

Notice of Meeting



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Licensing Committee

Monday 19 November 2018 at 4.30pm
in the Council Chamber Council Offices
Market Street Newbury

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Date of despatch of Agenda: Friday, 9 November 2018

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser on (01635) 519045
e-mail: moira.fraser@westberks.gov.uk

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



To: Councillors Peter Argyle, Howard Bairstow, Jeff Beck (Vice-Chairman), Graham Bridgman, Paul Bryant, James Cole (Chairman), Richard Crumly, Billy Drummond, Sheila Ellison, 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 25 th June 2018.	To Follow
3. Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Statement of Licensing Policy (C3431) <i>Purpose: To bring the revised Statement of Licensing Policy, following consultation, to the Licensing Committee for comment prior to consideration by Council on 6 December 2018.</i>	5 - 50
5. Statement of Gambling Principles (C3430) <i>Purpose: To bring the revised Statement, following consultation, to the Licensing Committee for comment, prior to consideration by Council on 6 December 2018.</i>	51 - 102
6. Licensing Fees and Charges 2019 to 2020 (L3665) <i>Purpose: The Committee is asked to note the proposals and agree that these fees go forward for further discussion and consideration as part of the Council fee setting process.</i>	103 - 126
7. Licensing Annual Report (L3668) <i>Purpose: To note the content of the Licensing Annual Report.</i>	127 - 140

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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Statement of Licensing Policy

Committee considering report:	Licensing Committee on 19 November 2018 Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Report Author:	Charlie Fletcher, Acting Principal Licensing Officer
Forward Plan Ref:	C3431

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Licensing Policy ('SLP') under the Licensing Act 2003 must undergo a review and be re-published by 11th December 2018.
- 1.2 The purpose of this report is to bring the revised SLP, following consultation, to the Licensing Committee for comment prior to approval by Council on 6 December 2018.

2. Recommendation

- 2.1 That the Committee, subject to any further comments, approves the revised SLP at Annex E, to go forward to Council on 6 December 2018.
- 2.2 The Committee should note that, subject to any amendments, in advance of the SLP being presented to Full Council on December 6th 2018, the Head of Legal in consultation with Head of Public Protection and Culture will ensure the revised SLP is consistent with the Council's Scheme of Delegation.

3. Implications

- 3.1 **Financial:** There are no new financial implications arising from this review of the SLP. The fees with respect to licences are set by law. Recent years have seen a decline in licensing income as the numbers of licensed premises has reduced particularly in respect of public houses. This decline in income has been highlighted through the budget setting process.
- 3.2 **Policy:** The Licensing Act 2003 requires the Council to formulate, consult and publish an SLP every 5 years. The Policy itself is developed around the four 'licensing objectives' i.e. prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance. This is a key policy aimed at protecting the community and individuals from harm.
- 3.3 **Personnel:** There are no specific personnel implications arising from this report.
- 3.4 **Legal:** It is a legal requirement for the Council to consider, adopt and publish a SLP every five years. This was last considered in December 2013. Prior to consideration by

Council the statement has to be subject to wider consultation. This process has taken place and the consultation responses are set out in Appendix D to this report. The policy has been drafted to take account of the prevailing legislative framework governing such matters as equalities and human rights. The main changes to the SLP are set out in the supporting information appended to this report.

3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this SLP. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current SLP. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is considered medium to low at this stage.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There were no other options considered. This SLP has been subject to consultation with interested parties and the wider public.

Executive Summary

5. Introduction / Background

- 5.1 Section 5 of the Licensing Act 2003 ('the Act') requires the licensing authority to prepare and publish a SLP every five years.
- 5.2 The SLP outlines the general approach of the licensing authority when making licensing decisions under the Act and can be reviewed and revised by the authority at any time.
- 5.3 In so doing the SLP considers how the Council seeks to address the four 'licensing objectives' namely the prevention of crime and disorder, public safety, prevention of children from harm and prevention of public nuisance.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.
- 5.5 The Committee should note that feedback from Corporate Board included comments relevant to the Council's Scheme of Delegation and its relationship with the revised SLP. The primary aim is to ensure there is no risk of inconsistency when officers, Sub-Committees or Full Committees make decisions. This specific matter will be resolved in preparation for the final approval at Full Council on December 6th 2018 and will ensure there is no risk of the Council operating without a fully endorsed and approved SLP.

6. Proposals

- 6.1 That the Council, subject to any further comments from Licensing Committee, approves the revised SLP at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish an updated SLP and the substantive policy objectives being proposed are considered to be in the best interests of the Council and the trade. A public consultation has also informed this process.
- 7.2 The updated SLP is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received

8.5 Appendix E – Revised Statement of Licensing Policy

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Licensing Policy
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Licensing Policy
Summary of relevant legislation:	Licensing Act 2003
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To publish a revised Statement of Licensing Policy
Objectives:	Transparency of how the Council deals with matters under the Licensing Act 2003
Outcomes:	Greater understanding in the trade and other interested bodies
Benefits:	Reduction in negative impacts associated with licensing

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Appendix C

Statement of Licensing Policy – Supporting Information

1. Introduction/Background

- 1.1 Section 5 of the Licensing Act 2003 requires all licensing authorities to prepare and publish its Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions.
- 1.2 The SLP will last for a maximum of five years and can be reviewed and revised by the authority at any time.
- 1.3 The present SLP was published on 12th December 2013 and therefore must undergo a review and be republished on or before 11th December 2018.

2. Supporting Information

- 2.1 The 2013 SLP has served its purpose. This new policy has significantly updated the 2013 SLP including taking account of broader legislative changes. Due to the general reformatting of the Statement, it has not been possible to include all of the amendments as track-changes. However, a summary of the material changes are as follows:
 - Revised introduction confirming purpose and scope
 - Added section 2 on general principles and processes
 - Added section 3 on making an application (NB there is detailed guidance for applicants on the 'how-to' at <http://www.westberks.gov.uk/index.aspx?articleid=28111> which is kept separate from the policy so it can be updated immediately as required)
 - Added section 4 about the purpose of the Operating Schedule
 - Added sections 5-8 with suggestions for each licensing objective about what the licensing authority would expect to see considered with applications
 - Added section 9 on representations and mediation
 - Added section 11 on decision making
 - Added section 13 on personal licences and section 14 on club premises certificates
 - Added section 15 about the management of licensed premises
 - Added complaints and inspections to section 16 with enforcement
 - Added section 17 about reviews of premises licences
 - Added Appendix A – list of consultees and Appendix C – Glossary
 - Removed responsible authority contact list – covered within the guidance for applicants as per link above
- 2.2 Further amendments have been considered in light of the consultation responses, as outlined at section 6. However, it is felt that following the amendments made to the SLP, the majority of the matters raised have been sufficiently addressed. Additionally, some of the comments received include suggestions which are already mandatory, such as the provision of tap water in 'on-licensed' premises, or are felt to be

sufficiently covered in national guidance, such as that produced under section 182 of the Act. More details on the analysis of consultation outcomes is given at Appendix D to this report.

- 2.3 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority. It is acknowledged that as part of the feedback process these may be amended to suit the individual authorities own style and culture.

3. Options for Consideration

- 3.1 There were no other options considered. This SLP has been subject to consultation with interested parties and the wider public.

4. Proposals

- 4.1 That the Council, subject to any further comments from Licensing Committee, approves the revised SLP at Annex E.

5. Conclusion

- 5.1 There is a mandatory duty on the Council to publish an updated SLP and the substantive policy objectives being proposed are considered to be in the best interests of the Council and the trade. A public consultation has also informed this process.
- 5.2 The updated SLP is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

6. Consultation and Engagement

- 6.1 A consultation was carried out between 20th August 2018 and 5th October 2018. The bodies consulted are included at Appendix A of the revised Statement.
- 6.2 Details of the responses received to this consultation are included at Appendix D of this report.
- 6.3 It is noted that some of the comments received are general comments rather than specific responses to the SLP that has been drafted.
- 6.4 Early discussions with the Chairman of the Licensing Committee and members of the Committee who expressed an interest in its development have informed the revised SLP.

