

Licensing Policy

STATEMENT OF LICENSING POLICY

Licensing Policy effective from: 22nd October 2023 until 21st October 2028

DRAFT

CONTENTS

Chapter	Subject	Page
1	Introduction	3-4
2	Integrating Strategies	5-11
3	Licensing Integration	12-13
4	Scope of Licensing Policy	14-17
5	Licensing Applications	18-24
6	Licensing Conditions	25-29
7	Licensing Hours	30-32
8	Children in Licensed Premises	33-36
9	Enforcement	37-41
10	Delegation of Functions	42-43
11	Responsible Authorities Contact	44-45

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 aims to promote 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 required by the 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, including violence against women and girls - 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.

2.2 We have high expectations of our licence applicants. Alcohol consumption is a major factor behind violent crime and disorder with serious consequences to victims, businesses and local communities. We are also painfully aware of the links between poor health and excessive alcohol consumption, and the occasional conflict between the needs of our business community and those of our residents who have a right to live peacefully within their homes and community.

2.3 We therefore welcome applications that are aware of the Reading Borough Council Antisocial Behaviour Policy which has as a key aim "Ensure a partnership approach is taken to tackle Anti-Social Behaviour". This work is guided through Reading's Community Safety Partnership and its response to the annual strategic assessment.

2.4 The Reading Climate Emergency Strategy 2020-25, sets out the action required during this critical period to work towards the objective of a net zero carbon Reading by 2030 so we expect applicants to rigorously promote environmental protection.

2.5 The Council Corporate Plan 2022 to 2025 reported the three-year Community Safety and Serious Violence Strategy had been approved following a needs assessment and public consultation, and involving key agencies such as the police and probation. Seven priorities were identified including reducing community based drug activity, reducing knife violence and tackling violence against women and girls. The Community Safety Partnership has developed a three-year action plan to tackle these priorities. The plan will deliver a number of actions through working in partnership across these key areas. We expect applicants to dovetail with these actions and our broader aspirations.

2.6 Alongside all of this, we recognise our shared legal duties to uphold the licensing objectives and to adhere to key legislation, including the prevention of immigration crime as set out in the Immigration Act (2016) and the Modern Slavery Act (2015), and we are committed to working in partnership to ensure a responsive licensing approach which strikes the right balance, supports the diversity of our borough and ensures that businesses can thrive while residents and visitors can enjoy what's on offer in a safe, inclusive and welcoming environment.

Licensing and Planning integration

2.7 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.

2.8 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.

2.9 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.**

2.10 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.

2.11 Where the planning authority has granted a planning consent that contains conditions that, if not complied with, 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.

2.12 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.

2.13 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.

2.14 The Council's 'Reading Borough Local 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 - [New Local Plan - Reading Borough Council](#)

2.15 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

2.16 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.

2.17 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. Some 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. Where premises have stopped selling these products, Thames Valley Police have stated that there has been a reduction in the number of incidents of street drinking.

2.18 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.

2.19 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

2.20 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.

2.21 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.

2.22 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 -<https://www.reading.gov.uk/about-reading/joint-strategic-needs-assessment-jsna/>

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

<https://westberkshire.berkshireobservatory.co.uk/wp-content/uploads/2023/03/Berkshire-West-Drug-and-Alcohol-needs-assessment-2022-v0.4.pdf>

Alcohol Harm Reduction Strategy

2.23 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.

Vulnerability & Violence Against Women and Girls

2.24 The Council are committed to ensuring Reading is a safe and welcoming town for everyone, regardless of their gender, ethnicity, sexuality, beliefs or background.

The national focus on reports of drink spiking and the demand for welfare and police services indicate that there is important work to be done in developing Reading's night-time economy to improve actual and perceived safety for visitors, residents and those who work in the town at night.

This policy aims to ensure that vulnerability and women's safety is an important consideration in decision-making in the night-time and late-night economy throughout the town. The licensing authority will keep the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence under review.

Operators are expected to develop a harm-reduction policy for their business, especially at the types of premises where incidents of physical and sexual violence are most frequently reported. This policy shall include sufficient measures to protect and provide support to customers in spiking, coercive control and other vulnerability incidents.

