

# **Royal Borough of Windsor and Maidenhead**

## **Statement of Licensing Policy**

### **2026 - 2030**

## Contents

Section	Heading	Page
1	Introduction – The Royal Borough of Windsor & Maidenhead	3
2	The Licensing Act 2003 – Introduction, Key Aims and Purposes	3
3	Principles	7
4	Conditions	8
5	Key Strategies for 2026 – 2030 <ul style="list-style-type: none"> <li>• Safeguarding</li> <li>• Security</li> <li>• Framework Hours</li> <li>• Wider Community Interest</li> <li>• Licensing and Planning</li> </ul>	8
6	Promoting the Prevention of Crime and Disorder	12
7	Promoting Public Safety	13
8	Promoting the Prevention of Public Nuisance	14
9	Promoting the Prevention of Children from Harm	15
10	Consumption of Alcohol in Public Places	16
11	SafetyNet Radio Scheme	16
12	Pub Watch	17
13	Film Exhibition	17
14	Enforcement	17
15	Fees	18
16	Policy Review	18
Annex 1	Mandatory Licence Conditions	19
Annex 2	Pool of Conditions	20
Annex 3	Licensing and Planning Protocol	28
Annex 4	Determining Licence Applications / Licence Reviews	31
Annex 5	Delegation of Functions	38

# 1 Introduction – The Royal Borough of Windsor & Maidenhead

- 1.1 The Royal Borough of Windsor & Maidenhead, located in the heart of the Thames Valley, is home to 153,500 people. It has three main towns, Ascot, Maidenhead and Windsor, and is rich in areas of natural beauty and green space.
- 1.2 Windsor Castle has been the home of royalty since the 12<sup>th</sup> Century but the Borough's associations with royalty go back even further, to the times of Edward the Confessor. Today Windsor and Windsor Castle are major UK tourist attractions but the Borough also has Legoland, Ascot and Windsor racecourses, and Eton College amongst its attractions.
- 1.3 Maidenhead is undergoing regeneration both as a shopping centre and as a residential area following the opening of the Elizabeth Line with its links to central London and Heathrow.
- 1.4 The Royal Borough of Windsor and Maidenhead currently has over 800 licenced premises. Windsor has a variety of licenced premises that cater to the tourist trade, a theatre and a vibrant nighttime economy. The Royal Ascot event at Ascot Racecourse attracts over 275 000 people each year, and there are regular festivals and community events across the Borough throughout the year.
- 1.5 The Royal Borough of Windsor & Maidenhead Council Plan 2024 – 2028 has a vision for the borough which is: “A borough of safer, greener and cleaner communities, with opportunity for all”, underpinned by the strategic aim, “A cleaner, greener, safer and more prosperous borough”. One aim of this policy is to support this vision and strategy.

# 2 The Licensing Act 2003 – Introduction, Key Aims and Purposes

- 2.1 The Royal Borough of Windsor and Maidenhead (“RBWM” – “the Council”) is a licensing authority as defined in the Licensing Act 2003 (“the Act”).
- 2.2 This policy must reflect the Act and have regard to the guidance issued to licensing authorities by the Secretary of State under s182 on the discharge of their functions under the Act.
- 2.3 This activities covered by the Act are as follows:
  - The sale by retail of alcohol
  - The supply of alcohol in clubs
  - The provision of regulated entertainment

- The provision of late night refreshment (the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises)

#### 2.4 Regulated entertainment is

- A performance of a play
- An exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- performance of dance
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance

#### 2.5 It should be noted that the Live Music Act 2012 and Deregulation Act 2015 amended the Licensing Act 2003 by deregulating aspects of the performance of live and recorded music so that, in certain circumstances, it is not a licensable activity. However, live and recorded music remains licensable;

- Where a performance of live (amplified or unamplified) and/or recorded music– whether amplified or unamplified – takes place before 0800 and after 2300 on any day
- Where a performance of amplified live and/or recorded music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or certificate as a result of a licence review

- 2.6 It should also be noted that the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 deregulates aspects of the performance of a play, performance of dance and indoor sporting events;
- It deregulates performance of plays / dance for audiences of up to 500 people, between the hours of 08:00 and 23:00 (with the exception of dancing for which a Sexual Entertainment Venue Licence is required);
  - It deregulates indoor sporting events for audiences of up to 1000 people, between the hours of 08:00 and 23:00; and
  - It clarifies that Combined Fighting Sports (Mixed Martial Arts etc) are a form of Boxing and Wrestling and will continue to be regulated
- 2.7 The core of the Act is the four licensing objectives which this policy, the Council and every person, business and organisation associated with licenced activity should promote. These objectives, as set out in the Act 2003, are:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 2.8 Each of these objectives are of equal importance. There are no other statutory licensing objectives so the promotion of these four objectives is a paramount consideration at all times.
- 2.9 However, as set out in the s182 guidance, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance 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; and

- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
- 2.10 Licensing law and this policy is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of an integrated approach to the management of the night-time economy in town centres.
- 2.13 The Act requires licensing authorities to publish a licensing policy statement every 5 years setting out how the legislation will be implemented within its area. This document is the Statement of Licensing Policy for the Royal Borough of Windsor and Maidenhead 2026 – 2020.
- 2.12 Licensing authorities are required to consult with the following when drawing up a licensing policy;
- The chief of police
  - The fire authority
  - The local health authority
  - Public health
  - Persons representing holders of existing licenses
  - Persons representing registered clubs
  - Persons representing holders of personal licences issued by the authority
  - Persons representing businesses and residents in the council's area
- 2.13 Other parties recognised as having an interest in licenced activity were also consulted on in the drawing up of this policy.
- 2.14 This Statement of Licensing Policy will not be used to attach conditions that duplicate other regulatory regimes unless they relate to specific issues that cannot be addressed elsewhere.
- 2.15 The licensing authority will not use this policy to impose standard conditions (except where there are mandatory conditions) on licences without regards to the merits of each individual case. However, it does include model conditions for guidance for when conditions are required to be imposed.
- 2.16 Nothing in this Statement of Principles will;