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Wards affected:

All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

- P&S – Protect and support those who need it**

The proposals contained in this report will help to achieve the following Council Strategy priority:

- P&S1 – Good at safeguarding children and vulnerable adults**
-

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

Appendix D

Consultation Responses

Public Health and Wellbeing West Berkshire Council

- The Licencing Authority recognises that the health and wellbeing of communities can be adversely affected by drinking alcohol.
- The licensing authority recognises that alcohol related harm places increasing demands on the health service. Therefore preventative steps must be taken in order to protect and improve the health and wellbeing of our community
- There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological wellbeing.
- Evidence relating to under-18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area.
- Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-2766-x>
- The promotion of public health is not a licensing objective as set out in the Act. However, the Licensing Authority would seek to encourage and support where appropriate, any voluntary initiatives that premises may wish to adopt to help reduce alcohol harm within our communities.
Such initiatives may include:
 - Avoiding the sale of beers, lagers and ciders over 6.5% ABV which are sold in plastic bottles or metallic cans, (Note: this does not include premium, craft or specialist products as these are not a target for problem drinkers);
 - Taking steps to consider the display of alcohol in such a manner that will not unduly encourage people to drink irresponsibly and equally limit the exposure children have to alcohol advertising;
 - Refraining from placing alcohol products amongst, near or next to confectionary that would usually be consumed by children or young people (which would include till point toys or stickers);
 - The use of breathalysers as a means of determining intoxication and supporting door staff decisions not to admit, or serve customers who are already intoxicated;
- A shift in drinking patterns and consumption gives rise to concerns that harm from alcohol may now be driven by low cost "off" sales, and not necessarily by sales in pubs. We recognise that the more visible harms created by drunk and disorderly behaviour in the night-time economy are also increasingly driven by pre-loading cheap alcohol from shops and supermarkets.
- There is also a responsibility under the protection of children that we identify that Child exploitation is often associated with young people being coerced or encouraged to drink or alcohol may be a factor in risk taking behaviour by young

people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises, or licensed premises being used for the purposes of grooming and enticement.

- I also have a concern regarding road safety and alcohol sales particularly the sales in Garages and service stations and wonder if we could perhaps have a discussion around restricting sales after 11pm and before 6am. West Berkshire have a high incidence of alcohol related Road Traffic Accidents which increased dramatically in 2014-16. We are red on this indicator. I would like to see something in the policy about restricting sales in Garages but am unsure what can be done around this. Gateshead do have something in their policy around monitoring sales of fuel and other goods. I am not sure if you monitor this in any way.
- I would also like to see something in the policy- possibly as an appendix similar to the appendix provided by Portsmouth about responsible drink promotions free water and the availability of smaller measures
- Our interest is regarding the cumulative impact section which lays out that objections on the basis of cumulative impact will be considered if the objector can demonstrate the impact on public nuisance. I would like the policy to allow provision for objection on the basis of health, for example if the objector can demonstrate that the area suffers from significant health issues such as obesity or alcohol admissions then the Licensing Authority will consider the impact of late night refreshment applications/ alcohol sales etc.
- Paragraph 6.2 – reference should be made to the Health and Wellbeing Board as a major partnership forum and the Safer Communities Partnership should be replaced with 'Building Communities Together Partnership' (which fulfils the role of the SCP).

Holybrook Parish Council



Holybrook Parish Council

Serving the communities of Beansheaf Farm & Fords Farm

The Parish Office
Beansheaf Community Centre
Charrington Road
Calcot
Reading RG31 7AW

Tel/fax 0118 9454339
e-mail: holybrookcouncil@btconnect.com
www.holybrookparishcouncil.co.uk

18th September 2018

Cheryl Lambert
Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices, Market Street
Newbury, Berkshire RG14 5LD

Dear Mrs Lambert

Ref: Licensing Policy Consultation

Thank you for inviting Holybrook Parish Council to comment on WBCs Review of Statement of Licensing Policy.

Whilst it is acknowledged that the policy is based on standardized directives, Holybrook Parish Council make the following comments/observations:

- Section 4.8.4 'guidance and assistance to licence applicants'
Please consider adding: '.... and information for those wishing to make an objection'.
- Section 4.10.4 'The Licensing Authority will inform.....'
Holybrook Parish Council ask that 'residents directly affected by the proposal' be added to the list.
- Sections 5.5
It is requested that 'reasonable' be replaced with a more specific guideline. It is suggested in earlier paragraphs that this may be two calendar months. However, of course, 10 working days could actually be considered reasonable.
- Section 16 (The Late Night Levy)
Holybrook Parish Council wish to know why the decision has been taken by WBC to not charge the Late Night Levy?

We look forward to your response.

Yours sincerely



Pamela Kirkpatrick, Clerk, Holybrook Parish Council

PLEASE ADDRESS ALL CORRESPONDENCE TO THE CLERK

Punch Taverns



WEST BERKSHIRE COUNCIL STATEMENT OF LICENSING POLICY CONSULTATION

Punch Taverns Response

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the UK. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice. We also support industry led initiatives to promote responsible retailing and are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves with working with Local Authorities and Responsible authorities.

We would like to make the following points some which are specific to the policy and referenced and some which are more general which we would ask be taken into account.

Section 4: The Licensing Process

4.11 refers to the process being quasi-judicial in nature. With respect, this is not the case, the process is administrative. This was succinctly set out by the House of Lords in their recent 10-year review of the Licensing Act 2003, where their Lordships state:

"The licensing function of a licensing authority is an administrative function... The licensing authority has a duty, in accordance with the rule of law, to behave fairly in the decision-making"

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**Tel: 01283 501600 Fax: 01283 501601 Web: www.punchtaverns.com
Punch | Jubilee House | Second Avenue | Burton upon Trent | Staffordshire | DE14 2WF**

procedure, but the decision itself is not a judicial or quasi-judicial act. It is the exercise of a power delegated by the people as a whole to decide what the public interest requires." (para 98)

Section 6: Partnerships and Policy Integration

We are pleased to see a section on policy integration.

Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and therefore reference to them and indeed a general statement that the authority will take into account other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies will also assist new potential businesses to understand and factor in the likely costs of entry into the area.

Section 8: Licence Conditions

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, we have a concern that more and more conditions are being placed on a licence that are then enforced as breaches of the licence in their own right. Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison. It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with. We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class. This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it. The case of *Taylor v Manchester City Council* makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

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We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. This means that they often do not see the wood for the trees. Policies that set out an expectation of long operating schedules or worse, require officers to object to applications unless the applicant applies their standard conditions, place an unnecessary burden on operators without necessarily helping to promote the licensing objectives. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Also, licences grandfathered in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

Section 10: Cumulative Impact

We note that your policy excludes cumulative impact zones, and we feel that this is appropriate in these circumstances.

Cumulative impact policies can have the effect of dissuading operators from even attempting to get a licence. This unintentionally penalises operators considering smaller more novel applications (simply because of the prohibitive cost), often resulting in them looking to take their ideas elsewhere and thereby wasting a chance to develop a more rounded and vibrant economy in the CIP. For the same reason, such policies also promote ubiquity and stagnation as the only operators willing to take on the risk and outlay of applying in cumulative impact zones are larger established chains with the financial backing to fight for a licence. Given the plight of the pub market 5 years ago and now the casual dining market, in part because their offers failed to change as the market developed around them, the use of CIPs needs careful oversight to ensure it is not deterring investment

Cumulative impact assessments need to be scrutinised with an open mind. Stagnation will kill a vibrant area and CIP's, if left to choke the area they were designed to protect can do as much damage as good. If a CIP is deemed necessary, we would expect that it clearly and explicitly states the type of premises that it intends to apply the rebuttable presumption to, for instance, nightclubs or off-licences, rather than just applying to all licensed premises. This would allow for an area to gradually adapt and change with the policy, so long as the policy then adapts and changes to the area.

Section 13: The Planning System

We feel it is a useful guide for applicants and responsible authorities to have a statement in your policy that reflects the fact that licensing and planning are entirely separate regimes albeit there is overlap in terms of the licensing objectives and planning's 'amenity' remit. In practical terms this means that neither planning nor licensing should need to be obtained first, so long as the applicant understands that both regimes need to be complied with.

We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be

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repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other. This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

Paragraph 1.19 of the Guidance makes it clear that overlap between regimes should be avoided where possible.

Other matters we would ask the committee to consider

Agent of Change

Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in licensing. We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development. In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby. Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

GDPR

We note that the policy does not make reference to the GDPR

One of the most significant changes in recent times has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. However, it is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal. Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR. Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

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Prevention of Public Nuisance

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier-one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence. Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

Minor Variations

The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives. We feel it would assist if you set out in your policy those applications that would fall ordinarily within the minor variation class. We would propose these are as follows:-

- Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Amendment and removal of conditions in agreement with responsible authorities.
- Changes to opening times to allow for earlier opening for premises for non-licensable activities, ie. to permit premises to open to serve coffee and/or breakfast.
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

On and Off-Sales

Recently we have become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off sales' originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale. The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

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As such, we feel that this needs to be clarified in the policy. We would propose a statement along the following lines:-

"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.

