

Notice of Meeting

Licensing Committee

Tuesday 10 November 2015 at 6.30pm
in the Council Chamber Council Offices
Market Street Newbury

Date of despatch of Agenda: Monday, 2 November 2015

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Catalin Bogos / Jenny Legge on (01635) 519102 / 519591

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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



Agenda - Licensing Committee to be held on Tuesday, 10 November 2015 (continued)

To: Councillors Peter Argyle, Howard Bairstow, Jeff Beck (Chairman), Paul Bryant, Jeanette Clifford, Billy Drummond, Adrian Edwards (Vice-Chairman), Sheila Ellison, Nick Goodes, Manohar Gopal, Tony Linden and Quentin Webb

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 22 September 2015.	3 - 6
3. Declarations of Interest To remind Members of the need to record the existence and nature of any Personal, Disclosable Pecuniary or other interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Gambling Policy (C3050) <i>Purpose: To determine a draft Statement of Licensing Policy on Gambling.</i>	7 - 30

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY, 22 SEPTEMBER 2015

Councillors Present: Jeff Beck (Chairman), Paul Bryant, Jeanette Clifford, Billy Drummond, Sheila Ellison, Nick Goodes, Manohar Gopal, Tony Linden and Quentin Webb

Also Present: Catalin Bogos (Performance Research Consultation Manager), Alexander Kirk (Solicitor - Environment), Brian Leahy (Senior Licensing Officer) and Emilia Matheou (Technical Officer),

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Howard Bairstow and Councillor Adrian Edwards

PART I

9. Minutes

The Minutes of the meeting held on 23 June 2015 were approved as a true and correct record and signed by the Chairman, subject to the following alteration:

Councillor Quentin Webb highlighted that the agenda referred to a meeting on the 22 July 2015 but that this should read the 23 June 2015.

10. Declarations of Interest

There were no declarations of interest received.

11. Disability Awareness, Safe Transportation and Child Sexual Exploitation Prevention Mandatory Training

Brian Leahy introduced the item (Agenda Item 4) which sought approval from the Committee for Officers to conduct a consultation exercise with taxi trade groups, the general public and disability lobby groups on the introduction of mandatory training for all taxi drivers on disability awareness, manual handling and child sexual exploitation awareness (the latter topic suggested by the Thames Valley Police who were undertaking a national campaign to raise awareness).

The existing policy had been in place for the last few years and required drivers to undertake disability awareness training before being issued with a new licence. As driver licences were issued for a three year period, this meant that all the drivers would have attended the training within a three year period from the introduction of the condition in March 2010.

The training was provided by the council and included a hands-on demonstration of the correct way to load and secure wheelchair passengers in taxis.

Trade Liaison Group consultation and the presentation made to the Disability Scrutiny Board by Mr Leahy was intended to demonstrate that the council took its responsibilities for training under the Equalities Act seriously and to ensure that the Licensing Authority was not discriminating against any protected group..

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Mr Leahy informed Members that the intention was to formulate proposals after consultation on mandatory training every three years to be provided by two Council Officers and a Police representative. The intention was to make the process more robust by considering the training package completed only after drivers were examined at the end of the course, using questions selected at random regarding disability awareness.

Mr Leahy explained that they were planning to ensure that a venue was identified to allow drivers to be trained using their own vehicles. He added that a newsletter was distributed with answers from a survey regarding disabilities as the intention was to implement suggestions from this survey into the training (but there was a need to consult first if the Council were to incorporate the recommendations).

Mr Leahy reminded Members that all the details on the proposed consultation were included in the report in the agenda pack and that it was proposed to start the consultation immediately, subject to Committee approval.

The Chairman invited comments or questions from the Members of the Committee.

Councillor Linden pointed out that it was very important to implement the suggested measures. He referred to the training sessions that Members had on the similar topic, provided by the Children and Families Service and enquired if the Children and Families Service and Adult Social Care Service Officers had been consulted, including on Child Sexual Exploitation awareness (especially as the Communities Director Rachael Wardell was eager that everyone was involved in this agenda).