- undermine the rights of any person to apply under the Licensing Act 2003 for a variety of permissions and have the application considered on its individual merits; or
- override the right of any person to make a representation on any application or seek a review of a licence or certificate where provision has been made for them to do so under the Licensing Act 2003

### 3 Principles

- 3.1 Each and every application for a licence will be considered on its own merits and on a case by case basis. Determinations will be made in accordance with the Act and regulations made thereunder, the section 182 guidance and this policy.
- 3.2 The Council recognises that where there are a number of premises providing licensable activities in the same area the cumulative impact may have an adverse effect on the community, in particular from nuisance and disorder.
- 3.3 The Police and Crime Act 2017 amended the Licensing Act 2003 to place cumulative impact assessments on a statutory footing by introducing section 5A of the Licensing Act. The Council will carry out a cumulative impact assessment of an area if it considers that the number of relevant authorisations in respect of premises in that area is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) of the Act to grant any further relevant authorisations in respect of premises in that area.
- 3.4 The Council will exercise its function under the Licensing Act 2003 with due regard to requirements and responsibilities placed upon them by other legislation. Legislation which may be relevant includes.
  - The Health and Safety at Work etc. Act 1974
  - The Noise Act 1996
  - The Environmental Protection Act 1990
  - The Crime and Disorder Act 1998
  - The Clean Neighbourhoods and Environmental Act 2005
  - The Gambling Act 2005
  - The Regulatory Reform (Fire Safety) Order 2005
- 3.5 The Council recognises its duty to promote equality under the terms of the Race Relations Act 1976 (Amendment) Regulations 2003 and the Equality Act 2010. In doing so the Council acknowledges its legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected

characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

- 3.6 The Council will implement such legislation as is brought into law concerning immediate issues such as pandemics as they affect or relate to licenced premises.
- 3.7 The Council will secure the integration of licensing with local crime prevention, planning, transport, tourism, race equality and cultural strategies, together with other plans for management of town centres and the night-time economy, by consultation, dialogue and joint working with the departments and agencies concerned.
- 3.8 So far as possible, duplication with other regulating agencies will be avoided and conditions will only be attached to licences which are necessary for the promotion of the licensing objectives set out in paragraph 2.6.

## 4 Conditions

- 4.1 The mandatory licence conditions required for premises licenced to supply alcohol are set out in Annex 1.
- 4.2 Standardised licence conditions will be avoided but a selection may be made from the pool of conditions set out in Annex 2. Conditions will be tailored to the individual style and characteristics of the premises.
- 4.2 The Council maintains that licensing is about the control of licenced premises, qualifying clubs and temporary events within the terms of the 2003 Act. Any terms and conditions attached to licences will be focused on matters which are within the control of individual licensees and others granted relevant permissions, centring on the premises and their vicinity.

## 5 Key Strategies for 2026 - 2030

### **Safeguarding**

- 5.1 The Council recognises that licenced premises can be an environment in which some groups or individuals can be vulnerable to those who wish to take advantage of them or to cause them harm.
- 5.2 To address this, all licensed premises, but in particular those that are part of the nighttime economy, are strongly encouraged to work with Thames Valley Police and adopt the 'Ask for Angela' scheme. They should ensure that key staff receive appropriate training on this scheme and that at all times have a trained member of staff on duty. This will equip staff with the necessary skills to provide support and respond appropriately to vulnerable customers.



- 5.3 Applicants for new premises licences will be expected to adopt the 'Ask for Angela' scheme or set out how they will protect anyone who is feeling vulnerable or unsafe on their premises.
- 5.8 Drink spiking is a serious and illegal act that involves adding drugs or alcohol to someone's drink without their knowledge or consent. This can lead to health risks and the threat of very serious consequences including sexual assault and robbery.
- 5.5 To address this, all licenced premises, but in particular those that are part of the nighttime economy, are expected to promote a safe and responsible drinking environment to reduce the risk of drink spiking and create a safer and more enjoyable environment for their customers. Steps that a premises can employ to combat drink spiking, appropriate to that premises type, are;
- Bartender Awareness: Bartenders should always keep an eye on the drinks they are preparing and should not leave them unattended. If they do, a customer could easily slip something into a drink
  - Drink Tracking: Encourage patrons to keep track of their drinks and to never leave them unattended. Offer drink spiking awareness messages on menus, signage, or coasters
  - Criminal Offence Signage: Should the section of the Crime and Policing Bill making drink spiking a criminal offence pass into law, consider putting up posters warning that drink spiking is illegal and could lead to imprisonment and unlimited fines
  - Offer Drink Awareness Information: Consider having posters or information available in the premises to educate patrons about the risks of drink spiking and what they can do to protect themselves
  - Report Suspected Incidents: Encourage both staff and patrons to report any suspected incidents of drink spiking immediately to management and, if necessary, to the police
  - Safe Spaces: licenced premises should create specific areas to provide support for vulnerable individuals impacted by spiking, where the appropriate support can be provided
  - Secure Drink Preparation: Ensure that all drinks are prepared and served by trained and responsible staff. Limit access to the bar area to authorized personnel only to prevent unauthorized individuals from tampering with drinks

- **Staff Training:** Properly train staff to recognize the signs of drink spiking and to be vigilant about customer behaviour. They should know how to respond if they suspect a drink has been tampered with, such as informing security or management
- **Surveillance and Security:** Implement security measures such as surveillance cameras in key areas, especially near the bar and restroom entrances. Visible security personnel can also deter potential offenders
- **Use Tamper-Evident Packaging:** Consider using tamper-evident lids or seals on drinks that are served in containers with openings, such as bottles or cans. This makes it more difficult for someone to spike a drink without it being obvious
- **Watch for Suspicious Behaviour:** Train your staff to look out for customers who may be acting unusually, such as overly aggressive or insistent behaviour towards others, or trying to get others to drink something they did not order themselves

### **Security**

5.6 The Terrorism (Protection of Premises) Act 2025, also known as Martyn's Law, received Royal Assent on 3 April 2025. The Government intends for there to be an implementation period of at least 24 months before this legislation comes into force to allow a new regulatory function to be established within the SIA (Security Industry Authority), who will enforce the requirements of the legislation.