An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it"

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Statement of Licensing Policy

Licensing Act 2003

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1. Introduction, Purpose and Scope

- 1.1 The Licensing Act 2003 ('the Act') requires West Berkshire District Council ('the Council'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' ('policy') every five years. In creating this policy, the Licensing Authority is seeking to protect and where possible to improve the look and feel of West Berkshire borough, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.
- 1.2 The main purpose of this policy is to provide clarity to applicants, responsible authorities, elected Members and other persons on how the Council will determine applications made under the Act. It will also inform elected Members of the parameters within which licensing decisions can be made.
- 1.3 An effective licensing policy, alongside other initiatives, will work towards promoting the positive aspects of deregulation under the Act, such as promoting leisure provision and encouraging the regeneration of the town centre as well as controlling any negative impacts such as increase in crime and disorder, noise, nuisance and anti-social behaviour.
- 1.4 The Licensing Authority is committed to promoting a broad range of entertainment, recognising the wider cultural benefits for local communities. Live performance is central to the development of cultural diversity and vibrant, exciting communities, particularly traditional entertainment such as circuses and street arts. The Licensing Authority recognises that artistic freedom of expression is a fundamental right and should be greatly valued.
- 1.5 The Council recognises that licensed activities make an important contribution to the economy of the borough. By regulating activities under this legislation it acknowledges that a balance must be struck between the legitimate objectives of applicants and the desires of the population as a whole, and in particular those members of the public living, working or engaged in normal activity in the area concerned. A balance must be struck between these, often conflicting, positions and all views will be taken into account when making licensing decisions or determining a course of action.
- 1.6 It should be understood that this policy cannot anticipate every scenario that may arise and as such there may be circumstances where the policy may be departed from in the interests of the promotion of the licensing objectives and where it is deemed appropriate to do so. In such cases the Council will give full reasons for departing from this policy.
- 1.7 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:
- (a) Prevention of Crime and Disorder;
 - (b) Public Safety;
 - (c) Prevention of Public Nuisance; and
 - (d) Protection of Children from Harm.
- 1.8 The Licensing Authority is committed to working in close partnership and communicating with all licensees, responsible authorities and other persons

where appropriate in order that they have a clear understanding of the legislative requirements. The Licensing Authority will continue to develop close working partnerships with other appropriate agencies and responsible authorities.

- 1.9 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators, for example, the Health and Safety at Work etc. Act 1974 and the Regulatory Reform (Fire Safety) Order 2005. In addition, it should be noted that the planning and licensing regimes are separate. There is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.
- 1.10 The Council is conscious of the need to promote equality and when considering licensing matters will give due regard to the prevention of discrimination and promotion of equality of opportunity.
- 1.11 In determining the policy, the Council has taken into consideration any comments made by consultees, the statutory guidance issued under section 182 of the Act and the experience of administering and enforcing the Act since its introduction.
- 1.12 This policy takes effect on 7 December 2018 and will remain in force for a period of no more than five years. During this time it will be subject to regular review and updating or modification as appropriate, for example to take account of any changes in licensing legislation, with appropriate consultation on any material changes.
- 1.13 Comments on the policy may be made in writing to the Licensing Authority at any time. Contact details can be found towards the end of this document. All comments received will be carefully considered and, where appropriate, included in the policy.

2. Licensing Principles and Process

- 2.1 The Council is the Licensing Authority under the Act and is responsible for granting premises licences, club premises certificates, personal licences and acknowledging temporary event notices in the borough. The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.
- 2.2 There are four main licensable activities under the Act:
 - (a) retail sales of alcohol;
 - (b) the supply of alcohol by or on behalf of a club
 - (c) the provision of regulated entertainment; and
 - (d) the provision of late night refreshment.
- 2.3 This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications. The overriding principle adopted by the Council will be that each application is determined on its merits. Every application will be treated fairly and objectively, taking into account the four licensing objectives, the policy and the statutory guidance issued under section 182 of the Act.

- 2.4 Each of the four licensing objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Act is not a primary mechanism for controlling general nuisance unconnected to licensable activities or the licensing objectives.
- 2.5 It is acknowledged that public concern over disorder in particular may be thought to be a result of licensing legislation only. The Council can only have regard to the provisions of the Licensing Act 2003 when determining an application. However the Council recognises that other mechanisms exist to control disorderly behaviour, e.g. planning controls, town centre management arrangements, confiscation of alcohol from adults and children in designated areas, and Police enforcement powers.
- 2.6 When determining applications, the Licensing Authority must be satisfied that the applicant's operating schedule (please see section 4) seeks to promote the four licensing objectives. The Licensing Authority will make decisions guided by this policy but will not fetter its right to discretion. In the interests of the safety and wellbeing of all users of the facilities it licenses, the Licensing Authority expects licensees to adopt best practices for their industry. This policy further outlines the expectations of the Licensing Authority and should assist applicants.
- 2.7 The Licensing Authority recognises that conditions attached to various authorisations will be focussed on matters which are within the control of the licence holders. Conditions shall be proportionate and appropriate to achieve the promotion of the licensing objectives, and shall be tailored to suit the circumstances and premises.

3. Making an Application

- 3.1 The relevant application forms and associated documents are obtainable from the Council's website or from the licensing team on request. It is strongly recommended that all applicants consult with the Licensing Authority prior to submitting an application. It may be appropriate to submit a draft application for comments.
- 3.2 A plan must be attached to an application for a premises licence or a club premises certificate. The plans do not have to be professionally drawn, however they must be to scale and contain the relevant information as required under regulation. The plan should be at a scale of 1:100; however the Council will accept plans of an alternative scale provided this is approved prior to submitting the application.
- 3.3 Where a licensed premises is being constructed, extended or structurally changed, the applicant may apply for a provisional statement. This will be processed in the same way as a new licence application. However the provisional statement will not automatically be converted into a full licence on completion of works, and the applicant will have to submit a new licence application. It is

acknowledged that unless representations are made at the provisional statement stage, or are not made without reasonable excuse, and neither the premises/vicinity has changed nor the type of licensable activities taking place, the licence will be granted. The applicant will be required to submit a full schedule of works, including a statement of the licensable activities for which the premises are proposed to be used as well as the plans and proposed hours of use, in order to allow the Licensing Authority to make an informed decision.

- 3.4 Where conditions have not been adhered to in the past, the Licensing Authority will expect applicants to have taken action to address those issues. Applications may be refused where there are significant outstanding issues.
- 3.5 In particular, for large scale events, it is suggested that the event should be referred to the Safety Advisory Group in advance of submission of an application.
- 3.6 With regard to shops, stores and supermarkets, the normal scenario will be for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise reasons, based on the licensing objectives, for restricting those hours.
- 3.7 In some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided.

4. The Operating Schedule

- 4.1 All applicants for the grant or variation of a premises licence or club premises certificate are required to provide an operating schedule as part of their application. This is a key document and, if prepared comprehensively, will form the basis on which premises can be licensed without the need for additional extensive conditions. The Council expects an operating schedule to indicate the steps that the applicant proposes to take to promote the licensing objectives. This should follow a thorough risk assessment relating to the specific premises and licensable activities proposed to take place.
- 4.2 Applicants are strongly recommended to discuss their operating schedule with the responsible authorities prior to submitting the application. The Licensing Team can assist in co-ordinating this process.
- 4.3 The complexity and detail required in the operating schedule will depend upon the nature and use of the premises. It must include details of the following:
- (a) Full details of the licensable activities to be carried on at and the intended use of the premises;
 - (b) The times during which licensable activities will take place;
 - (c) Any other times when the premises are to be open to the public;
 - (d) Where the licence is only required for a limited period, that period;
 - (e) Where the licensable activities include the supply of alcohol, the name and address of the individual proposed to be designated premises supervisor;
 - (f) Whether alcohol will be supplied for consumption on or off the premises or both; and
 - (g) The steps the applicant proposes to promote the licensing objectives.

- 4.4 Where measures to promote the licensing objectives are included in the operating schedule, these may be used to form conditions attached to the licence and should therefore be clear, concise and unambiguous.
- 4.5 The following guidance is intended to assist applicants by setting out criteria and considerations that they should bear in mind when drawing up an operating schedule. They alert applicants to any matters that responsible authorities are likely to consider when deciding whether to make representations on an application or whether to call for a review of the premises licence.
- 4.6 A pool of model conditions is available on request from the Licensing Team. Individuals preparing operating schedules are at liberty to use these conditions, or volunteer any other measures(s) to promote the licensing objectives.