Mr Leahy informed that his service had an approach on what the training should include. As part of the training delivery, the plan was to involve the Police as they had Officers that were very well trained in the subject matter and could play the relevant part in the training programme. In addition, the plan was to engage with the Children and Families Service at the same time as the consultation with the taxi trade.

Councillor Linden highlighted that it was important to ensure that the plans on training requirements were made in conjunction with other social services.

Mr Leahy gave assurance that the Children and Families Service were to be consulted to obtain their sign off for the training content delivered by the Police.

Councillor Webb expressed his support for the plans to go out to consultation and enquired why the same level of requirements was not suggested for the training of private hire drivers. Mr Leahy informed Members that the fleet was diverse and especially with regards to private hire only one wheelchair accessible vehicle was available. He questioned if training requirements should be imposed on private hire vehicle drivers whose vehicles were not wheelchair accessible.

Councillor Webb agreed that the level of requirements should be proportionate as long as the expectations for the training on child sexual exploitation awareness were not diluted.

Councillor Clifford asked about the cost to the trade to attend the training and if the Police provided the Child Sexual Exploitation Awareness sessions for free. Mr Leahy responded that he was hoping to provide the training with 'in house' resource but for the disability awareness component a suggested £50 per driver was expected to be an absolute maximum to allow the use of a location where drivers could bring their own vehicles.

Councillor Drummond asked about how many drivers required training at the same time. Mr Leahy stated that previously 12 people could take part in a session due to the location. He had an indication from the council's Access Officer and the council's Transport Officer that between 12 and 15 people per session could be accommodated.

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Councillor Ellison applauded the initiative to include the Child Sexual Exploitation Awareness sessions as part of the mandatory training as it was contributing to keeping children safe but also for the safety of the drivers. She was of the view that better awareness worked both ways as sometimes the drivers themselves could be put in a difficult position by their passengers and the improved knowledge was to result in higher confidence and a better ability to protect themselves.

Councillor Ellison welcomed the plans to identify a venue that would allow drivers to be trained using their own vehicles.

Councillor Webb proposed that the consultation exercise be initiated and Councillor Linden seconded the proposal.

RESOLVED that a consultation should be conducted with all stakeholders on the requirement for mandatory training on disability awareness, safe transportation of wheelchair passengers and child sexual exploitation prevention.

12. **Gambling Act 2005 - Draft Revised Statement of Licensing Policy on Gambling 2015**

Ms. Emilia Matheou presented a report highlighting that under the Gambling Act 2005 the council was required to review and consult upon its Statement of Licensing Policy on Gambling every three years from the date of adoption.

Ms. Matheou highlighted amendments to the policy made following guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Local Government Association in early 2015. These amendments were shown as tracked changes in the existing document attached as Appendix One.

Ms. Matheou indicated that one of the changes was in relation to requirements for a 'Local Risk Assessment'. This placed a responsibility on licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, to have policies, procedures and control measures to mitigate those risks and to submit the assessment when an application for a licence or variation was required.

Ms. Matheou informed Members that the other change related to a Local Area Profile - an assessment of local risks and concerns recommended to be produced by local authorities in the GLA Special Bulletin April 2005. The production of the profile was not mandatory and as the local authority had not done one, a paragraph was added to the Licensing Policy on Gambling to allow it to be considered in the future.

Mr Leahy informed the Committee that the document was the same policy but with added mandatory changes or changes recommended by the guidance received in 2015. The existing Gambling Policy was approved in 2012 and had stood the test of time. The original policy had been considered by a QC as 'fit for purpose' at the time and the new one just had the additional amendments.

Councillor Webb enquired if the revised policy gave the ability to restrict the amount of gambling establishments on the same street. Ms. Matheou responded that if the policy was not in place the local authority was not able to enforce the requirements and referred to the example of Westminster Council that employed a company to assess and use a complex method to identify where vulnerable pockets of users were located to inform such decisions.

Councillor Webb required clarification on what the triggers were for assessing if the number of gambling establishments on the same street should be restricted. Ms. Matheou stated that the trigger to assess the requirements to restrict the number of establishments was a representation received on an application.