5.7 Once this legislation comes into force, all licenced premises that fall within its remit must fully comply with all applicable requirements. Not to do so may trigger a review of the premises licence.

### **Framework Hours**

5.8 As with previous licensing policies, in consideration of the effects of alcohol related crime and disorder and anti-social behaviour, and the social, practical and regulatory impacts on the morning after the night before, the Council adopts the following framework hours which will apply to new applications for premises licenses to and to applications to vary existing licences. The framework hours are:

Premises Type	Commencement hour for Licensable Activities No earlier than	Terminal hour for Licensable Activities No later than
Off licence	09:00	23:00
Restaurant/Café	09:00	01:00
Pubs/Bars/Nightclubs	09:00	02:00
Takeaways	N/A	02:00

- 5.9 These framework hours are not an entitlement. An applicant for a premises licence for a pub, bar, nightclub or takeaway will still need to demonstrate that, for the terminal hour of 02:00 to apply, it can operate so as to promote the licensing objectives and that the application and proposed operation is reasonably acceptable in the particular location.
- 5.10 These types of late night premises are often found in clusters which can be potential crime and disorder hotspots with a negative cumulative impact on local residents and one or more of the licensing objectives. For applications for new premise licences of this type, the Council will have regard to the layout of the local area of the premises, the local environment and, in appropriate cases, the cumulative impact of such operations as set out in paragraphs 3.2 and 3.3, above.
- 5.11 Late night refreshment venues are expected to provide a robust Operating Schedule outlining in particular how they will address the prevention of crime and disorder and public nuisance objectives in their vicinity, in particular if their application is outside of the framework hours. This will include addressing the public nuisance being caused by deposits of litter in the area.
- 5.12 For the purpose of this policy, premises shall be considered as a restaurant or café if the sale of alcohol is made only to seated customers who are dining in the premises and where this is a condition of the licence, or a condition volunteered in the Operating Schedule for the premises. Where such conditions have not been offered the premises will be treated as a public house.
- 5.13 For the purpose of this policy, a premises shall be considered an off licence where the sale of alcohol is for consumption off the premises only, and includes petrol stations, corner shops and convenience stores.

#### **Wider Community Interest**

- 5.14 The Council considers that its licensing functions are exercised in the public interest. Furthermore, the licensing authority is under a duty to take any steps with a view to the promotion of the licensing objectives in the interests of the wider community and not just those of the individual licence holder.

- 5.15 The following will be taken into account by the Council and responsible authorities where an application is made for a premises licence within close proximity to residential properties, and which may have an effect on the promotion of the licensing objectives:
- The nature of the activities on the premises
  - The character of the surrounding area
  - Measures for limiting noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the insulation of acoustic lobbies and double glazing
  - Measures to deal with queuing, where necessary
  - Use of outdoor areas and the location of outdoor smoking areas
  - Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, the use of dedicated hackney carriage / private hire firms, notices in the premises requesting customers to respect neighbours
  - Winding down periods, particularly in public houses and nightclubs

### **Licensing and Planning**

- 5.16 The licensing and planning regimes are separate but can overlap. How these are dealt with at the Royal Borough is set out in Annex B - Licensing and Planning Protocol
- 5.17 Where an applicant for a new premises licence has indicated that they have also applied for planning permission or that they intend to do so, the Council's Licensing and Planning teams will expect the operating hours to be the same in each application.

## **6 Promoting the Prevention of Crime and Disorder**

- 6.1 Where appropriate, the licensing authority and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Crime and Disorder objective:
- Measures to prevent bottles being carried from premises
  - Use of drinks promotions
  - Measures to prevent binge drinking
  - Participation in the Pub Watch Scheme
  - Use of door supervisors
  - Training staff in crime prevention measures
  - Search procedures
  - Use of close circuit television
  - Lighting
  - Where premises are new, designing out crime
  - Quality of surveillance of the premises

- 6.2 Drugs. The licensing authority recognises that drug use by young people in a club environment is not something that is relevant to all licenced premises. However, it is also recognised that special conditions will need to be imposed for certain types of venues to reduce the sale and consumption of illegal drugs.
- 6.3 Where relevant representations are made by Thames Valley Police, the conditions to be imposed in such cases are set out in Annexe 2 – Pool of Conditions, although further conditions may be imposed from time to time.
- 6.4 In addition to meeting the requirements of the licensing objectives, licensees have a social responsibility not to sell drug paraphernalia and other products that promote illegal drug use.
- 6.5 Officers of the Licensing Team will engage in the following activities: -
- Provide clear information on how to apply for a Premises Licence or Club Premises Certificate
  - Advise venue owners on how to establish and maintain a safe environment
  - Advise venue owners, in partnership with Thames Valley Police, on developing a venue drugs policy
  - Liaise with the police and other officers to ensure good communication about potentially dangerous venue
  - Encourage venues to use outreach services
  - Encourage venues to provide safe transport home
  - Monitor the operation of clubs at times of peak occupancy
  - Ensure that door supervisors are properly registered with the Security Industry Authority
- 6.6 Door Supervisors. Whenever any persons are employed at licenced premises to carry out any security activity, all such persons must be licenced with the Security Industry Authority.
- 6.7 Where relevant representations are made, the Council may consider that certain premises require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Council may impose a condition that licenced door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out.