5. Licensing Objective 1: Prevention of Crime and Disorder

- 5.1 The Licensing Authority is committed to reducing crime and disorder to improve the quality of life for the people of West Berkshire. Good management and practice procedures in licensed premises can make an important contribution to lessening the impact that consumption of alcohol can have on crime and disorder. The Licensing Authority and Thames Valley Police through their Community Safety Partnership will regularly monitor and review crime statistics within the borough and their association with alcohol. When applying conditions, the Council will be mindful of the local Community Safety Strategy.
- 5.2 Licensees are encouraged to work in partnership with a local Pubwatch scheme to form strategies for actively preventing crime and disorder issues. This scheme encourages the sharing of information and seeks to address matters such as underage sales, drunkenness, illegal drug use and anti-social behaviour.
- 5.3 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and event; for example
- Prevention of use, sale or supply of illegal drugs on the premises, and procedures and provision for storage of seized items.
 - Prevention of drunkenness and alcohol abuse such as drinking games and irresponsible drinks promotions.
 - Security features such as provision and storage of CCTV - capable of retaining recording images for a period of 31 days from the date of an event and to an identifiable standard (bearing in mind the need to comply with data protection regulations)
 - A prescribed capacity limit
 - Use of door staff to control entry to the premises
 - Procedures for ejection or dispersal of persons from the premises
 - Procedures for dealing with harassment, discrimination and inappropriate behaviour.
 - Use of polycarbonate/plastic containers and toughened glass and prevention of persons taking drinks from the premises in open containers

- Display of crime prevention notices
 - An appropriate ratio of tables and chairs to customers based on capacity
- 5.4 Wherever possible, applicants are expected to be aware of local groups known to incite violence or hatred or take part in extremist activities in order to prevent the likelihood of meetings resulting in crime and disorder. Licensees will be expected to take into consideration the potential impact on privacy or religious freedom and the ethnic and cultural composition of the local area when hosting these meetings. The Licensing Authority recognises the need to promote the elimination of unlawful discrimination and equality of opportunity and recommends licensees seek guidance from the Equality and Human Rights Commission <http://www.equalityhumanrights.com/> or by contacting them on 0808 800 0082.

6. Licensing Objective 2: Public Safety

- 6.1 When visiting licensed premises, members of the public have a right to be confident that due consideration has been given to their physical safety. Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps which will be taken to ensure public safety. Such steps will be dependent on the individual style and characteristics of the premises and/or event(s) to be held. It should be noted there is an overriding legal duty to comply with the provisions of Health and Safety at Work legislation, including risk-assessment and control.
- 6.2 The Licensing Authority has a Safety Advisory Group ('SAG') and, where appropriate, applicants are encouraged to seek the group's advice on issues of public safety. For example, a licensee who wishes to stage a licensable public event which is not specifically indicated in the operating schedule may be invited to approach the SAG. When applying for licensable events on Local Authority property, the applicant may be required to present an event plan to the SAG.
- 6.3 Applicants may wish to consider inclusion of the following steps within their operating schedule with a view to the safety of persons attending the premises:
- Evacuation procedures including measures for disabled persons
 - Maintenance of alarm systems and emergency lighting
 - Maintenance of all escape routes and exits
 - Safety checks and records in a log book
 - Access for emergency vehicles
 - First aid equipment and trained first aiders
 - Appropriate lighting and ventilation and monitoring of noise levels
 - Checks on temporary electrical installations
 - Use of special effects such as lasers, pyrotechnics and smoke machines
 - Control of any animals at the premises
 - Use of door supervisors or stewards
 - Procedures to ensure safety of women and vulnerable persons
 - Provision of potable water

6.4 For indoor sports entertainment or where special provision must be made for the safety of the public, applicants may wish to consider inclusion of the following steps within their operating schedule:

- Provision of qualified medical practitioners
- Where a ring is involved, that it be constructed and inspected by a competent person and any material used to be flame retardant
- Where there is wrestling or similar entertainment that the public do not occupy any seat within 2.5 metres of the ring
- Where there is a water sports event, appropriate provision of staff adequately trained to be available and remain in the vicinity at all times.

7. Licensing Objective 3: The Prevention of Public Nuisance

7.1 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour. Public nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community.

7.2 The Council is committed to minimising the adverse impact of licensable activity, whilst not unduly restricting the reasonable provision of licensed activity. It is noted that there are mechanisms other than the licensing regime that are available for addressing public nuisance away from the licensed premises. Examples include planning controls and Public Spaces Protection Orders.

7.3 The Licensing Authority, whilst recognising the need to treat every application on its own merits, should be satisfied that the type of licensable activities proposed and hours of operation will be suitable for the location in which the premises are situated (e.g. areas of dense residential accommodation). Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. Other major sources of noise nuisance are vehicles collecting customers, the slamming of car doors and the sounding of horns. These noises can be particularly intrusive at night when ambient noise levels are lower.

7.4 Where premises are located near to noise-sensitive areas, e.g. residential premises, nursing homes, hospitals or places of worship, the licensee should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.

7.5 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:

- Measures to reduce noise and vibration escaping from the premises; including noise from music and voices whether or not amplified
- Consideration of the licensed hours and restrictions on when licensable activities can take place both indoors and outdoors

- Monitoring checks and logs of any checks carried out
- Prevention of noise from deliveries or waste collections, or disposal of glass bottles etc., at unsociable hours
- Measures to encourage quick and quiet dispersal by customers and staff including provision for access to book taxis, lowering the volume of music during the last 30 minutes before closing time and procedures for the safe removal and dispersal of persons ejected from the premises
- Measures to control light to ensure that it does not stray outside the boundary of the premises so as to give rise to problems to local residents and businesses
- Measures to control nuisance that might be associated with the use of the external areas, particularly late at night, including supervision of the areas and specified times during which food and drink will not be permitted to be consumed in the external areas.
- Measures to control litter and odour associated with use of the premises.

8. Licensing Objective 4: Protection of Children from Harm

8.1 This objective includes the protection of children from moral, psychological and physical harm. The applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Applicants will be expected to consider the risk of children being exposed to alcohol, drugs, gambling, activities of an adult and/or sexual nature and exposure to excessive noise or incidents of violence and disorder. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule.

8.2 The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is an offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.

8.3 Where appropriate, applicants should state in their operating schedule:

- (a) whether or not they will admit children to any or all parts of the licensed premises;
- (b) where children are to be admitted, the steps that will be taken to protect children from harm, for example supervision requirements, provision of designated areas for children and families, and hours during which children will not be permitted to be on the premises.

The applicant will also be expected to consider provision for lost and found children (in particular at large public events).

8.4 Where appropriate, the Licensing Authority will expect the applicant to evidence how they will supervise children who are performing in an event with regulated entertainment event and what consideration will be given to the welfare of children at attractions or performances likely to attract children. Where children are supervised, the Licensing Authority will expect the operating schedule to demonstrate that these supervisors have been appropriately checked by the Disclosure and Barring Service.

- 8.5 Where events are taking place that are provided solely or mainly for children, for example an under-18s disco, the expectation is that no alcohol will be served.
- 8.6 Applicants are required, where appropriate, to set out in their operating schedule the arrangements they have in place to prevent the sale of alcohol and age-restricted items to children. This should include an age-monitoring scheme, such as Challenge 25. The Licensing Authority recommends use of any of the following as an acceptable proof of age:
- (a) Passport
 - (b) Photocard driving licence issued in the European Union
 - (c) Proof of Age Standards Scheme Card (PASS)
 - (d) Official ID card issued by HM Forces or by a European Union country bearing a photo and date of birth of holder.

Consideration should also be given to training (including refresher training) for staff, and records to evidence this training. In addition there should be means of recording challenges and/or refusals relating to potential sales of alcohol to underage persons.

- 8.7 Where there are off-licence sales, the Licensing Authority would expect the operating schedule to demonstrate how the licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity ('proxy sales'). For example, if the licensee has any suspicions of this activity to ask the customer if they have been approached by children to purchase alcohol and if necessary contact the Police.
- 8.8 Applicants from retail outlets which use self-scanning devices or which offer delivery of alcohol will be expected to demonstrate how they are going to prevent the purchase or delivery of alcohol by persons under the age of 18.
- 8.9 The Licensing Authority will also expect applicants to set out in their operating schedule the measures that they will take to ensure that alcohol is not sold by persons under 18 unless specifically approved by a responsible person, or they are working as a waiter/waitress in a specially designated part of the premises and alcohol is sold only with a table meal.
- 8.10 Where appropriate, the Licensing Authority would expect applicants to demonstrate in their operating schedule that they will observe industry best practice guidance on the naming, packaging and promotion of alcoholic drinks to prevent children from being enticed into purchasing these products.
- 8.11 Licensees are encouraged to inform the appropriate agencies where it has been highlighted that children have tried to purchase alcohol and/or illegal substances.
- 8.12 In relation to exhibition of film, the Licensing Authority will expect the operating schedule to demonstrate that entry shall be controlled to protect children from exposure to strong language, sexual content and other inappropriate matters.
- 8.13 The Licensing Authority proposes to abide by the recommendations of the British Board of Film Classification, but the Licensing Authority reserves the right to re-

classify any film. Information regarding such classifications will be published on the Council's website. All requests for a classification must be accompanied by a synopsis of the film and a full copy of the film in DVD or other appropriate format, and submitted at least 28 days before the proposed screening. Failure to submit a request in time may result in the Council being unable to classify the film. Requests shall be assessed against the BBFC guidelines and the licensing objectives.

