licensed premises that are situated within the current CIP area, the Reading Night Time Economy (NTE) unfortunately generates a disproportionate amount of crime and disorder.

Although some very important steps have been taken over the last few years to address crime and violence within the NTE by strengthening partnership working with both the Council and other stakeholders, the presence of large numbers of late night vertical drinking establishments and late night refreshment outlets still creates the opportunity for increased incidents of crime.

The current (URN/ calls for service) statistics that have been supplied as part of this consultation process (which can be seen at Appendix 2) highlight a number of considerations that we hope the Licensing Committee will take into account as part of this decision making process.

Firstly, it is clear that the majority of calls for service that the Police receive between 10.00pm and 5.00am within the CIP area relate to Friar Street, St Marys Butts and Gun Street. Unsurprisingly these three streets have the highest concentration of town centre late night licensed premises, including pubs, clubs, bars and fast food retailers.

These areas were specifically highlighted within the last CIP as a cause for concern based on the previous crime statistics and I would suggest that this still remains the case.

Secondly, we would wish to make reference to the chronology of incidents that our calls for service statistics highlight.

The figures that have been supplied generally show a steady increase of incidents from 10.00pm onwards through till midnight. From midnight onwards there is a rapid increase in incidents (approximately 49%) which plateau between 1.00am and 4.00am.

The calls for service that we receive are shown to then decrease between the hours of 4.00am and 5.00am and return to the levels observed between 11.00pm and midnight.

It is worth emphasising that although the levels observed after 4.00am are shown as decreasing; they are still disproportionately high.

We would recommend that the proposed policy, which recommends the CIA should be considered from 11.00pm onwards, is supported by the figures that have been supplied and suggest that this may have a significant positive impact regarding the suitability of applications in relation to late night refreshment as well as the sale of alcohol.

Furthermore, and in order to put our current levels of crime and disorder into context we have provided comparative statistics for NTE crime across the Thames Valley Police Berkshire Local Police Areas (Appendix 3). Also included are comparative figures for Oxford Central which is the closest comparator in relation to an NTE of a similar size and scale to Reading.

These statistics show actual reports of crime that have occurred within the area and during times that are associated with NTE.

It is clear from the figures that Reading Town Centre generates by far the most incidents of NTE crime within our Berkshire cluster and the annual listed figures for overall offences are recorded as 1227; notably this is 33% higher than Oxford.

The Licensing Committee may also wish to consider that 81% of the annual 1227 crimes relate to either violence with or without injury and public order, all of which are offences inexorably linked to the NTE.

Thames Valley Police support the CIA as we believe that the cumulative impact of the licensed premises within the town is clearly the main cause of the crime and disorder in the area. We believe that it is the right decision to implement a CIA policy which allows for the scrutiny of any application intending to either provide for a new premises licence or to vary a current premises licence.

When considering our current concerns regarding the negative cumulative impact caused by the current number of premises within the area the granting of further licenses is arguably inconsistent with the current duty to promote the licensing objectives.

Therefore we believe that it is reasonable and proportionate at this stage to apply the CIA in the current proposed format relating to any new application or an application to increase either the hours for the sale of alcohol, provision of late night refreshment or increases in capacity and opening hours.

Although Thames Valley Police support this proposed CIA in order to restrict licensed premises which will likely add to the cumulative impact and negative promotion of the licensing objectives, we do not feel that it is inherently an “anti-business” policy.

We would like to take this opportunity to highlight the positive way in which the incumbent CIP has been used to positively encourage aspirational licensed premises to open businesses within the cumulative impact zone.

Having a CIP or CIA as proposed can be used to positively shape the provision of licensed premises so that business can be encouraged which shall not lead to increase in crime and disorder or negatively impact any of the four licensing objectives.

In recent years we have had a number of licensed premises that have been granted licenses within the scope of the current CIP, all of whom currently trade without concern regarding crime and disorder. These include, Revolucion De Cuba, The Botanist, Bierhaus, Broad Street Bar & Kitchen (formerly Artigiano) and Honest Burgers.

This underlines that it is possible to allow for the provision of licensed premises that can enhance the area and which do not negatively impact on the four licensing objectives. However, it also underlines the necessity for a CIP/CIA meaning we are able to scrutinise

applications to ensure that they remain within the scope of the policy and will not therefore create further increases in current crime levels.

Clearly NTE violence, vulnerability and threat, risk and harm are serious concerns for Thames Valley Police and ensuring that a robust but fair policy is in place to ensure that the licensing objectives are promoted and not undermined is essential.

I mentioned earlier about the proactive steps that are being undertaken by partners and stakeholders such as the Reading Borough Council Licensing Enforcement Team, Reading Pubwatch, Reading Business Improvement District, Reading Street Pastors and First Stop Hub to reduce the impact of NTE linked crime and disorder. However it is important that this work is supported in the wider context by the Reading Licensing Policy Statement and the implementation of a CIA policy.