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Mr Leahy added that since the introduction of the policy in 2012 there had been no complaints received about existing gambling in an area.

Councillor Webb noted that on the draft Licensing Policy on Gambling there were other changes marked by red numberings. Ms. Matheou informed that the number of each section had to change as a result of inserting the two new sections into the document.

RESOLVED that Members considered and approved the revised version of the Statement of Licensing Policy on Gambling to be used for statutory consultation.

13. Date of next meeting

The Chairman informed the Committee that the date of the next meeting had been changed from 15 December 2015 to 26 November 2015. This was to enable the statutory public consultation and subsequent discussion at Licensing Committee about the council's Gambling Policy to take place; prior to its submission to Full Council on 10 December 2015.

(Post meeting note: following discussions with the Chairman, it was agreed that the meeting date would be re-arranged again and would now take place on the 10th November 2015).

(The meeting commenced at 6.30pm and closed at 7.00pm)

CHAIRMAN

Date of Signature

Gambling Policy - Summary Report

Committee considering report:	Licensing Committee
Date of Committee:	10 November 2015
Portfolio Member:	Councillor Keith Chopping
Report Author:	Julia O'Brien Principal Licensing Officer
Forward Plan Ref:	C3050

1. Purpose of the Report

- 1.1 To determine a draft Statement of Licensing Policy on Gambling.

2. Recommendation

- 2.1 To approve the revised version of the policy, as amended, following recent statutory consultation

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The Gambling Act 2005 requires the Council to formulate, consult and publish a statement of principles every three years
- 3.3 **Personnel:** None
- 3.4 **Legal:** It is a legal requirement for the council to publish and have regard to a licensing policy
- 3.5 **Risk Management:** None
- 3.6 **Property** None
- 3.7 **Other:**

4. Other options considered

- 4.1 None

5. Executive Summary

- 5.1 The Gambling Act 2004 requires the Council to publish a statement of policy on Gambling every three years. Prior to publication the draft policy must be consulted upon widely.
- 5.2 The current policy is required to be re published on or before the 31st January 2016 and be in force until 31 January 2019 unless amendments are required during that period through changes in legislation or local policy. A wide ranging consultation has been carried out on the existing policy statement.
- 5.3 The only material changes made to the existing policy are those where guidance issued by the Gambling Commission's Licensing Conditions and Codes of Practice (LCCP) and the Local Government Association has been updated. A small number of typographical and grammatical changes have also been made.
- 5.4 Changes to the draft policy are highlighted in the document attached at Appendix A.

6. Proposals

- 6.1 Members are requested to agree the content of the draft Statement of Policy on Gambling as presented in the Appendix to this report and to recommend its adoption by the Council.

7. Equalities Impact Assessment Outcomes

- 7.1 An Equalities Impact Assessment has been completed and is attached at Appendix B.

8. Conclusion

- 8.1 There is a mandatory duty on the Council to publish a Gambling Policy.

9. Appendices

- 9.1 Appendix A – Draft Gambling Policy (Statement of Principles)
- 9.2 Appendix B – Equalities Impact Assessment
- 9.3 Appendix C – Consultation responses



Licensing Policy on Gambling

Published

31st January 2013

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West Berkshire District Council Statement of Policy on Gambling

Section 1 - Definitions

The **Council** means West Berkshire District Council;

The **Licensing Authority** or the Authority means the Council acting as defined by Section 2 of the Gambling Act 2005. For all official correspondence, the address of the Licensing Authority is, The Licensing Manager, Environmental Health & Licensing, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD.

The **Act** means the Gambling Act 2005.

The **Licensing Committee** means the full committee or a Sub-Committee of not less than three members.

The term **etc.** is used to denote the whole range of consents relating to the Act, including premises licences, authorisations for the temporary use of premises, occasional use notices and five different sorts of permits for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club gaming machines, variations, transfers, and renewals.

GC means the Gambling Commission.

Child means an individual who is less than 16 years old. A **yYoung pPerson** means an individual who is not a child but who is less than 18 years old.