8.14 The Licensing Authority recognises the West Berkshire Safeguarding Children Board as the competent body and responsible authority to advise matters relating to the protection of children from harm.

8.15 In considering applications, the Licensing Authority will expect to see, where appropriate, evidence that the following matters have been addressed in the operating schedule:

- Limiting the hours that children may be present
- Excluding children when particular specified activities are taking place
- Limiting the parts of the premises to which children have access
- Age limitations
- Excluding under 18s from the premises when licensable activities are taking place
- Requiring that an accompanying adult be present
- Arrangements for restricting children from viewing age-restricted films
- Arrangements to ensure that sufficient adult staff are present to ensure that the children are protected from harm

9. Representations and Mediation

9.1 Where relevant representations have been submitted, the Licensing Authority shall aim to facilitate negotiations between the applicant, objectors and any relevant responsible authorities prior to the hearing. Hearings may be avoided when all parties arrive at an amicable solution to the issues raised through negotiation.

9.2 In determining the grant or variation of a licence, the following responsible authorities may make representations:

- (a) Thames Valley Police
- (b) Royal Berkshire Fire and Rescue Service
- (c) Environmental Health (or for Council-operated premises, the Health and Safety Executive)
- (d) Trading Standards
- (e) Environmental Protection
- (f) Public Health
- (g) Local Safeguarding Children Board
- (h) Planning Authority

In addition to this, any other person may make a representation.

The Licensing Authority will consider any relevant representations received. Any of these individuals or groups may request a representative to make

representations on his or her behalf. This could be a legal representative, a friend, an MP or a Ward Councillor. The Licensing Authority will inform Parish Councils, Town Councils and elected Members of valid applications received within their areas of jurisdiction.

- 9.4 The Licensing Authority itself is able to make representations, but this is likely to be limited to few cases, for example to ensure appropriate and proportionate conditions are included on a licence where the operating schedule is not clear. If the Licensing Authority makes a representation there shall be a separation of responsibilities between the officer exercising that role and those who are administering the application to ensure procedural fairness and eliminate conflicts of interest.
- 9.5 For a representation to be relevant it must:
- (a) relate to the effect of the grant of the application on the promotion of the licensing objectives;
 - (b) not be 'frivolous or vexatious', and
 - (c) in the case of a review, must not be 'repetitious' if the representation is from a person other than a responsible authority, and
 - (d) if it concerns the designated premises supervisor, be made by a chief officer of police and include a statement explaining the reasons for the objection.

Representations can include positive/supportive representations as well as objections.

- 9.6 The Licensing Authority is responsible for considering representations in the context of this policy and legal requirements in order to determine whether they are relevant. The Licensing Authority authorises suitably qualified staff to discharge duties as appropriate to their seniority, professional qualification and/or experience.
- 9.7 Where a representation is received, the Licensing Authority will need to consider if it is frivolous or vexatious. The Licensing Authority may also consider the representation to be 'irrelevant' if it does not directly relate to the application and its impact on the promotion of the licensing objectives. If the decision is made that a representation is frivolous, vexatious, and/or irrelevant, the person making the representation will be informed of this in writing with full reasons being given for the decision.

10. Cumulative Impact

- 10.1 The Council recognises that the commercial demand for another premises in an area is not a matter for licensing considerations, but more a matter for the planning process and the market.
- 10.2 The Council also recognises that where there are several premises providing licensable activity in the same vicinity, the cumulative impact may have an adverse effect on the community; in particular from nuisance and disorder. Accordingly, the Council may refuse additional applications if it believes that to grant a licence would undermine one or more of the Licensing Objectives, and representations have been received from a responsible authority or other person.

In addition, the Council has to be satisfied that the criteria set out in the legislation are met. As detailed earlier in this Policy, each application will be considered on its own merits.

- 10.3 If the Council considers that a 'Special Policy' is needed to deal with the cumulative impact of licensed premises, it will only do so following consultation as specified in the Licensing Act 2003 and following the proper process.
- 10.4 The Council will expect licensees and potential licensees within an area to communicate with each other and prepare their Operating Schedules so that they complement each other and collectively meet the Licensing Objectives.

11. Decision Making

11.1 The Council will seek to carry out its responsibilities under the Licensing Act 2003 efficiently and cost-effectively. To do this, functions are delegated in line with the Councils Constitution published online via the link cited at Appendix B. This form of delegation is without prejudice to referring an application to a Sub-Committee or the Licensing Committee if it is considered appropriate in particular cases.

11.2 The quasi-judicial nature of the licensing process is such that elected members and officers of the Licensing Authority can offer only limited assistance at hearings. It is important therefore that those giving evidence either as applicants or objectors consider taking legal or other professional advice and ensure they are fully aware of the procedure to be followed at the hearing.

11.3 In determining the application the Licensing Authority will consider:

- (a) the case and evidence presented by all parties;
- (b) the promotion of the four licensing objectives;
- (c) guidance issued by central Government; and
- (d) the Licensing Authority's own Statement of Licensing Policy.

and will take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- to grant the licence subject to the operating schedule modified to such extent as the sub-committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a particular person as the designated premises supervisor;
- to reject the application.

11.4 If it is reasonably considered that the licensing objectives cannot be met unless additional specific conditions are attached, then the Licensing Authority may consider attaching those which are appropriate for the promotion of the licensing objectives, proportionate to the individual style and characteristics of the event or premises concerned.

11.5 The decision of the Sub-Committee shall be accompanied with clear, cogent reasons for that decision, having had due regard to the Human Rights Act 1998

and all other relevant legislation. The decision and reasons for that decision will be sent to the applicant and those who have made relevant representations, and a summary of the decision shall be posted on the Licensing Authority's website as soon as is reasonably possible after the decision has been confirmed.

- 11.6 Anyone aggrieved by a decision of the Council has a right of appeal as set out in the Act. The Council will inform the appropriate parties of their right of appeal in accordance with the Act when confirming a decision of the Sub-Committee.
- 11.7 Where no relevant representations are received, the licence will be issued automatically with such conditions that are mandatory and those arising from the operating schedule. The Council has no discretion in such circumstances to refuse the application or to alter or add to the conditions offered through the operating schedule.

12. Temporary Event Notices

- 12.1 Temporary event notices (TENs) may be used to authorise licensable activities at premises where there are 499 persons or fewer (including any staff and volunteers) present. TENs are not applications for permission to hold an event; they are notices of intention to hold an event. If there are 500 or more persons present at the event, a premises licence will be required.
- 12.2 In accordance with the 2003 Act, any individual person aged 18 or over may give a TEN, whether or not they hold a personal licence. An individual who is not a personal licence holder may only give a TEN 5 times a year, and a personal licence holder no more than 50 times a year. However, no more than 15 TENs covering a maximum of 21 days may be given in respect of any particular premises in a single calendar year.
- 12.3 Organisers of temporary events are encouraged to submit their TEN as soon as is reasonably practicable in order for the Police and Environmental Protection to consider whether or not they have any concerns about the event and, if they have, to enable all parties to try and take steps to resolve those concerns. The TEN form is available on the Council's website.
- 12.4 Although the legal requirement is 10 clear working days (or 5 clear working days for late TENs) not including the date of receipt or the date of the event, the Licensing Authority recommends that at least 2 months' notice be given to hold such events, to allow sufficient time for organisers to plan their events safely, for appropriate publicity and for consultation with responsible authorities and interested parties. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed and haphazard.
- 12.5 The processing of TENs by the Council is controlled by a strict statutory timetable; therefore, the Council will not accept a notice unless it is complete in all respects at the time of submission.
- 12.6 In the event of an objection, the Licensing Authority will hold a hearing and give a decision not less than 24 hours before the event is due to take place.

- 12.7 Organisers of events are reminded of the police powers to close down events with no notice on the grounds of disorder, the likelihood of disorder, or public nuisance. Therefore, the Licensing Authority expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to intoxicated persons.
- 12.8 Where exceptional events of local, national or international significance arise, for example a one-off local festival or World Cup, the Secretary of State may make a licensing order to allow premises to open for specified extended hours.