With that in mind we fully endorse positive initiatives mentioned within the proposed Statement of Licensing Policy such as the continued support for Pubwatch schemes and encouraging premises to improve themselves via Best Bar None and other good practice initiatives such as *Purple Flag*.

Also we welcome a positive approach to ensuring that premises take every opportunity to use proactive measures now available via new technologies to improve public safety and prevent and reduce crime and disorder. Positive approaches that we encourage include, improved CCTV systems covering full licensable areas, identification scan systems, body worn video, usage of online information sharing and banning systems, and our available radio link systems; *Townsafe*.

Other aspects that we would like to see promoted are in response to the changing behaviours and societal concerns that have evolved over the recent years. For instance we encourage increased implementation of search policies especially in relation to late night clubs. We believe that 100% searching as part of an entry policy is now essential when taking into consideration concerns over increases in knife crime and the potential threat of terrorism.

Along with searching we also hope to encourage the provision of suitable door supervisor numbers and the use of mapping to determine how many are required to be employed in order to provide safety to customers, but also to ensure the safety of the staff themselves.

We also wish to see the usage of correct Personal Protective Equipment (PPE) by door supervisors including proactive usage of hi-visibility jackets both externally, but also within premises so that they can be easily identified by customers as well as on CCTV.

Furthermore, the usage of breathalysers as a potential condition of entry is looked upon by us as a positive and proactive measure to respond to the increasing issues surrounding “pre-loading” with cheap alcohol prior to entering the town. It has been proven that when used to support venue staff who suspect a potential customer is intoxicated prior to entry they have been seen to reduce arguments and friction between staff and customers.

There usage can also act as a deterrent to pre-drinking which in turn can have positive impacts on levels of intoxication and the potential to reduce vulnerability.

In conclusion, Thames Valley Police feel that it is essential that in order to promote the four licensing objectives within Reading that the proposed Cumulative Impact Assessment be implemented as we believe the cumulative impact of the licensed premises within the town centre area is the main cause of levels of crime and disorder within the area.

This policy is one of the key factors that forms the basis of our joint approach to continued partnership working and licensing enforcement that can be used effectively to address the levels of crime and disorder within the area that currently negatively impacts on the victims of crime, residents and business owners within the town.

The current number of late opening NTE premises within Reading town centre and their nature exacerbates the increasing demands on all emergency services. This in turn has a tangible negative impact on the service that can be provided to our residents throughout the whole of Reading, and has an especially negative impact at peak times on Friday and Saturday evenings as well as Bank Holiday weekends.

In relation to the proposed Statement of Licensing Policy, Thames Valley Police also support this and its contents in its entirety.

We specifically wish to emphasise our support for a number of initiatives detailed within the policy that cover the following areas not previously mentioned:

- The reducing the strength initiative which is proving extremely useful to help address concerns of anti-social behaviour caused by excessive street drinking, and the scrutiny of any off licence application in order to ensure that premises do not undermine the licensing objectives.

- Continued support for partnership-led Immigration and licensing inspections that have led to a number of offences being discovered and licence reviews.
- *Challenge 25* as a tool to protect children from harm, coupled with an active test purchasing program.
- Requirements for improved staff training relating to the sale of alcohol and other relevant subjects that support the four licensing objectives.
- Usage of “wind down” periods and suitable dispersal times and dispersal policies of at least thirty minutes from the cessation of the sale of alcohol.
- The recommendation that mixed age “under and over 18” events do not occur due to serious concerns over the ability of children gaining access to alcohol, which undermines the protection of children from harm.
- Child Sexual Exploitation (CSE), we welcome the inclusion of a structured CSE section which details the seriousness surrounding the concerns regarding these offences and sets out the requirement for robust policies and an ongoing test purchase processes.

We hope that this representation provides sufficient detail for the Licensing Committee to make an informed decision on our supported implementation of both the Cumulative Impact Assessment and the Statement of Licensing Policy.

Regards,

Stan Gilmour

Superintendent

French, Richard

From: Zoe Knapp [REDACTED] on behalf of Samantha Foley
[REDACTED]
Sent: 01 August 2018 14:58
To: French, Richard
Cc: 'Vice-Chancellor [REDACTED]'; Licensing; Sarah Gardner; Matt Tebbit
Subject: Cumulative Impact Policy Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Richard,

On behalf of the University of Reading, I would like to respond to Reading Borough Council's Licensing Policy and Cumulative Impact Assessment Consultation.

Our University premises are, as you know, outside of the scope of the Town Centre Cumulative Impact Area, but as a Reading Borough Council stakeholder we support the proposed changes to the policy, and appreciate the opportunity to take part in this consultation.