## 7 Promoting Public Safety

- 7.1 Where appropriate, the Council and responsible authorities may propose conditions relating to the following issues in relation to the Public Safety objective:
- The use of shatterproof glasses
  - The promotion of sensible drinking
  - Measures taken to prevent drug spiking
  - Drugs policies
  - Safe capacities

- 7.2 In appropriate cases, the following conditions may be imposed on premises' licences to ensure the safety of those attending the premises:
- that a personal licence-holder shall be present at all times when the premises are open for the sale of alcohol
  - suitably qualified first aiders will be required
- 7.3 Capacity. Fire Safety Certificates should impose number restrictions for individual premises. The Council may impose conditions in relation to the maximum number of persons to attend premises where: -
- It considers it to be necessary for the purpose of the prevention of crime and disorder or the promotion of public safety.
  - If the fire safety certificate was issued prior to any licensable activity taking place at the premises or if activities have changed since the certificate was issued. In those circumstances, the Council may impose a maximum number of persons to be in the premises at any one time to ensure the safety of those persons at the premises and to ensure a safe means of escape from fire. The implementation of any of these conditions will be done following advice from Royal Berkshire Fire & Rescue.

## 8 Promoting the Prevention of Public Nuisance

- 8.1 Where appropriate, the Council and responsible authorities may propose conditions relating to the following issues in relation to the Prevention of Public Nuisance objective:
- noise from the premises (see paragraph 8.2, below)
  - the disposal of waste, particularly glass
  - the use and maintenance of plant, including air extraction and ventilation systems
  - litter in the vicinity of the premises
  - smoking outdoors
  - noise from deliveries / collections to and from the premises
  - measures to control behaviour and queues
  - whether door supervisors are able to stay at the entrance to encourage quiet departure
  - the provision of hackney carriage / private hire services at the premises
  - signs on doors and on tables encouraging consideration to the neighbours
- 8.2 Noise. The Council and responsible authorities may impose conditions on licenced premises to prevent unnecessary noise and disturbance to local residents. These may include
- restrictions on times when music or other licensable activities may take place
  - the imposition of technical restrictions on levels of sound at the premises
  - a requirement to keep windows and doors closed during regulated entertainment
- 8.3 Particular attention must be given to the prevention of noise nuisance at outdoor events and the effects that such noise can have on local residents at any time of day or night. The Council and responsible authorities may impose

conditions on licenced premises on noise limits, the use of noise monitoring equipment and the placing and direction of amplifiers and other noise emitting equipment

## 9 Promoting the Prevention of Children from Harm

- 9.1 The Council recognises that the protection of children from harm includes the protection of children from moral, psychological and physical harm, as well as protecting children from the harms directly associated with alcohol consumption. This will include wider harms such as exposure to strong language and sexual expletives (for example, in the context of certain films and adult entertainment).
- 9.2 The Council will expect robust measures to be taken at licenced premises to prevent the sale of alcohol to persons under 18. These measure should be set out in its operating schedule and should include measures such as the following;
- operating a 'challenge 25' policy
  - requirements for adults to accompany a person under 18 at all times
  - having a recognised proof of age scheme in place and training all staff in its implementation, displaying posters advertising the scheme and giving details of acceptable identification
  - providing regular staff training on the sale of alcohol. Maintaining a written staff training record. Not allowing staff to sell alcohol until they have completed the training.
  - keeping a refusals book on the premises and ensuring it is completed whenever sales are refused to a person who appears to be under the age of eighteen
  - displaying posters stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales)
  - ensuring alcohol is displayed in an area where access to it can be monitored and controlled by members of staff, for example behind the counter
  - for off-licenced premises, not selling individual cans and bottles of beer, cider, alcopops or mixed alcoholic drinks
  - the use of automated till prompts.
- 9.3 The Council will consider the need to protect children from sexual exploitation when undertaking licensing functions. Applicants are therefore expected to provide a robust Operating Schedule outlining how they will address the Prevention of Children from Harm objective.
- 9.4 The Council encourages licence holders and operators of licenced premises:
- to ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a criminal offence
  - to raise awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas.

- 9.5 All applicants need to demonstrate how children and young people will be safeguarded if attending the licenced premises, or how it will be ensured that they do not gain access to the premises if not appropriate.
- 9.6 The Council and other responsible authorities may propose conditions or restrictions in relation to the Protection of Children from Harm objective. These may include;
- limitations on the hours when children may be present
  - age limitations below 18
  - limitations or exclusions when certain activities are taking place
  - requirements for accompanying adults
  - full exclusion of people under 18 from the premises when any licensable activities are taking place
  - the provision of a full range of non-alcoholic drinks
- 9.7 Where cinemas are concerned, the Council may impose conditions that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council itself.
- 9.8 Conditions may be imposed on licences where unaccompanied children will be present at places of public entertainment where adult staff must be present to control the access and egress of children and to ensure their safety.

## 10 Consumption of Alcohol in Public Places

- 10.1 The Antisocial Behaviour, Crime and Policing Act 2014 allows the Council to adopt the relevant powers to designate parts of its area as places where alcohol may not be consumed publicly.
- 10.2 The Council's current PSPO which designates those parts of the Royal Borough where alcohol may not be consumed publicly can be found at <https://www.rbwm.gov.uk/home/community-and-living/community-safety-and-crime/public-space-protection-orders>.

## 11 SafetyNet Radio Scheme

- 11.1 The SafetyNet RBWM town link radio scheme has been in operation for over 15 years with the intention of providing a means of communicating quickly between retail businesses in the Windsor, Maidenhead and Ascot town centre areas.
- 11.2 This network is also used by Pubwatch members in the evenings to allow premises to share information as well as being able to speak directly to the Council's CCTV Control room. The Control Room has live radio communications with Thames Valley Police and can report incidents to them instantaneously. This provides support to venues in relation to criminality, anti-social behaviour, crowd numbers and behaviour and welfare and safeguarding issues.



- 11.3 The Council expects that all licenced premises in town centre areas, but in particular those that are part of the nighttime economy, will sign up to and fully participate in the SafetyNet scheme.

## 12 Pub Watch

- 12.1 There are three very active Pubwatch schemes within the Royal Borough, in Ascot, Maidenhead and Windsor, supported by the Council's Licensing team and Thames Valley Police. Premises licensees or an appropriate representative are strongly encouraged to join their local branch and attend and participate in their activities.