13. Personal Licences

- 13.1 Personal licences authorise individuals to sell or supply alcohol, or authorise the sale or supply of alcohol for consumption on or off a premises at which a premises licence is in force for that activity.
- 13.2 Personal licence applicants with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions at the time of application. Where a personal licence holder is convicted of a relevant offence during the period when their application is being considered, the licence holder is required to advise the Licensing Authority forthwith.
- 13.3 Where the Police believe that the grant of a personal licence would undermine the crime prevention objective, they will issue an objection notice. The Licensing Authority will arrange for a hearing to take place at which the application will be determined.
- 13.4 It is an offence for a personal licence holder who is convicted of a relevant offence not to inform the issuing Licensing Authority in order that their licence can be amended. The personal licence holder must also notify the Court that they hold a personal licence.

14. Club Premises Certificates

- 14.1 In order for qualifying clubs to supply alcohol and provide other licensable activities at their premises, a club premises certificate is required. Qualifying conditions are specified in section 61 of the Act and the Licensing Authority must be satisfied that these conditions have been met, including evidence that the club is non-profit making.
- 14.2 The Act does not require any member or employee to hold a personal licence in order to supply alcohol to members or sell alcohol to guests on the premises to which the certificate relates, nor is there a requirement for the club to specify a designated premises supervisor. Where a club intends to admit the general public to an event where licensable activities will take place, then a premises licence or a TEN will be required.

15. Management of Licensed Premises

- 15.1 A critical element of the proper control of licensable activity and a premises where such activity is provided is good management. The Council encourages all

licence holders to consider what skills and competencies are required for the safe delivery of regulated activities and secure appropriately trained staff.

- 15.2 Within all licensed premises, whether or not alcohol is to be sold, the Council will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained/instructed persons at the premises to ensure the proper management of the premises and of the activities taking place, as well as adherence to all statutory duties and the terms and conditions of the premises licence.
- 15.3 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS) who must be a personal licence holder. The DPS will be named in the premises licence, a summary of which must be displayed on the premises.
- 15.4 The Council will normally expect the DPS to have been given the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis. The licence holder will also be expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided. Where the DPS is not available at the premises for whatever reason, the Licensing Authority will expect his or her full contact details to be available at the premises and made known to at least one individual who will be present at the premises.
- 15.5 The Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However every sale of alcohol must be made or authorised by a person who holds a personal licence on the premises, or by the DPS under authority that has been delegated (or must be made or authorised by the management committee in the case of community premises). The Licensing Authority recommends that if the DPS authorises persons to make sales of alcohol, that this is done in writing, that the document of authorisation is kept on the premises and that all staff are made aware of the location of the document. Where the DPS has delegated responsibility for the sale of alcohol, they still have a duty of responsibility for the action of those they have authorised to make those sales.

16. Complaints, Enforcement and Inspections

- 16.1 Complainants are encouraged in the first instance to raise any concerns directly with the licensee or business concerned. Complaints may be sent to the Licensing Team, West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD, or licensing@westberks.gov.uk for investigation.
- 16.2 Where there are any issues identified or need for improvement at a premises, officers and responsible authorities will seek to work with the licence holder to address these concerns and to achieve a resolution through informal means wherever possible.
- 16.3 The Council undertakes proactive risk-based inspections of all licensed premises to ensure continued promotion of the licensing objectives and compliance with licence conditions. Premises that consistently fail inspections may be subject to a

licence review or other enforcement action. Where one-off events are taking place, the Licensing Authority may also carry out inspections to ensure promotion of the licensing objectives.

- 16.4 In terms of enforcement, the aim is to target those premises which are causing problems within the community, whilst supporting well managed premises and activities which provide opportunities for the enjoyment of leisure time without having a negative impact.
- 16.5 Protocols for enforcement may be established between responsible authorities and the Licensing Authority in order to ensure efficient and targeted action for specific problems and high risk premises that require greater attention, whilst allowing a lighter touch in respect of well run, low risk premises. This does not prevent action being taken by any individual authority at any time should offences become apparent. In most cases, a graduated form of response is expected to resolving issues of non-compliance although it is recognised that in serious cases a prosecution or a review application will be the most appropriate means of disposal.
- 16.6 In addition to the Council's enforcement policy, which is available at www.westberks.gov.uk, the licensing authority will also have regard to the Regulators' Compliance Code and the Enforcement Concordat and any decision to instigate legal proceedings will take account of the criteria set down in the Code of Crown Prosecution and Attorney General Guidelines.

17. Reviews of Premises Licences

- 17.1 At any stage following the grant of a premises licence, a responsible authority or other person may ask the Council to review the licence because of a problem arising at the premises in connection with one or more of the four licensing objectives. However it is hoped that this can be avoided by dealing with issues in an informal manner wherever possible, and that reviews will be a measure of last resort.
- 17.2 In every case, the application for review must be relevant to the promotion of the licensing objectives. A hearing will be held to determine the application unless all parties agree that a hearing is not necessary.
- 17.3 Where the request originates from a person other than a responsible authority (e.g. a local resident, residents' association or local business) the licensing authority must consider whether the request for review is vexatious, frivolous or repetitious. A Licensing Authority may refuse an application for a review on any of these grounds and will give reasons to the applicant for such a refusal.

18. Early Morning Restriction Orders (EMROs)

- 18.1 The Licensing Act sets out powers conferred on licensing authorities to make early morning restriction orders. These powers are designed to help licensing authorities address specific problems caused by late night supply of alcohol in their areas allowing licensing authorities to restrict the sale of alcohol in the whole or a part of their areas between midnight and 06:00 hours. Licensing Authorities

may make an EMRO in relation to problem areas if they have evidence that the order is appropriate for the promotion of the licensing objectives.

- 18.2 At the time of writing this policy the Licensing Authority has no plans to make an EMRO in any part of the borough. However, the situation will be kept under review and should evidence emerge that suggests that the sale of alcohol between midnight and 06:00 hours is creating specific problems the Council will consider whether the introduction of an EMRO is appropriate. In considering the appropriateness of an EMRO the licensing authority will consider evidence from partners, including responsible authorities, local Community Safety Partnerships or other sources such as the consultees in Appendix A. If a proposal to implement an EMRO arises in the future the Licensing Authority will advertise and consult about its proposal in accordance with legislation and national guidance.

19. Late Night Levy (LNL)

- 19.1 Late night levy powers will allow licensing authorities to raise a contribution from late opening alcohol retailers (from midnight to 06:00 hours) towards policing the late night economy. This is a power that licensing authorities can choose whether to adopt for their areas. If adopted the powers must apply to the whole of the licensing authority's area. Income from the net levy is to be split between the Police and the Licensing Authority on the basis of a minimum 70% allocated to the Police and a maximum 30% allocated to the licensing authority.
- 19.2 At the time of writing this policy the Licensing Authority has no plans to collect a LNL. However the situation will be kept under review and prior to making a decision to implement a LNL, the licensing authority would have discussions with the Police and Crime Commissioner (PCC) and local police to decide whether it is appropriate to introduce a LNL. If a proposal to implement a LNL arises in the future, the licensing authority will consult the PCC, the police, licence holders and other sources such as the consultees in Appendix A about its proposal.

Appendix A: List of Consultees

- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Community Safety Team
- Drug and Alcohol Action Team
- Guild of Master Victuallers
- Home Office – Immigration Enforcement
- National Federation of Community Organisations
- Parish and Town Councils
- Premises licence and club premises certificate holders
- Planning
- Public Consultation Portal
- Public Health Team
- Pubwatch
- Royal Berkshire Fire and Rescue
- Society of Licensed Victuallers
- Thames Valley Police
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Council Trading Standards
- West Berkshire Safeguarding Children Board

Appendix B: Delegation of Functions

- See <https://info.westberks.gov.uk/constitution>

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Appendix C: Glossary

Capacity Limit	Where the Licensing Authority and/or Fire Authority have set a limit on the number of people allowed in a premises or part of a premises, to prevent overcrowding which can lead to crime and disorder and concerns over public safety.
Child	Any person who is under the age of 18 years.
Club Premises Certificate	A certificate authorising the supply of alcohol to members of a qualifying club, the sale of alcohol to guests on the premises and the provision of regulated entertainment without the need for any member or employee to hold a personal licence.
Council	As far as this policy is concerned, any reference to the Council shall be interpreted as the Licensing Authority.
Cumulative Impact	Where there is a potential impact on the promotion of the licensing objectives due to a significant number of licensed premises concentrated in one area.
Designated Premises Supervisor	A specified individual, holding a personal licence, who is responsible for the day-to-day running of the business and whose name will appear on the premises licence.
Late Night Refreshment	The supply of hot food and drink between the hours of 23.00 and 05.00 for consumption on or off the premises.
Licence Types	<ul style="list-style-type: none"> • Premises Licence • Club Premises Certificate • Personal Licence • Provisional Statement • Temporary Event Notice
Licensable Activities	<ul style="list-style-type: none"> • The sale of alcohol by retail • The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club • The provision of regulated entertainment • The provision of late night refreshment
Licensing Objectives	<ul style="list-style-type: none"> • Prevention of Crime and Disorder • Public Safety • Prevention of Public Nuisance • Protection of Children from Harm
Licensing Qualification	Qualification accredited by the Secretary of State and a requirement for a personal licence.
Operating Schedule	This forms part of the completed application form for a premises licence and must promote the licensing objectives. See section 4 for more information.
Personal Licence	This authorises individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off the premises for which a premises licence is in force for the carrying on of that activity.
Premises Licence	A licence in respect of any premises, including land or buildings under public ownership within the community that are to be used for one or more licensable activities. Valid for an indefinite period unless revoked or surrendered.
Proprietary Clubs	Clubs run by individuals, partnerships or businesses for the purpose of making a profit.