The Council aims to promote best practices, including the Night-time Industry Association (NTIA) standards of good practice for dealing with spiking and having a duty of care for customers as well as integrate with other safety-related initiatives in the town:

- Promoting Reading's Women's night-time safety charter and supporting the delivery of WAVE training across licensed premises
- 'Night Angels' - SIA licensed door supervisors that patrol the town during the evening and night-time economies
- Street Pastors
- The 'First Stop' service offering medical and other support during weekends and peak times like the Christmas & New Year periods
- Safer Street 4 funding which, in part, being spent on improving night-time safety for people working and socialising in the town. Running community safety campaigns, working with bars, pubs and clubs and promoting safe routes home for those enjoying the town at night
- Safer Students Partnership - Bringing together the Council, the University, Students' Union (RUSU) and Reading College to address key safety issues for students (16-25 years old)
- Regular taxi and private hire enforcement to reduce risks to public safety
- Partnership working with Thames Valley Police, Reading's PubWatch, Reading's Business Improvement District, Reading's Economy and Destination Agency amongst others

2.25 The licensing authority delivers free ACT (Action Counters Terrorism) Awareness counter terrorism training and SCaN (See Check and Notify) courses for licensed premises and their staff. We strongly encourage licensed premises to incorporate the freely accessible ACT E-learning as part of wider staff training packages.

The licensing authority also expects that:

- Steps are taken to ensure all people employed at the premises whose job includes being alert to the terrorist threat are aware of:
 - the current terrorist threat level
 - what that level means in relation to the possibility of an attack.
- Risk assessments for public entertainment venues include consideration of the risk of a terrorist attack and the different types of attack.
- All persons responsible for security are briefed at every event about the current threat level and risk of terrorist attack.
- All public-facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. All suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made, and action taken, if appropriate.
- Where hostile reconnaissance is suspected it needs to be properly recorded and reported back to the police. If unnecessary reports are made, the remedy should be to train staff better to recognise suspicious behaviour, rather than criticise them for making the report. Suspicious behaviour should only be ignored when an innocent explanation has been verified. Briefings to security staff need to include details of the suspected hostile reconnaissance - this is so staff know what has happened and know what to look out for.
- The venue has robust procedures and relevant training in place and staff are knowledgeable of those procedures to be taken and the necessity of following them in the event of a terrorist incident, such as firearms or weapons attack, including:
 - Evacuation/Invacuation/Lockdown
 - RUN/HIDE/TELL principles
 - How customers will be safeguarded.
- Applying the 4 C's protocol (Confirm, Clear, Communicate, Control) when dealing with suspicious items.
- Staff are knowledgeable of the HOT principle (Hidden, Obvious, Typical) for identifying suspicious packages.
- Staff understand how to identify suspicious behaviour.

- Staff are knowledgeable of the mETHANE principle (Major Incident, Exact Location, Type of Incident, Hazards, Access, Number of Casualties, Emergency Services) for reporting incidents, including suspicious activity.
- First aid kits are fully stocked, staff are aware of where they are kept, and staff are first aid trained.
- Measures to alert staff and visitors of any immediate threat or incident.
- Rehearsal requirements for emergency procedures (no less than six months).
- Provision of PACT (Public Access Trauma) kits in strategic locations on the premises.

Other Initiatives

2.26 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. The town also has a very successful and well attended Pubwatch scheme both in the town centre and in the outer areas of Reading. This scheme is supported by Thames Valley Police and Reading Borough Council and is a particularly useful forum for licence holders to share information, best practice and work in a collaborative manner so as to make the night-time economy as vibrant and safe as possible for all. The Authority would expect all prospective applicants and current licence holders to make use of their local Pubwatch scheme and engage fully in any relevant initiatives that stem from it.

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.

Business & Planning Act 2020 & Coronavirus Legislation

3.7 Throughout the Coronavirus pandemic, the Government passed and amended legislation with the goal of stimulating the economy. This included measures to temporarily allow premises with an on-licence only to sell alcohol for consumption off the premises (within certain conditions), a temporary increase in the number of Temporary Event Notices that may be given per year and a temporary, faster and cheaper process for obtaining pavement cafés. Information on, and the procedures on how to apply for, these measures shall be available on Council's website for as long as legislation is in force.