## 13 Film Exhibition

- 13.1 In connection with the exhibition of films, conditions will specify that immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification, there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of a certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the category of the film.
- 13.2 For a film passed by the Council, conditions will require notices to be displayed both inside and outside the premises so that persons entering can readily read them and be aware of a category attached to any film or trailer.

## 14 Enforcement

- 14.1 The Council has already established joint inspections of premises together with Thames Valley Police which is considered to be highly effective. It is proposed to continue such inspections to ensure the prevention of crime and disorder and the safety of the public.
- 14.2 Inspections will take place at the discretion of the Trading Standards & Licensing Manager and partner agencies, and resources will be concentrated on areas of need.
- 14.3 The Licensing Team will engage with other partner agencies as necessary. The Council has an Enforcement & Prosecution Policy which is available on the Council's website. Enforcement action will be taken in accordance with that policy.

## 15 Fees

- 15.1 Fees payable for premises licenses are set out at <https://www.rbwm.gov.uk/business-and-economy/licensing-and-regulation/alcohol-and-entertainment-licences/premises-licence>
- 15.2 Fees for a Temporary Event Notice (TEN) are set out at <https://www.rbwm.gov.uk/business-and-economy/licensing-and-regulation/alcohol-and-entertainment-licences/temporary-event-notice>
- 15.3 The 2003 Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, the Council will not apply this immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputed liability for the fee before or at the time of the due date. In either of these cases, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence will be suspended.

## 16 Policy Review

- 16.1 Under the Licensing Act 2003 this Policy is required to be reviewed every five years so is next due to be reviewed in 2030.
- 16.2 However, the Act also requires that licensing authorities must keep their policy under review during this five year period and make such revisions to it at such times as it considers appropriate.
- 16.3 Such a revision will be considered as and when a comprehensive review of alcohol consumption and associated harms across the Borough for the RBWM Annual Director of Public Health report on alcohol-related harms, and a RBWM Joint Health & Wellbeing Strategy, which will include alcohol-related harm, are published (by 2026).

## **ANNEX 1 – Mandatory Licence Conditions**

### **s19 Licensing Act 2003**

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Regulations made under s19A Licensing Act 2003**

There are five mandatory conditions which all licenced premises and club premises must follow.

1. Staff on relevant premises (ie those licenced to supply alcohol) must not carry out, arrange or participate in any irresponsible promotions in relation to the premises. This includes drinking games, encouraging someone to drink as much as possible with or without a time limit; providing free or unlimited alcohol or for a fixed or undetermined fee, including as a prize; using posters that promote or glamorise anti-social behaviour or present the effects of drunkenness in a positive manner.
2. Provide free potable drinking water on request to customers in on-licenced premises.
3. Have in place an age-verification policy and apply it to the sale of all alcohol.
4. Must ensure that the following drinks if sold or supplied for consumption on the premises are available in the following measures:
  - beer or cider – half pint
  - gin, rum, vodka or whisky – 25ml or 35ml
  - still wine in a glass – 125ml.

The availability of these measures must be displayed in a menu, price list, or other printed material available to customers and must be brought to a customer's attention if they do not specify what quantity they want.

5. Not sell alcohol below the cost of duty plus VAT.

## **ANNEX 2 – Pool of Conditions**

### **General**

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, the following options should be considered as measures which, if necessary, would promote the licensing objectives.

### **SafetyNet Radio**

As set out in paragraph 14 above, the Council's SafetyNet Radio Scheme connects licenced premises to the Council's CCTV control room, and via that directly to Thames Valley Police,. This can provide for a rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

The radios provide two-way communication enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the CCTV control room, enabling warnings to be given to other premises of potential trouble-makers or individuals suspected of criminal behaviour that are about in a particular area. Radios can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that such systems should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centres with a high density of licenced premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

A condition requiring SafetyNet Radio will include the following elements:

- A requirement that radio equipment is kept in working order at all times;
- A requirement that the radio link be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- A requirement that any police instructions/directions are complied with whenever given; and
- A requirement that all instances of crime or disorder are reported via the radio by the designated premises supervisor or a responsible member of staff.

### **Door Supervisors**

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

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

If appropriate and proportionate, door staff may be required to use body worn cameras providing both sound and video.

### **Bottle Bans**

Glass bottles may be used as weapons inflicting serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises.

A condition requiring that no sales may be made of beverages in glass bottles for consumption on the premises may include the following elements:

- No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
- No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also takes place).

In appropriate circumstances the condition could include exceptions, for example, as follows:

- But bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

### **Plastic Containers and Toughened Glass**

Glasses containing drinks may be used as weapons during incidents of disorder and can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass, which inflicts less severe injuries, where considered necessary.

Location and style of the venue and the activities carried on there would be particularly important in assessing whether such a condition is necessary. For example, the use of glass containers on terraces of some outdoor sports grounds may obviously be of concern and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

## **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licenced premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

CCTV should be installed and working to the satisfaction of Thames Valley Police.

CCTV images must be kept for 31 days and made available upon the request of Thames Valley Police, RBWM Licensing Officers and other authorised persons as defined by sections 13 & 69 of the Licensing Act 2003.

The DPS or nominated person should be trained on how to work the CCTV system to the standard where the nominated person can download any potential evidence required by Thames Valley Police, RBWM Licensing Officers and other authorised persons as defined by sections 13 & 69 of the Licensing Act 2003.

The nominated person is responsible for supplying the necessary media (discs, data stick).

## **Open Containers Not to be Taken from the Premises**

Drinks purchased in licenced premises or clubs may be taken from those premises for consumption elsewhere when this is permitted by the premises licence. However, consideration should be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

## **Restrictions on Drinking Areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify the areas but indicate the circumstances in which the ban would apply and times at which it should be enforced.

## **Capacity Limits**

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

## **Proof of Age**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. As well as the mandatory age-verification policy set out in Annex 1, above, where necessary and appropriate, a requirement for the production of proof of age before any sale of alcohol is made could be attached to

any premises licence or club premises certificate for the protection of children from harm.