Provisional Statement	Where premises are being constructed or extended or substantial structure changes are proposed.
Qualifying Club	Where members have joined together for particular social, sporting or political purposes and then combine to buy alcohol in bulk as members. Examples of qualifying clubs are: <ul style="list-style-type: none"> • Political clubs • Royal British Legion • Working men's clubs • Social and sports clubs A qualifying club can, however, obtain a premises licence if it wishes to offer its facilities commercially for use by the general public.
Regulated Entertainment	Entertainment that is provided to members of the public or to members of a qualifying club, or entertainment held with a view to profit. This includes plays, films, indoor sporting events, performance of dance and live and recorded music. For more detailed advice on whether a specific activity constitutes regulated entertainment, please contact the Licensing Team.
Relevant Offences	As set out in Schedule 4 to the Licensing Act 2003.
Relevant Representations	Representations (objections) made by a responsible authority or any other person which are deemed as relevant
Responsible Authorities	This group can make representations and includes bodies such as: <ul style="list-style-type: none"> • The Chief Officer of Police • The Fire Authority • The Local Enforcement Agency for the Health and Safety at Work etc. Act 1974 • The Weights and Measures Authority • The Planning Authority • Environmental Health • Public Health • The body responsible for matters relating to the Protection of Children from Harm - the Local Safeguarding Children Board • The Licensing Authority
SAG	Safety Advisory Group. An advisory body whose purpose is to offer advice and guidance on event organisation.
Temporary Event Notice	A notice of intention to carry on of the sale of alcohol, provision of regulated entertainment or late night refreshment at a premises not otherwise authorised by a premises licence or club premises certificate.

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Statement of Gambling Principles

Committee considering report:	Licensing Committee on 19 November 2018 Council on 6 December 2018
Portfolio Member:	Councillor Marcus Franks
Report Author:	Charlie Fletcher
Forward Plan Ref:	C3430

1. Purpose of the Report

- 1.1 West Berkshire District Council's Statement of Gambling Principles ('Statement') under the Gambling Act 2005 must undergo a review and be re-published by 31st January 2019.
- 1.2 The purpose of this report is to bring the revised Statement, following consultation, to the Licensing Committee for comment, prior to approval by Full Council on 6th December 2018.

2. Recommendation

- 2.1 That the Committee, subject to any further comments, approves the revised Statement at Annex E, to go forward to Council on 6 December 2018.
- 2.2 The Committee should note that, subject to any amendments, in advance of the Statement being presented to Full Council on December 6th 2018, the Head of Legal in consultation with Head of Public Protection and Culture will ensure the revised Statement is consistent with the Council's Scheme of Delegation.

3. Implications

- 3.1 **Financial:** There are no new financial implications as result of the Statement being considered however it should be noted that there are fees and charges associated with this work to ensure the Council recovers all costs.
- 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 to publish and have regard to a Statement
- 3.5 **Risk Management:** There are no specific risk matters arising from the adoption of this Statement. A risk would arise should the Council fail in its statutory duty to consider, adopt and publish a current Statement. This risk would increase the longer the Council remained outside of the approved document timescales, the next opportunity to approve this would be in March 2019 at the next Full Council meeting. This risk is consider

Statement of Gambling Principles

medium to low at this stage.

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There are no alternative options as the revision of the statement is a legal requirement.

Executive Summary

5. Introduction / Background

- 5.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 5.2 The revised Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 5.3 The present Statement was published on 31st January 2016 and therefore must undergo a review and be republished on or before 31st January 2019.
- 5.4 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority.
- 5.5 The Committee should note that feedback from Corporate Board included comments relevant to the Council's Scheme of Delegation and its relationship with the revised Statement. The primary aim is to ensure there is no risk of inconsistency when officers, Sub-Committees or Full Committees make decisions. This specific matter will be resolved in preparation for the final approval at Full Council on December 6th 2018 and will ensure there is no risk of the Council operating without a fully endorsed and approved Statement.

6. Proposals

- 6.1 That the Council, subject to any further comments from Licensing Committee, approves the revised Statement at Annex E.

7. Conclusion

- 7.1 There is a mandatory duty on the Council to publish a revised Statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 7.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

8. Appendices

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Consultation responses received

8.5 Appendix E – Revised Statement of Gambling Principles

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Revision of Statement of Gambling Principles
Date of Assessment:	5 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated Statement of Gambling Principles
Summary of relevant legislation:	Gambling Act 2005
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	5 October 2018

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?		
Aims:	To publish a revised Statement of Gambling Principles	
Objectives:	Transparency of how the Council deals with matters under the Gambling Act 2005	
Outcomes:	Greater understanding in the trade and other interested bodies	
Benefits:	Reduction in negative impacts associated with gambling	
2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	

Statement of Gambling Principles

Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		
3 Result		
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?		No
Please provide an explanation for your answer: No evident contribution on inequality		
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?		No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.		

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 5 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Statement of Gambling Principles – Supporting Information

1. Introduction/Background

- 1.1 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.
- 1.2 The Statement will last for a maximum of three years and can be reviewed and revised by the authority at any time.
- 1.3 The present Statement was published on 31st January 2016 and therefore must undergo a review and be republished on or before 31st January 2019.
- 1.4 Once published, the revised Statement shall be valid between January 2019 and January 2022.

2. Supporting Information

- 2.1 Due to the general reformatting of the Statement, it has not been possible to include all of the amendments as track-changes. However, a summary of the material changes are as follows:
 - Revised intro 1.1
 - Added 1.4 to clarify what are licensable activities and the responsibility of the licensing authority
 - Updated 1.7 and 1.8 reference Information Exchange and Enforcement
 - Updated 1.9 on local risk assessments
 - Added new section 2.1 on general principles of premises licensing
 - Added 2.2 reference preventing gambling from being a source of crime and disorder
 - Added 2.3 reference ensuring gambling is conducted in a fair and open way
 - Updated 2.4 on protection of children and vulnerable persons
 - Updated 2.5 on conditions
 - Added sections 2.6-2.12 giving premises-specific guidance
 - Added 2.13 on provisional statements
 - Added 2.14 on premises licence reviews
 - Added section 3
 - Updated sections 4 and 5
 - List of consultees and glossary added as appendices
- 2.2 In addition to these changes, further to comments submitted during the consultation process a reference has been added under section 2.4 of the Statement to the West Berkshire Health and Wellbeing Board and Safeguarding Adults Board.

- 2.3 It is noted that the West Berkshire Local Lottery is not run under a licence issued by the Council, and is instead run by an External Lottery Manager who is licensed by the Gambling Commission.
- 2.4 It is felt that a number of the other matters that have been raised in the comments received have been satisfactorily addressed during the revisions made to the wording, or are otherwise outside of the remit of the Statement.
- 2.5 It should be noted that as part of the wider Public Protection Partnership (PPP) this policy has been drafted in consultation with colleagues across Bracknell and Wokingham. It is a stated objective of the PPP to reduce duplication and derive efficiency from economies of scale. There may be occasion where terminology is used to describe processes which vary from authority to authority. It is acknowledged that as part of the feedback process these may be amended to suit the individual authorities own style and culture.

3. Options for Consideration

- 3.1 There were no other options considered. This revision has been subject to consultation with interested parties and the wider public.

4. Proposals

- 4.1 That the Council, subject to any further comments from Licensing Committee, approves the revised Statement at Annex E.

5. Conclusion

- 5.1 There is a mandatory duty on the Council to publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation has also informed this process.
- 5.2 The revised Statement is also seen as being broadly consistent with our PPP partners' objectives and whilst there may be some localised deviations they are only minor in nature, enabling the Council to benefit from economies of scale and resilience.

6. Consultation and Engagement

- 6.1 A consultation was carried out between 20th August 2018 and 5th October 2018. The bodies consulted are included at Appendix A of the revised Statement.
- 6.2 Details of the responses received to this consultation are included at Appendix D of this report.
- 6.3 It is noted that some of the comments received are general comments rather than specific responses to the Statement that has been drafted, or are outside of the Council's power to effect.
- 6.4 Early discussions with the Chairman of the Licensing Committee and members of the Committee who expressed an interest in its development have informed the revised SLP.