3.8 The Government has indicated that it wishes to replace the Highways Act 1980, which governs the pavement café permissions (other than those under the Business & Planning Act 2020), with new legislation that includes fixed fees and allows for pavement café licences with a duration of up to 2 years. If this legislation comes to pass, this policy shall be updated accordingly.

3.9 The Government has indicated that it may make the changes to off-sales and Temporary Event Notices (mentioned in paragraph 3.7) permanent. At the time of writing there is a public consultation on this matter. If any change in legislation comes to pass, this policy shall be updated accordingly.

Other Legislation that the Licensing Authority will consider

3.10 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
- Brighter Futures for Children
- 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 Cumulative Impact Assessments form part of the Council's Licensing policy when one is in place. They will remain in force for a period of three years from the date it is approved by the Council. At the current time there is no cumulative impact policy (CIP) in place, although this is subject to potentially change as it is being consulted on. If a CIP is approved then it will sit under this policy.

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 have been numerous bills put through Parliament to deregulate certain licensable activities. This includes the Live Music Act 2012 and various deregulation bills. The Secretary of State's Guidance covers at length examples of regulated entertainment that have been deregulated.

4.17 This policy cannot 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 (subject to other criteria).

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) Brighter Futures for Children
- 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) move the hours for the sale by retail of alcohol between 0700hrs and 2300hrs without increasing the hours;
- d) remove out of date, irrelevant or unenforceable conditions;
- e) add or remove licensable activities (alcohol cannot be added via Minor Variation);
- f) 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 date the application is submitted; weekends, bank holidays or the first date of the event itself. 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.

5.37 The council, on receiving temporary event notices, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it. The Act defines an associate as being:

- the spouse or civil partner of that person.
- a child, parent, grandchild, grandparent, brother, or sister of that person; or
- an agent or employee of that person.
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

5.38 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Late Temporary Event Notices

5.39 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.

5.40 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

5.41 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.

5.42 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, or right to work share code using the Home Office's website: <https://www.gov.uk/view-prove-immigration-status>. If a right to work document or share code is not provided then the application will be deemed invalid and returned to the applicant. The Licensing Authority will not and cannot issue a licence to someone who does not have the right to work in the UK.

5.43 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 - <https://www.reading.gov.uk/business/licences/beer-and-entertainment-licences/premises-licence/> Applicants are advised to check the latest information about acceptable immigration documents on the gov.uk website.

5.44 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.

5.45 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.

5.46 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.

5.47 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.

5.48 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

5.49 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

5.50 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.

Large Indoor & Outdoor Events & Reading's Safety Advisory Group

5.51 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district. However, the success of such events by way of contribution to the Reading's culture and tourism depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.52 In recognition of the additional factors for hosting large indoor and outdoor events, the council has established a multi-agency safety advisory group to assist organisers in co-ordinating such events. This includes council departments who have an interest in, or legislative role relevant to, such events, together with representatives of the emergency services.

5.53 Organisers of outdoor events, irrespective of the capacity, are encouraged to make early contact with the council's safety advisory group. Members of the group are notified about proposals to hold such events and where necessary a meeting will be organised to open lines of communication with organisers and provide advice as necessary, which may include matters such as the need for on-site medical facilities, firefighting teams, road closures etc.

5.54 The Health and Safety Executive provide specialist guidance on event safety through their website at www.hse.gov.uk

5.55 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

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 anti-social behaviour, crime and disorder and public nuisance. 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 sale of alcohol to underage 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.

6.18 Where a shop, including businesses such as online only warehouse premises, 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 with refusals logged accordingly and that delivery bikes are not causing a public nuisance to local residents.

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 with refusals logged 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 upright 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. Any applicant who wishes to operate such a venue will have to demonstrate that its 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. Door staff will also be expected to wear high visibility jackets and armbands so that they can be easily identified and an applicant's failure to propose this will likely result in a representation being submitted by the Licensing department acting as a responsible authority. Other initiatives such as utilising, where appropriate, body worn video to help promote the prevention of crime and disorder licensing objective is strongly encouraged. The use of breathalysers is also to be encouraged in venues that are alcohol led and should - where appropriate - be advertised as a condition of entry to a licensed premises - particularly given the current prevalence for pre-loading.