GC guidance The Guidance means the latest guidance issued under Section 25 of the Gambling Act 2005 by the Gambling Commission.

The Policy means the Council's Licensing Policy on Gambling

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Section 2 - Introduction

- 1 This Licensing Policy Statement addresses the requirements of section 1 of the Act. It sets out the Council's Licensing Policy and takes account of the [GuidanceGC guidance](#). This Licensing Policy Statement will apply to the area of West Berkshire District Council.
- 2 [The West Berkshire District](#) Council is a Unitary Authority and is predominantly rural with the Council area making up over half of the geographical County of Berkshire, covering an area of 272 square miles. The population is relatively young when compared across the UK, although this is made up of a significant proportion of people aged between 30 – 50 rather than significant numbers of people in their 20's. The District is perceived to be in an area of some affluence having 5 main areas of conurbation spread evenly across the Council's area of jurisdiction. Newbury Racecourse is situated in the centre of the largest town in the District and the rural areas are world renowned for their involvement in the training and stabling of race horses.
- 3 The Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely:-
 - a) bingo premises;
 - b) betting premises, including tracks;
 - c) adult gaming centres;
 - d) family entertainment centres;
 - e) authorisations for the temporary use of premises;
 - f) occasional use premises;
 - g) prize gaming;
 - h) gaming machines on alcohol-licensed premises;
 - i) club gaming;
 - j) club gaming machines.
 - k) Casinos
- 4 The scope of the Policy covers new premises licences and other forms of permits.
- 5 The Licensing Authority recognises that in determining individual cases, decisions must be consistent with both the provisions of the Act, the Section 25 Guidance and this Policy. In particular, this Policy does not override the right of any interested party to make representations on an application where that provision has been made in the

Act. In determining a licence application, the overriding principle adopted by the Council will be that each application will be determined on its merits.

- 6 The Licensing Authority recognises the obligations placed upon it by the Human Rights Act 1998 and in considering applications under the ~~Gambling~~ Act will have regard to:
- a) Article 1, Protocol 1 – peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest;
 - b) Article 6 – right to a fair hearing;
 - c) Article 8 – respect for private and family life. In particular removal of restriction of a licence may affect a person's private life; and
 - d) Article 10 – right to freedom of expression.

Section 3 - Licensing Objectives

- 7 The Licensing Authority recognises that its duty under the Act is to carry out its functions with a view to promoting the three Licensing Objectives, and all decisions will be made solely based on these. They are :-
- a) ***preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;***
 - b) ***ensuring that gambling is conducted in a fair and open way; and***
 - c) ***protecting children and other vulnerable persons from being harmed or exploited by gambling.***
- 8 The Licensing Authority recognises that in exercising its function under part 8 of the Act (Premises Licensing and Provisional Statements) it will aim to permit the use of premises for gambling in so far as it thinks it is:
- a) *in accordance with any relevant code of practice under section 24;*
 - b) *in accordance with any relevant guidance issued by the GC under section 25;*
 - c) *reasonably consistent with the licensing objectives set out above; and*
 - d) *in accordance with this licensing policy statement.*

Section 4 – Demand for gaming premises

- 9 The Licensing Authority recognises that in deciding whether or not to grant a licence etc, unmet demand is not a criterion in considering an application for a premises

licence under the Act. Each application will be considered upon its merits without regard to demand.

- 10 The Licensing Authority will consider applications for premises licences for casinos.

Section 5 - Consultation and review

- 11 Before publishing this Policy Statement, or any subsequent revision, the Licensing Authority will consult with the following:-
- a) the Chief Officer of Police responsible for the West Berkshire area;
 - b) one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
 - c) one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under [this this](#) Act.
- 12 The Council will review, and after consultation, re-publish its Licensing Policy at least once every three years. Whilst acknowledging this responsibility, the Council reserves the right to revise the Policy at more frequent intervals, should this be deemed appropriate or necessary.

13 **Local Area Profiles (LAP)**

Whilst not a requirement the authority may consider adopting a Local Area Profile in line with developing a more local focused statement policy which will be a relevant matter when determining applications or reviewing existing licences.