We support Reading Council's vision to create a more inclusive and accessible town centre, through its plans to attract a diverse variety of operators and reduce crime and disorder, which will ultimately make Reading a more successful and vibrant place. We are pleased to see more emphasis on promoting the licensing objectives and the requirement for all operators to achieve best practice – which is something we also strive to do, as an operator of licensed premises.

We look forward to continuing to work with you.

Yours sincerely,

Samantha Foley
Chief Financial Officer
University of Reading

Click [here](#) to report this email as spam.

Comments received via the Reading Borough Council website via the 'Give us your views' button

COMMENT NUMBER 1

Name: Wasaf Butt

Nature of Interest: Licence holder

Date Submitted: 5th June 2018

Comments:

I was licensee of a restaurant (currently under renovation and not operating) on the Oxford Road some distance outside the Town Centre Cumulative Impact Area. So far as I am aware, there have been no incidents of anti-social behaviour, sexual or violent crime or indeed of any similar incidents related to the sale of alcohol from our premises. We are interested only in the sale of alcohol with meals. We have never sold high strength beers and/or ciders. The issue of anti-social behaviour appears to relate to pubs and clubs some distance from us where the sale of alcohol is a primary business of the premises concerned, and where those businesses are open very late into the night. This proposed policy does not appear to be aimed at licensees like myself, and the restaurant trade (which provides valuable employment to many) should not suffer because of problems caused by others.

COMMENT NUMBER 2

Name: David Fenemore

Nature of Interest: Resident

Date Submitted: 15th June 2018

Comments:

There appears to be no consistency or logic in reading borough councils licensing policy. all things being equal, if a licenced premises has a street drinking area, then another in sight of it should also, but no, not in reading, one with the narrower pavement can have tables and serve in glass, the other can have no furniture and only serve in plastic despite the pavement being wider. also the time of closing bears no relation to the trouble caused. proportionally the club that causes the most trouble is not the one restricted the most (the turtle) it's what was monroes, with the latest licence in town and poor standards. the committee never seem to look at the numbers relative to those using the venue. also any forward thinking committee would consider making full disabled access and toilet facilities and the prohibition of single use plastic items a condition of any licence.

COMMENT NUMBER 3

Name: Councillor Karen Rowland

Nature of Interest: Councillor

Date Submitted: 19th August 2018

Comments:

A someone that lives off the Oxford Road on Zinzan St, I have been firmly of the belief that a Cumulative Impact Zone either needs to be developed along the Oxford Road- to deal with the street drinking which feeds into the drug and alcohol-related ASB and crime in the area , or that it should be included within this Zone itself. I firmly believe that people leave out the city centre on their way home causing issues along the Road and in the area - along with the off- license sales in the area. This has been discussed for years at the Oxford Rd NAG meetings (SNFs) and never acted upon.

I know as I frequently pick up the tons of beer cans , chicken bones and food refuse in the planters along the Oxford Road IDR Bridge in the a.m. constantly and I see the refuse from the night before along the streets.

I am VERY eager to begin the research to establish a Cumulative Impact Zone along the Oxford Road and after a recent Licensing Applications Comm meeting, I discussed this with both Mr French and Simon Wheeler- both of whom agreed with the concept. Simon also informed me dissecting the information to certify the Oxford Road is more difficult with the current lines, but he suggested that the TVP could do it if they felt it is warranted- and I can say after 6 years in this neighbourhood, I firmly feel it is warranted.

19th August 2018

Licensing Department
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Dear Sir,

Re: Statement of Local Licensing Policy Consultation

I have attached my representation to the above with this email.

Yours faithfully,

William Donne

Licensing Practitioner
Silver Fox Consultants

Reading Borough Council : Statement of Local Licensing Policy Consultation2018

Unintended Consequences of a CIA

1.0 RCAAP

The RBC consultation document on licensing rightly highlights that the council may take other policies into account when considering the formulation of their licensing policy.

The RCAAP policy states that Reading town centre (2.8) is in competition with other town centre developments particularly Bracknell, Wokingham, Basingstoke and Oxford. The night time economy (NTE) in Reading is particularly important in drawing visitors to the town centre (2.10). The NTE is an important and significant employer of staff, particularly of young persons under the age of twenty-five years of age.

The RCCAP states that RBC has a vision of a dynamic and creative use of the town centre and will give priority in planning consent for evening economy uses over housing and other uses. Your policy goes on to say that the NTE is critical to the success of Reading town centre.

Other sources have been quoted as highlighting the vibrancy of the NTE economy as one on the reasons students choose Reading to study. Reading boasts two university campuses, Reading University and West London University. We also have the successful Reading College who run adult access to learning courses.

2.0 Licensing Act 2003 and changes in the NTE

The Licensing Act 2003 that came in to force in November 2005 gave the responsibility to local government (The Licensing Authority) to issue Premises Licences that would authorise one or more licensable activities; the sale or supply of alcohol, licensable entertainment and the provision of late night refreshment (hot food and drink).