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, may make representations so as to 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 Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing department along with the appropriate fee. Requests should include:

- A physical copy of the film or link to a viewable copy online
- Details of any existing classification issued by an existing classification body, whether within or outside the UK
- A synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- Any recommendation(s) that may have been made by the filmmaker for the intended audience for exhibition of the film
- Proposed age certification by the applicant.

6.33 In accordance with the guidance issued under Section 182 of the Licensing Act 2003, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films.

6.34 The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. Therefore, it will use this system as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). However, it should be noted that the licensing authority is not obliged to follow these guidelines.

Fire Safety and Capacity Limits

6.35 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.

6.36 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. It is a legal requirement that all licensed premises have a written fire risk assessment.

6.37 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 Areas (if there are any in force - see 4.3) 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 Cumulative Impact Areas will also need to ensure that they rebut the presumption of refusal against applications in that area if there is such an area (or more) in place.

DRAFT

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 Brighter Futures for Children 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 Brighter Futures for Children. Whilst the Brighter Futures for Children 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.

DRAFT

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 its 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 cannot 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 its 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 cannot 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 Protection 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.

Early Morning Restriction Orders (EMROs)

9.29 EMROs can be introduced by the Licensing Authority for any part of the Borough where it is considered that restricting the sale of alcohol between Midnight and 0600hrs is appropriate to promote the four licensing objectives in the Licensing Act 2003. It can apply either every day or for certain days, and for an unlimited or time-limited period.

9.30 Prior to introducing an EMRO, the Authority must consult directly with Responsible Authorities and licensed premises, and more widely with residents and other parties likely to be affected. Any representations must be made within a 28- day period and be considered by the Licensing Committee; the EMRO itself must be endorsed by the full Council. Once introduced, the EMRO will make it an offence to sell alcohol during the times specified in the order, whether under a premises licence, club premises certificate or TEN (subject to certain exceptions).

9.31 Any consultation in relation to a possible EMRO or decision to implement an EMRO will be undertaken separate to this policy document.

Late Night Levy (LNL)

9.32 Late night levies allow Licensing Authorities to raise a contribution from late opening alcohol retailers towards the policing costs generated by the late night economy. The levy will apply to all premises (on and off trade), throughout the Licensing Authority's area, which are authorised to sell or supply alcohol in the time period set by the Licensing Authority. This can be any time between Midnight and 0600 Hours. A consultation process is required before introducing a LNL. The consultation process will include the Police, licence holders and others. Unlike EMROs a LNL will not apply to TENs.

9.33 Any consultation in relation to a possible LNL or decision to implement a LNL will be undertaken separate to this policy document.

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.

Delegation of functions

Matters to be dealt with	Sub Committee	Officers
Application for Personal Licence	If Police or Home Office Objection received	If no objection is made
Application for Personal Licence with unspent convictions	All Cases	
Application for Premises Licence/ Club Premises Certificate	If a relevant representation is made	If no relevant representations are made
Application for a Provisional Statement	If a relevant representation is received	If no relevant representations are made
Application to vary a Premises Licence/Club Premises Certificate	If a relevant representation is received	If no relevant representations are made
Application to vary a Designated Premises Supervisor	If a police objection received	All other cases
Request to be removed as a Designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If Police or Home Office Objection received	All other cases
Application for Interim Authority Notice	If a police objection received	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 a Premises Licence at community premises to include alternative licence condition	If a police objection received	All other cases
Decision whether to consult other responsible authorities on Minor Variation application		All cases
Determination of Minor Variation		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 - Consumer.Protection@reading.gov.uk
6. **Trading Standards Team**, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU
Email - Consumer.Protection@reading.gov.uk

7. **Planning Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU**
Email - plgadmin@reading.gov.uk
8. **Public Health, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU**
Email - wellbeing.service@reading.gov.uk
9. **Brighter Futures for Children, Civic Offices, Bridge Street, Reading, RG1 2LU**
Email - LADO@brighterfuturesforchildren.org
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**
Email - waterwaysthames@environment-agency.gov.uk