The nature and creation of such a profile involves a process of drawing together and presenting information about the area and in particular areas of concern within the locality. Information will be required from a number of bodies, e.g. public health, mental health, social housing providers, community groups and other partner organisations for the production of such a profile.

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Section 6 - The Licensing Process

- 14 The Council recognises its licensing responsibilities under the [Gambling Act 2005](#) and in particular will provide:

- a) appropriate levels of resources including personnel, systems (including computer systems), and support;
 - b) appropriate training for Elected Members, appropriate facilities at licensing hearings for applicants, the public and witnesses;
 - c) hearings at times convenient to applicants and witnesses, as far as reasonably practicable;
 - d) general guidance and assistance to licence applicants as far as reasonably practicable, however for specific advice the applicant may need to seek independent legal advice;
 - e) an appropriate system to receive related complaints and service requests;
 - f) Elected Members and Officers who have regard to appropriate Codes of Conduct and Declaration of Interests in dealing with licensing applications.
- 15 The powers of the Licensing Authority under the Act will be carried out via the Council's Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority. In the interests of speed, efficiency and cost-effectiveness for all parties involved in the licensing process, the Council has adopted the scheme of delegation shown at Annex A to process applications received under the Act. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.
- 16 The Licensing Authority will expect applicants to address, in their applications, the measures they propose to take to meet the Licensing Objectives and to submit any information with their application that may be prescribed by the Secretary of State and/or the Licensing Authority.
- 17 When making licensing decisions and imposing licensing conditions, the Licensing Authority will concentrate on matters within the control of the licence holder. Generally the Licensing Authority will be concerned only with the premises in question and its vicinity. The Licensing Authority will focus on the direct impact which the licensed premises, and its licensed activities, could have on persons living sufficiently close to the premises to be likely to be affected by the authorised activities and on persons having business interests that might be affected by the authorised activities.
- 18 In determining applications for licences, permits, etc the Licensing Authority will:

- a) consider only pertinent factors as set out in law and in approved guidance;
- b) act without favour when considering matters linked directly or indirectly to the Council, for instance when dealing with an application for one of its own properties;
- c) act in accordance with the principles of natural justice;
- d) impose conditions on a licence as prescribed in the Act by means of Regulations as either, Mandatory Conditions or Default Conditions, to be made by the Secretary of State or as may be appropriate in the particular circumstances of individual premises. Conditions will not duplicate other statutory requirements.

Section 7 - Risk Assessments

19. The GC’s Licence Conditions and Codes of Practice (LCCP) prescribe the need for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

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20. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.

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21. Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessments must also be updated:

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- a) When applying for a variation of a premises licence.
- b) To take account of significant changes in local circumstances, including those identified in a licensing authority’s policy statement.
- c) When there are significant changes at a licensee’s premises that may affect their mitigation of local risks.

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22. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area.

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Section 78- The protection of children and other vulnerable persons from being harmed or exploited by gambling

1923. Responsible Authorities are set out in Annexe B. These authorities are required to be notified by applicants of their intention to apply for a licence etc, and are able to make representations against applications. Specifically in relation to protecting children and other vulnerable persons from harm, the Licensing Authority has discretion to determine the most appropriate body competent to advise the Authority about protection from harm.

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2024. The Licensing Authority considers the Local Safeguarding Children Board to be the competent body to advise the Authority on matters relating to the above sub section.

2125. The Local Safeguarding Children Board is the statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of young or vulnerable people.

2226. It is therefore highly appropriate that any activities taking place in the locality that have the potential to impact upon the well being of young or vulnerable people are brought to the Board's attention so that any necessary response or action can be considered.

2327. This is a wide remit but it is extremely helpful for the organisations represented on the Board which includes all the statutory agencies working with children and families to be aware at the earliest opportunity of applications for gambling licences/permits etc, as the location and hours open can have implications for young persons in that area.

Section 89 - Interested parties

2428. Section 158 of the Act defines interested parties as persons who:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph a) or b).