The only acceptable forms of ID should be;

- Valid passport
- A photo driving licence
- A proof of age card such as the PASS card from the national Proof of Age Standards Scheme bearing the PASS hologram
- A Ministry of Defence Form 90 (Defence Identity Card)

### **Crime Prevention Notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. A condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bags being unattended because of concerns about terrorism. The notice should display the name of a contact for customers if they wished to report concerns.

### **Signage**

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

### **Large Capacity Venues used Exclusively or Primarily for the “Vertical” Consumption of Alcohol (HVVDs)**

“High volume vertical drinking” premises (HVVDs) are premises with exceptionally high capacities, used primarily or exclusively for the sale of alcohol, and have little or no seating for patrons.

Where necessary and appropriate, conditions will be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:

- A prescribed capacity;
- An appropriate ratio of tables and chairs to customers based on the capacity; and
- The presence of SIA registered security teams to control entry for the purpose of compliance with the capacity limit.

### **Disabled people**

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements

### **Escape routes**

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exit doors are easily openable without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any removable security fastenings are removed whenever the premises are open to the public or occupied by staff;
- All fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut; and
- The edges of the treads of steps and stairways are maintained so as to be conspicuous

### **Safety checks**

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and
- Details of such checks are kept in a Log-book

### **Special effects**

The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.

Special effects which should be considered include:

- Dry ice machines and cryogenic fog;
- Smoke machines and fog generators
- Pyrotechnics, including fireworks;
- Real flame;
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide The Radiation Safety of Lasers used for Display Purposes [HS (G)95] and BS EN 60825: Safety of Laser Products);
- Explosives and highly flammable substances



In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the licensing authority or [inspection by] the fire authority.

### **Conditions Relating to the Protection of Children from Harm**

For any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity of entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when obtaining or varying a premises licence or club premises certificate, should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the Operating Schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Council, following relevant representations made by responsible authorities and interested parties, will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary.

The Council will consider:

- The hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day;
- Types of event or activity in respect of which no age restrictions may be needed, for example;
  - Family entertainment; or
  - Non-alcohol events for young age groups, such as under 18s dances
- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
  - During "Happy Hours" or on drinks promotion nights;
  - During activities outlined in the first bullet point in the first paragraph above.

## **Age Restrictions - Cinemas**

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, requiring the admission of children to films to be restricted in accordance with recommendation given either by a body designated under Section 4, the Video Recordings Act 1984 or by the licensing authority itself, conditions restricting the admission of children to film exhibitions should include:

- A condition that where the Council itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed;
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way:

**U – Universal** - Suitable for audiences aged four years and over

**PG - Parental Guidance** - Some scenes may be unsuitable for young children.

**12A** - Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult.

**15-** Passed only for viewing by persons aged 15 years and over

**18-** Passed only for viewing by persons aged 18 years and over

- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited onscreen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film;
- A condition that when the licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms.

“Where a programme includes a film recommended by the licensing authority as falling into the 12A, 15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE] CANNOT  
BE ADMITTED TO ANY PART OF THE PROGRAMME

“Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age while on-duty provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

## **Theatres**

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

## **Performances Especially for Children**

Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(a) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
- The Council, having regard to any representations made by responsible authorities on the issue, will also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

## **Children in Performances**

The Council may consider the following matters:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## **The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Group's Retailer Alert Bulletin.

## **Whistle Blowing**

Where appropriate and necessary, consideration can be given to attaching conditions to premises licences requiring a whistleblowing policy so that staff working in venues know how to report inappropriate conduct, whether that's inappropriate sexual conduct with intoxicated members of the public or drug dealing by staff.

## **ANNEX 3 – Licensing and Planning Protocol**

Licensing and Planning are two separate regimes. As a matter of law the licensing authority could not refuse an application because of the absence of appropriate planning consent. However, the licensing authority would generally expect applicants to have planning and other permissions required for lawful operation of the premises in place at the time of the licensing application.

For the avoidance of doubt, the granting of any variation to an existing licence which involves a material alteration to a building does not relieve the applicant of the need to apply for planning permission, listed building consent or building regulations approval where appropriate.

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 2003.

The licensing authority has recognised that the overlap between the objectives of licensing and planning are a source of confusion for operators and the wider community. It is clear that planning, building control and licensing should properly be separated to avoid duplication and inefficiency. This is relatively easy to state but much harder to formulate any general principle that would assist in demarcating the respective competences of the planning and licensing authorities.

It may however be generally stated that the framework and substance of the Licensing Act 2003, and its underlying rationale, would strongly suggest that operational matters are intended primarily for regulation by the licensing authorities.

The inevitable confusion that arises in the practical application of overlapping yet separate regimes undermines the key aim and purpose of greater community involvement in licensing decisions. The Royal Borough has developed a Licensing and Planning Protocol to assist in the proper demarcation of the respective competencies of the licensing and planning regimes.

### **Context**

The Licensing Act 2003 is the legislation that regulates the operation of licensed premises. The licensee is held as responsible for the proper operation of the premises. The Licensing objectives are:

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

The Planning Act 2008 is clear that planning permission runs with the land; all planning decisions should be made in line with the national and local planning

policies and should balance the environmental, social and economic impacts of a development.

There is a tension between the two legislative frameworks when it comes to the management of the night-time economy. The Royal Borough has in the past used planning conditions to limit the hours of operation of licenced premises and has also imposed similar restrictions on licences via licence conditions.

However, because the legal considerations and policy framework are different for the two processes there is, in theory and in practice, the possibility of a licenced premises having a planning condition stating one 'closing time' and a licence condition stating another. This is unhelpful not only to the proprietor/operator of the premises, but also to local residents, and hinders the effective management of the night-time economy locally.

The Council has a responsibility to take into account the expectations of local residents to be able to live in peace and enjoy their homes without unreasonable noise, disturbance or fear of crime. Therefore, it is an important duty of the Council to effectively manage the night-time economy wherever licenced premises exist.