The LA 2003 also had the effect of blurring the lines between different styles of operation between public houses, restaurants, bars, nightclubs and kebab shops.

The LA 2003 enabled existing operators to make an application to vary their existing licences and to extend both their opening hours and the scope of permitted licensable activities allowed on their premises.

Prior to 2005 public houses and off licence shops would cease the sale of alcohol at 11pm, restaurants/ cafes at midnight, and clubs at 2am or 3am.

The LA 2003 also removed the requirement of proving 'need' when making the application for the grant of a new premises licence.

The impact of the LA 2003 in the reading town centre seems to me to be twofold. Public houses are generally opening later and the late night bars and clubs are opening even later still often to 3am and beyond. There has also been a shift in customer behaviour where they are coming out in to the town much later in the evening, often after 22:00 hours. Many of these customers may have consumed alcohol before they have left home.

The landscape in which operators of licensed premises has change beyond recognition to pre 2005.

3.0 RBC Statement of Licensing Policy 2018

In my view, the proposed statement of licensing policy on the whole has been well thought out and provides good insight of the licensing regime to the both the layman and the licensing expert.

I am particularly pleased that 2.19 gives recognition that Reading's NTE has achieved Purple Flag status and is operating Best Bar None award scheme for licensed premises.

I am surprised and disappointed that the policy does not give recognition the award winning Pubwatch scheme that has been successfully operating in Reading since 2005. After all, it was the licensed premises that has paid for the administration fees for the Purple Flag award through the BID late night economy budget, and BBN would not take place unless Pubwatch members had volunteered to take part. Therefore Pubwatch should be included.

6.25 I endorse the Challenge 25 proof of age verification policy in the town centre. However, whilst cafes should operate only as a restaurant with waiter/waitress service, many restaurants currently operate a small waiting area by the bar where

patrons can enjoy a drink before a table becomes available. This would not be possible under this policy.

4.0 Cumulative Impact Area

I now address the specifics. I have concerns that the crime statistics should be scrutinised more carefully. Reading has a population of over 163,000 residents.

Many more people live in the town centre area than before. Many more visit the town from other areas to enjoy the NTE offering.

I am disappointed that the crime statistics appendix 1, provided in this consultation report include all of Abbey and Battle wards when the proposed CIA does not cover all of that geographic area. The officers could and should have interrogated the statistics available to them more diligently.

The statistics in appendix 2 highlight calls making demand on TVP but does not a) identify those incidents that are alcohol related, nor b) those that are related to licensed premises. Nor does it reflect the footfall figures that occur in the NTE.

The towns and cities put forward by TVP as comparatives are simply other towns in the TVP area. The Home Office alcohol and strategy unit uses different comparative towns in order to compare like with like. The report in this context is deliberately misleading.

Item 12.29 on page 48 of the report suggests that café bars should cease trading at 23:00 hours. The existing CIP states midnight is the witching hour for the CIP. Why the change? This should not happen.

May I also make the point that during the time of the statistics in the appendices for crime rates TVP had adopted a policy of not having police officers visible on the street of the town centre. Has this had an adverse impact?

I recall that I addressed the licensing committee in Chambers when the Council were first considering introducing the then Cumulative Impact Policy. I spoke against the introduction for two main reasons that still hold true today. Firstly, it is protectionism. It matters not how neglected a business becomes as there is no fear of competition opening up as they will not be allowed to. This is a catch 22 situation. You cannot as an operator, provide tangible evidence that you will not have an adverse impact on the four licensing objectives, unless you are up and trading, and therefore it is impossible to counter the presumption of rebuttal.

The second point that I made is that it does affect existing premises licence holders within the town centre and inhibits inward investment. This was denied by the then licensing manager Clare Bradley on many forums including the BID committee. I am grateful that the report clarifies the point that it does affect existing operators.

To make my point I quote from Woods Whur Solicitors:

“This case reminded me again of how Cumulative Impact Policies, if not dealt with carefully, can have a negative consequence to the quality and development of the entertainment sector in town centres.

I have recently been conducting training with a licensing authority where I have advised them to consider removing their Cumulative Impact Policy as it is stifling the introduction of new operators in to the town centre who are popping up in closely competitive city centres. The consequence is that the existing operators are not threatened by competition, resting on their laurels and not investing in their units. Everyone suffers as a consequence.

If an operator is of real quality and has a track record of promoting the licensing objectives in other Cumulative Impact Policy areas then, in my view, licensing authorities should seriously consider the relative merits of granting or refusing the premises licence application.

If the scales tip heavily in favour of investment, new jobs, contribution to business rates, bringing back to life of a unit which is only ever going to be an entertainment complex and potentially make other operators improve the quality of their offer – then they should seriously consider granting the licence.”