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2529. In determining whether an interested party "lives sufficiently close to the premises" the Licensing Authority will consider factors such as:

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- a) the size of the premises;
- b) the nature of the premises;
- c) the distance of the premises from the location of the person making the representation;
- d) the potential impact of the premises, such as number of customers, routes likely to be taken by those visiting the establishment; and
- e) the nature of the complainant; that is whether the interests of the complainant may be relevant to the distance from the premises, for example, a private resident, a residential school for children with truanting problems or a hostel for vulnerable adults.

2630. In determining whether “business interests might be affected” the Licensing Authority will consider factors such as:

- f) the size of the premises;
- g) the ‘catchment’ area of the premises;
- h) whether the person making the representation has business interests in the catchment area that might be affected.

2731. In determining who may “represent persons” who live in the area or have business

Interests, the Licensing Authority will consider the following categories:

- i) trade associations;
- j) trade unions;
- k) resident’s and tenant’s associations;
- l) MP’s, Ward Councillors, Town or Parish Councils and Town and Parish Councillors’.
- m) Any other person, on a case by case basis, who, in the opinion of the Licensing Authority satisfies the Authority, in writing, that they truly represent interested parties.

Section 9 - Licence Conditions

2832. The Licensing Authority will impose conditions that are either mandatory or default as prescribed in the Act or in Regulations prescribed by the Secretary of State, and may impose conditions which the Committee regard as necessary to meet the Licensing Objectives or are specific to the premises being considered.

2933. Any conditions attached to any particular licence will:

- a) always be tailored to the style and characteristics of the premises in question;

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- b) only be applied when needed for the prevailing circumstances and;
- c) will only be applied when necessary to help achieve the Licensing Objectives.

3034. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public, for example, Health and Safety at Work and Fire Safety Legislation.

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3435. Whenever reasonably practicable, the Licensing Authority will ensure that other legislation, most notably Fire Safety Legislation, does not omit controls on the understanding they will be addressed by licensing conditions.

Section 10 - Enforcement

3236. Where enforcement action is necessary, the Council will act in accordance with its published Enforcement Policy, which in turn is based on the principles of the Regulatory Compliance Code.

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3337. The Licensing Authority will enforce, alone or in partnership, all breaches of the licence conditions under the Act where appropriate.

3438. The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact who should be a senior individual and whom the Authority may contact first should any compliance queries or issues arise. Notwithstanding this the Authority reserves the right to act directly against individuals where the extent of the problem or offence is deemed appropriate.

Section 11 - Information Exchange

3539. The Licensing Authority will have regard to the requirements of the Freedom of Information Act concerning information it holds upon applicants, licences and permits etc. This information will be freely available as it will be a requirement for the Licensing Authority to maintain a public register of the premises licences it has issued. Such information will include details of applicants, licence holders, and licence conditions.

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3640. Copies of applications and supporting documentation will be made available to Responsible Authorities under the Act

3741. In the case of representations made against an application for a licence or permit these will be made available to the applicant so that they can address any issues

raised in a hearing held to determine their application. The name and address of the person making the representation will normally be made available to the applicant but will be withheld upon request. In such cases, an objector must appreciate that the representation may receive lesser consideration.

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ANNEX A: Delegation of Licensing Functions

Matter to be dealt with	Full Council	Sub Committee of Licensing Committee	Delegated to Officers
Three year licensing policy	Cannot be delegated further		
Policy not to permit casinos	Cannot be delegated further		
Fee setting	Generally prescribed by Secretary of State but may be devolved to Licensing Authorities in certain cases		
Application for Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to vary Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application to transfer Premises Licence		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Application for a provisional statement		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Review of a premises licence		By Licensing Committee only	
Application for club gaming / club machine permits		If a representation is made and not withdrawn	If no representation is made or one has been withdrawn
Cancellation of club gaming / club machine permits			All cases
Applications for other permits			All cases
Cancellation of licensed premises gaming machine permits			All cases
Consideration of temporary use notice			All cases
Decision to give a counter notice to a temporary use notice		All cases	