The most flexible and proactive tool to manage these premises is the licensing regime as any issues arising through mismanagement of opening hours conditions can be dealt with through the current well-established licence review process.

Having a generic regime responsible for the hours of operation of these premises will mean that there is a greater clarity for residents and licensees, a single point of responsibility for enforcement and simpler town centre management.

### **Planning Applications**

If they believe that a premises subject to a planning application may require a premises licence, the Planning team will liaise with Licensing to see if such a licence is required.

If the premises is likely to require such a licence, then, when granting planning permission, the Royal Borough's Planning team will not include any planning conditions that control the premise's hours of operation.

### **Licensing Applications**

Applicants are already required by statute to send a copy of their application to the Royal Borough's Planning team

The Planning team will ensure that all copies received are considered jointly by both Development Control Planning Officers and by the Planning Enforcement team to see if a relevant objection needs to be mounted or a concern raised with the Licensing team.

If it is felt that an objection or concern should be raised, Development Control Planning Officers will liaise with the Licensing team.

If a licence condition specifies an earlier closing time, then the Royal Borough's Licensing team will enforce the condition in the same way that they have done since the Licensing Act 2003 was implemented.

This entails the use of an annual programmed set of proactive night-time and weekend operations, as well as responding to changes in the Royal Borough's night-time economy and responding to complaints made by residents, the police and other concerned parties and to any intelligence received.

During the course of their normal enforcement duties, licensing officers will, when encountering premises that are allegedly breaching an earlier planning condition closing time:

- remind licensees of their planning conditions and encourage licensees to abide by them
- capture evidence and report the matter to the Planning Enforcement team
- provide relevant witness statements if subsequently requested by the Planning Enforcement team, and
- if required, act as witnesses in any subsequent legal proceedings should formal action be pursued

Both Licensing and Planning teams will also ensure that Lead Members are informed of any and all enforcement actions at their normal Lead Member briefings.

## **ANNEX 4 - Determining Licence Applications / Licence Reviews**

Guidance on making an application under the Licensing Act 20023, information about fees and links to the application documents can be found at <https://www.rbwm.gov.uk/business-and-economy/licensing-and-regulation/alcohol-and-entertainment-licences/premises-licence>

### **1. Grant and full variations**

1.1 All licensing applications for the grant or variation of a premises licence must be served on:

- (a) The Licensing Authority for the area;
- (b) The Chief of Police for the area;
- (c) The Chief Fire Officer for the area;
- (d) The Local Safeguarding Children's Board for Reading;
- (e) Health and Safety Authority for the area;
- (f) Local Environmental Health Authority for the area;
- (g) The Local Weights and Measures Authority for the area;
- (h) Environmental Protection Authority;
- (i) Local Planning Authority for the area;
- (j) Health Board; and
- (k) A Licensing Authority other than the Royal Borough of Windsor & Maidenhead in whose area part of the premises is situated.

Contact details for the responsible authorities can be found at; <https://www.rbwm.gov.uk/business-and-economy/licensing-and-regulation/alcohol-and-entertainment-licences/alcohol-and-entertainment-licences-responsible-authorities>

1.2 In addition, where applications for the grant or full variation of a premises licence are on a boat, a copy of the application must be served on:

- (a) Navigation Authority;
- (b) The Environment Agency;
- (c) The Canal and River Trust; and
- (d) The Secretary of State.

1.3 It is the responsibility of the applicant for all licences to ensure it is served in accordance with the provisions of the Act, unless the application is made electronically.

1.4 Whilst many applications will be resolved without the need for a committee

hearing, those not previously resolved will be referred to a Licensing and Public Space Protection Order Sub Committee where the application will be fully considered.

1.5 Applications for the grant, variation or review of a premises licence or a club premises certificate shall be placed on the council's website for 28 days.

### **Minor variations**

1.6 In August 2009, the Government introduced a process for making minor variations to premises licences and club premises certificates, which could have 'no adverse impact' on the promotion of any of the four licensing objectives.

1.7 Minor variations cannot be used to;

- (a) extend the period for which the licence or certificate has effect;
- (b) specify, in a premises licence, an individual as the premise supervisor;
- (c) add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- (d) authorise the sale by retail or supply of alcohol at any time between 23.00 and 07.00;
- (e) authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- (f) authorise an individual to supply alcohol at a community premises; and/or
- (g) vary substantially, the premises licence or club premises certificate, to which the premises relates.

1.8 Minor variations can be used to:

- (a) make minor changes to the structure or layout of a premises;
- (b) make small adjustments to the licensing hours;
- (c) remove out of date, irrelevant or unenforceable conditions;
- (d) add or remove licensable activities; and/or
- (e) add volunteered conditions to a premises licence or club premises certificate.

1.9 Under the 'minor variations' process, the applicant must send the application to the Authority and must display the relevant details of the application on a white notice for a period of ten working days, beginning with the day after the application was given to the Authority. The applicant is not required to advertise the variation in a:

- (a) newspaper; or
- (b) circular; or
- (c) copy it to responsible authorities.

1.10 On receipt of a minor variation application, the Authority will consider and



consult the relevant responsible authority as appropriate as well as considering any relevant representations. The Authority may refuse the application if it believes the variation undermines the licensing objectives.

1.11 If the Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned.

### **Licensing and Public Space Protection Order Sub-Committee hearings**

1.12 These hearings will be held as directed by the Act and in accordance with The Licensing Act 2003 (Hearings) Regulations 2005. For example, in relation to applications for the grant, variation, transfer or review of a premises licence or club premises certificate or for the grant of a personal licence where there are objections from Responsible Authorities or 'Other Persons' and the issues cannot be resolved without a hearing. Hearings will also be held where there is an objection relating to a Temporary Event Notice (TEN).

### **New premises licences**

1.13 Any person aged 18 years or over who is carrying on or who proposes to carry on a business that involves the use of premises for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period. "A person" in this context includes a limited company or partnership.