Annex B

Responsible Authority	Point of Contact
The Licensing Authority	The Licensing Team Manager, West Berkshire Council, Culture & Environmental Protection, Council Offices, Market Street, Newbury, Berkshire, RG14 5LD Licensing@westberks.gov.uk
The Gambling Commission	Victoria Square House, Victoria Square, Birmingham B2 4BP
The Chief Officer of Police	Licensing, Thames Valley Police, Headquarters (South), Kidlington, Oxfordshire OX5 2NX licensing@thamesvalley.pnn.police.uk
The Fire Authority	The Fire Safety Officer, Royal Berkshire Fire & Rescue Service, Hawthorn Road, Newbury, Berkshire, RG14 1LD NewburyFireSafety@rbfr.co.uk
The Local Planning Authority Town and Country Planning Act 1990 (c.8)	Development Control Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
The Environmental Health Authority	Principal Environmental Health Officer West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
Public Health and Wellbeing and Local Safeguarding Children Board	Debbie Richings, Children's Planning Officer Commissioning Manager. West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire. RG14 5LD
HM Revenue and Customs	HM Revenue & Customs, Risk Section, Sapphire Plaza, Watlington Street, Reading, Berkshire RG1 4TA HMRC National Registration Unit, Portcullis House, 21 India St, Glasgo G2 4PZ NRUBetting&Gaming@HMRC.gsi.gov.uk
The Secretary of State	Tourism Division, 3 rd Floor, 2-4 Cockspur Street, London. SW1Y 5DH

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Equality Impact Assessment

Name of item being assessed:	Statement of Gambling Policy
Version and release date of item (if applicable):	V 1.0
Owner of item being assessed:	Steve Broughton
Name of assessor:	Julia O'Brien
Date of assessment:	30 October 2015

1. What are the main aims of the item?

To publish a revised statement of gambling policy

2. What are the results of your research?

Group Affected	What might be the effect?	Information to support this
Age and the vulnerable	A statement of gambling policy outlines the Council's intention to uphold the law in respect of underage gambling and the general effects gambling may have on communities or groups.	Consultation with gambling operators, the general public and organisations such as schools
Religion or belief	As above	As above

Further comments relating to the item:

The current statement of gambling policy has been reviewed and in accordance with the Gambling Act 2005 a full consultation exercise has been completed.

3. What actions will be taken to address any negative effects?

Action	Owner	By When	Outcome
Consideration has been given to all responses received through consultation and amendments made, where deemed necessary.	Steve Broughton	30 October 2015	Publication of the final document

4. What was the final outcome and why was this agreed?

To be determined following consideration by full Council.

5. What arrangements have you put in place to monitor the impact of this decision?

Enforcement and inspection of premises licensed for gambling. Response in accordance with the Council's enforcement procedures following complaints which relate to gambling premises

6. What date is the Equality Impact Assessment due for Review?

Prior to 31 January 2019 and thereafter every three years.

Name: Julia O'Brien

Date: 30 October 2015

From: Graham Bridgman
Sent: 29 September 2015 08:46
To: Licensing
Cc: Jeff Beck
Subject: RE: Consultation - Gambling Act 2005

Drafting points

- If you are going to initial capitalise defined words or phrases (which I agree you should to make them stand out in the text), be consistent. So, “Young Person” and “GC Guidance” (or better “the **Guidance**?”);
- 1 & 2
 - replace “West Berkshire District Council” with “the Council” – if you are going to define something you should then stick to the defined term throughout (or don’t bother defining it and use the whole phrase throughout if it makes the document more readable);
 - use of “the District” without it being defined;
- 3 & 4 use of “the Policy” without it being defined;
- 7 use of “Licensing Objectives” without being defined (either define in section 1 or “licensing objectives”);
either “the Act” or “the Gambling Act XXXX” if it isn’t the 2005 Act;
- 6 Paragraph spacing between 10 and Section 5;
- 11 if you are going to use “the Authority” as synonymous with “the Licensing Authority” the definition should refer to both;
- 11 c) “the Act” not “this Act”;
why add a definition (“LAP”), if you are not going to refer to it later?
- 13 should be simply “the Act”;
- 14
- 14 b) either “elected members” or define “Elected Members”, similarly at f) “Officers”, “Codes of Conduct” and “Declarations of Interests”;
- 19 “GC” not “Gambling Commission” and same comment re LCCP as for LAP above.

From: Jeanette Guy
Sent: 02/10/2015 09:18:53
To: Licensing
Subject: FW: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

Dear Licensing

Thank you for consulting us on the renewal of this Statement of Principles.

I have no comments to make in respect of the prevention of public nuisance.

If you have any queries please contact me.

Kind regards

Jeanette

Jeanette Guy
Senior Environmental Health Officer
Environmental Quality | West Berkshire and Wokingham Environmental Health and Licensing Service
(01635) 519074 | extn 2074 | jguy@westberks.gov.uk
www.westberks.gov.uk

From: Margaret Gore
Sent: 07/10/2015 09:29:02
To: Cheryl Lambert
Subject: FW: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

Morning Cheryl

At its Planning & Highways Meeting of 5 October 2015 member made the following comment:

107. WEST BERKSHIRE DISTRICT COUNCIL CONSULTATION - GAMBLING ACT 2005

PROPOSED: Councillor Jo Day
SECONDED: Councillor Tony Stretton

RESOLVED: That Members support the renewal of the Gambling Act 2005.

Kind regards

Margaret

Margaret Gore / Corporate Services Officer

Newbury Town Council, Town Hall, Market Place, Newbury, RG14 5AA

 (01635) 35486  margaret.gore@newbury.gov.uk
 (01635) 40484  www.newbury.gov.uk
 @NewburyTC  NewburyTC



West Berkshire & Wokingham
Environmental Health & Licensing
West Berkshire District Council
Council Offices
Market Street
Newbury
Berkshire RG14 5LD

Telephone 0118 951 6200
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Email tim.child@fsp-law.com
Direct Dial +44 (0)118 951 6341
Doc. No. #1868988 .v1

Your Ref: 15/03070/LIC_Z
Our Ref: 3/TC/nt/21012/047

19 October 2015

Dear Sirs

Gambling Act 2015 – Gambling Policy Review

Thank you very much for your letter of 25 September 2015 enclosing the proposed amendments to West Berkshire Council's licensing policy on gambling. We are not a gambling operator in the area, although we do represent a number of Licensed operators. These comments are not, however, made specifically on behalf of any of them.

We note that the changes relate to the possibility that the Authority may consider adopting a Local Area Profile (LAP) (new paragraph 13) and the requirement for operators to carry out local risk assessments (paragraphs 19 – 22).

In relation to the LAP, we are concerned that the effect of this, if adopted, could be to add an additional layer of codification, ossifying the nature of any particular area. Inevitably, the LAP adopted will at best be a snapshot of the area frozen in time as it was at the time of adoption of the LAP. It will either then act as a brake on future developments and changes to the area, or become out of date and therefore redundant.

Ultimately, the only purpose for adopting a LAP would be if that were to provide information that indicated that the grant of a premises licence were in some way not to be appropriate due to one of the three Licensing Objectives. The Authority would have the discretion to consider those issues and make its decision based upon them in any event and therefore the LAP serves no ultimate purpose.

Yours faithfully

Field Seymour Parkes LLP

From: Deane Steve
Sent: 20/10/2015 14:21:19
To: Licensing
CC: Mckeown Warren
Subject: Consultation - Gambling Act 2005
Attachments: WBC GA2005 SOP EGM v1.pdf

West Berks Police, having read through the Gambling Licensing Policy Consultation Document, have no additional comments / representations to make.

Regards

Steve Deane - Licensing Officer - West Berkshire & Wokingham Police Areas

Address: Licensing Officer, Wokingham Police Station, Seymore House,
The Courtyard, Denmark Street, Wokingham, RG40 2AZ
Tel: 0118 936 5919 **Mobile:** 07800 70 20 60 **Internal:** 739 5919:
Email: steve.deane@thamesvalley.pnn.police.uk

For information, guidance and the Licensing Toolkit, visit: <http://knowzone/kz-lic-homepage.htm>

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