1.14 Where the premises are a managed public house, the Authority will expect the applicant for a premises licence to be the pub operating company, as the manager (as an employee) would not be the person actually carrying on the business. The same applies to premises such as cinema chains and fast food restaurant chains where the managers will similarly be employees of the operating company.

1.15 In respect of most 'leased' public houses a tenant may run or propose to run the business at the premises and in agreement with the pub operating company. In such cases the tenant and the operating company should agree who should apply for the premises licence.

### **Review of premises licence**

1.16 Any premises subject to a premises licence or club premises certificate may have that licence or certificate reviewed by the Council on application by a Responsible Authority or any Other Person. The Act provides strict guidelines as to the timescale and procedures to be adhered to and the Council will deal with every review application on that basis.

1.17 A review application will be determined by a Licensing & Public Space Protection Order Sub Committee who may in accordance with Section 182 Guidance take the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months; and/or
- to revoke the licence.

### **Appeals**

1.18 Where an applicant is aggrieved by the decision of the licensing authority, an appeal may be made with the magistrates' court for the area. An appeal has to be commenced by the appellant giving notice of appeal to the designated officer for the magistrates court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.

### **Designated Premises Supervisor (DPS)**

1.19 This is the person who for the time being is specified in the premises licence as being the premises supervisor. That person must hold a personal licence.

1.20 Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. The main purpose of the 'designated premises supervisor' as defined in the Act, is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force.

### **Change of Designated Premises Supervisor (DPS)**

1.21 Any application to change a DPS will be dealt with in accordance with the Act. Where an objection is received from the Chief of Police, unless previously resolved, the Authority is required to hold a hearing.

### **Personal licences**

1.22 Under the Act, the Council will automatically grant applications for personal licences so long as the applicant is 18 years or over, has possession of the qualification determined by the Secretary of State, has not had a personal licence forfeited within 5 years of the date of application and has not been

convicted of any relevant offence or any relevant foreign offence. Such applications will be dealt with by an administrative process within the Licensing team.

1.23 Thames Valley Police may make representations where the applicant has been convicted of a relevant offence or relevant foreign offence. In such cases the Licensing Panel Sub-Committee will consider the matter and the application will be refused if the Sub-Committee decides that refusal is in the interest of the promotion of the prevention of the crime objective. In all other cases the application will be granted.

### **Temporary Event Notice (Standard TEN)**

1.24 Section 100A of the Act states that the organiser of a Temporary Event must give the Authority notice of the proposed event. A copy of the notice must also be provided relevant persons i.e. to Thames Valley Police and to the Council's Environmental Protection team. No notification need be given to other authorities such as the Fire Authority or Planning Section by the applicant but see below.

1.25 The organiser must give the Council a minimum of 10 clear working days notice. This does NOT include the application date, event date, weekends and bank holidays. However, in a significant number of cases this time period would not allow enough time for the organiser to liaise with the police and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents.

1.26 The Council strongly recommends that it and Thames Valley Police receive all Temporary Event Notices at least 28 days before the planned event. This will ensure that full discussion can occur between the organiser and any other interested parties in order that the event can take place with the minimum risk of crime and disorder.

1.27 Although applicants are not required to notify Royal Berkshire Fire & Rescue (RBFR) of temporary events the Council will, if requested to do so, notify RBFR of all temporary events notices received, in order that they are able to ensure the safety of such events. In addition, whilst applicants do not have to notify the Planning Section in respect of a temporary event, they should at least ensure that they have the relevant planning consent to hold the event or extend their hours. However, neither RBFR nor any other responsible authority will be able to make any representations to the Council in respect of temporary events.

1.28 Section 107 states that a personal licence holder may hold up to 50 Temporary Events each year and a person who is not a personal licence holder may hold up to 5 such events. Each Temporary Event may last for up to 168 hours and an individual

premises may hold up to 12 such events per year so long as the total number of days used for these events does not exceed 21 per calendar year.

### **Appeals**

1.29 Where objections have been made to a Standard Temporary Event Notice and those objections have not been withdrawn the matter will be determined by a Licensing and Public Space Protection Order Sub Committee. There is a right of appeal to the magistrates Court where:

- (a) the objections have not been upheld;
- (b) the objections have been upheld and a 'Counter Notice' served; or
- (c) the objections have been upheld and a 'Counter Notice' not served.

1.30 In all cases an appeal may not be brought later than 5 working days before the first day of the event period specified.

### **Late Temporary Events Notices**

1.31 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. If there is an objection from either the Police or Environmental Protection Officer, the event will not go ahead and a Counter Notice will be issued.

1.32 The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and two for a non-personal licence holders. These count towards the total number of temporary event notices (see 1.28).

1.33 Where a Counter Notice has been issued there is NO right to a hearing and no onward right of appeal.

### **Immigration Matters - Immigration Act 2016**

2.1 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.

2.2 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.

2.3 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.

2.4 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.

2.5 The commencement of the Immigration Act 2016 made it a requirement for licensing authorities to be satisfied that an applicant has the right to work in the UK. An application made by someone who is not entitled to work in the UK must be rejected.

2.6 Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.

2.7 A premises or personal licence issued in respect of an application made on or after 6 April 2017 will lapse if the holder's permission to live or work in the UK comes to an end.

## ANNEX 5 - Delegation of Functions

<b>Matter to be Dealt With</b>	<b>LPSPO Sub Committee</b>	<b>Officers</b>
Application for Personal Licence	If an objection is made	If no objection is made
Application for a Personal Licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If representation is made	If no representation is made
Application for provisional statement	If representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If a representation is made	If no representation is made
Application to vary Designated Premises Supervisor	If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor		All cases
Application for transfer of premises licence	If a police objection is made	All other cases
Applications for Interim Authorities	If a police objection is made	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether complaint 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 a police objection to a Temporary Event Notice	All cases	
Applications for minor variations		All cases
Delegation of authority in relation to powers of entry		Assistant Director, Housing & Public Protection
Authority to make a representation to review a licence on behalf of the Licensing Authority as a Responsible Authority		Trading Standards & Licensing Manager