Background Papers: None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

P&S1 – Good at safeguarding children and vulnerable adults

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

Responses to Statement of Gambling Principles consultation

Public Health and Wellbeing West Berkshire Council

HWBB and the Safeguarding Adults Board should also be mentioned when considering protection of 'other vulnerable people'.

The emphasis of section 8 is rightly on children, however there is scope to expand this to formally recognise the significant impact that a gambling addiction might have on a person's mental health and overall wellbeing. I would like to see more detail on how the policy encompasses recommendations from the LGA/ PHE publication

https://www.local.gov.uk/sites/default/files/documents/Tackling%20gambling%20related%20harm_LGA_10%2023.pdf

The faulty of Public Health issued the following statement and this should be reflected in the policy with a statement such as Public Health recognises that Gambling can have a negative impact on individuals and the wider community. Gambling is associated with stress, depression, and alcohol and substance misuse. These often cluster and can be bi-directional. Gambling harm affects not only the individual, but also the family and wider society. See references in the following document to support this ref 6 and 7

<https://www.fph.org.uk/media/1810/fph-gambling-position-statement-june-2018.pdf>

Englefield Parish Council

Englefield Parish Council have reviewed the attached draft policies and have the following comment with regard the Statement of Gambling Principles:

We welcome and support the three stated Licensing Objectives (Section 3).

With regard to (c) and aware that problem gambling has significant psycho-social dimensions, we suggest that this might be specifically recognised within the safeguarding category of 'vulnerable persons' who are identified as being at risk from gambling.

Public comment

In: Section 9 - Interested parties it is stated that "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)."

I assume therefore that West Berkshire intends to rely solely on this definition. I believe that this definition is far too narrow and does not allow other affected parties to have their views suitably considered. Licenced premises and activities can affect a large part of the community, not just those in close physical proximity. West Berkshire should consider amending Section 9 to include a broader range of interested parties; specifically those who may work, travel close to, shop at or use the services of businesses nearby.

Holybrook Parish Council



Holybrook Parish Council

Serving the communities of Beansheaf Farm & Fords Farm

The Parish Office
Beansheaf Community Centre
Charrington Road
Calcot
Reading RG31 7AW

Tel/fax 0118 9454339
e-mail: holybrookcouncil@bfconnect.com
www.holybrookparishcouncil.co.uk

18th September 2018

Cheryl Lambert
Public Protection Partnership
Environmental Health and Licensing
West Berkshire District Council
Council Offices
Market Street
Newbury
Berkshire RG14 5LD

Dear Mrs Lambert

RE: Licensing Act 2003: Review of Statement of Gambling Principles

Thank you for inviting Holybrook Parish Council to comment on WBCs Review of Statement of Gambling principles.

Whilst it is acknowledged that the policy is based on standardized directives, Holybrook Parish Council make the following comments/observations:

- Section 14d 'guidance and assistance to licence applicants'

Please consider adding: '.... and information for those wishing to make an objection'.

- Section 12 (41) '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'

Holybrook Parish Council question why this may be the case? Is this in-line with the new GDPR regulations?

We look forward to your response.

Yours sincerely

Pamela Kirkpatrick
Clerk, Holybrook Parish Council

PLEASE ADDRESS ALL CORRESPONDENCE TO THE CLERK

GamCare

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

Gosschalks Solicitors, representing the Association of British Bookmakers



West Berkshire Council

Please ask for: Richard Taylor
Direct Tel: 01482 590214
Email: rjt@gosschalks.co.uk
Current: R17 / 302 / 097505.00008
#032198285
Your ref:
Date: 01 October 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that

Queens Gardens, Hull, HU1 302 T 01482 324252 F 0870 400 9984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

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E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E Info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
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with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the Draft Statement of Gambling Principles

On behalf of the ABB, we welcome the light touch approach to the Statement of Gambling Principles and have very few comments to make. Those comments are below.

Section 3

Paragraph 7 indicates that *“the licensing authority recognizes that its duty under the Act is to carry out its functions with a view to promoting the licensing objectives...”* This sentence should be redrafted as the licensing authority does not have a duty under the Act to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. In exercising most of its functions under the Gambling Act, the licensing authority is required to “have regard” to the licensing objectives whilst applications granted must be “reasonably consistent” with the licensing objectives. It is important that this paragraph is redrafted in order that there is no confusion with Licensing Act 2003 where the licensing authority does indeed have a duty to promote the licensing objectives.

Section 10 – Licensing Conditions

Paragraphs 32-35 explain the licensing authority’s approach to the imposition of conditions on premises licences. These paragraphs would be assisted by a clear explanation that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and it is only in circumstances where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that additional conditions would be considered. The evidential basis for the imposition of additional conditions is extremely important and should be clearly stated within the Statement of Principles.

Queens Gardens, Hull, HU1 3DZ T 01482 324252 F 0870 600 5984
E info@gosschalks.co.uk W www.gosschalks.co.uk DX 11902 – Hull

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Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

|

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Queens Gardens, Hull, HU1 3D1 T 01482 324352 F 0870 600 9786
E info@goschalks.co.uk W www.goschalks.co.uk DX 11902 – Hull

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Statement of Gambling Principles

January 2019 - January 2022

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1 Statement of Gambling Principles

1.1 Introduction

The Gambling Act 2005 (referred to in this document as ‘the Act’) requires the Council to prepare and publish a Statement of Gambling Principles (‘Statement’) that sets out the policies that West Berkshire Council as Licensing Authority (‘the Licensing Authority’) will generally apply to promote the licensing objectives when making decisions on applications made under the Act. It also gives details of our expectations of applicants and licence-holders.

The purpose of this Statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, the Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

This Statement has been prepared having regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement. The list of those consulted can be found at Appendix A. The full list of comments made and the consideration by the Council of those comments is available on request.

The Statement will come into effect on the 31 January 2019 and will be reviewed as necessary, and at least every 3 years from the date of adoption.

1.2 The Borough of West Berkshire

West Berkshire Council is a Unitary Authority and is predominantly rural, with an 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 20s.

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 some rural areas of the district are world renowned for their involvement in the training and stabling of race horses.

1.3 Licensing Objectives

In exercising functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority is aware that, in accordance with section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles.

1.4 Licensable Activities

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- Gaming means playing a game of chance for a prize
- Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

The Gambling Commission is responsible for remote (online) gambling, operating licences and personal licences.

This licensing authority is responsible for issuing premises licences and provisional statements for the following types of premises:

- Casinos
- Bingo premises
- Betting premises and tracks
- Adult gaming centres
- Family entertainment centres.

Additional functions of this licensing authority are to:

- issue permits for gambling and gaming machines in clubs
- receive notifications from alcohol licensed premises of the use of up to 2 gaming machines and issue licensed premises gaming machine permits where there are more than 2 machines
- issue permits to family entertainment centres for the use of certain lower stake gaming machines

- issue permits for prize gaming
- receive and endorse temporary use notices
- receive occasional use notices for betting at tracks
- register small society lotteries
- provide details of licences issued to the Gambling Commission
- maintain registers of the permits and licences that are issued under the Act.

1.5 Responsible Authorities

Responsible authorities must be notified of all premises licence applications and are entitled to make representations if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Local Fire Authority
- Local Planning authority
- Environmental Health
- Child Protection Committee
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated.

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area, and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

This authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the responsible authorities under the Gambling Act 2005 are available on the Council's website.

1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties making representations will be required to relate their objection to one or more of the licensing objectives.

An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

In determining whether someone lives sufficiently close to particular premises so as to be affected the licensing authority will take into account, amongst other things:

- the size and nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complaint
- the potential impact of the premises.

In determining whether a person has a business interest which could be affected, the licensing authority will consider, amongst other things:

- the size of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected.

The term "business interests" is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the licensing authority would not consider this as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

The licensing authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision, the licensing authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a 'relevant' issue or not, or
- whether it raises issues specifically concerning the premises which is the subject of the application.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, the licensing authority may initially arrange a mediation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

1.7 Information Exchange

This licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that any data protection legislation will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

1.8 Enforcement

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

This licensing authority has also adopted and implemented a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

As per the Gambling Commission's Guidance, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The licensing authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

The licensing authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants may be encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request. Our risk methodology is also available upon request.

A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

Operators with premises licences have an obligation to produce a local risk assessment which will assist the licensing authority when considering applications. The risk assessment should consider actual and potential risks to the licensing objectives posed by the provision of gambling facilities at a premises. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area. The assessment should detail the policies, procedures and control measures to mitigate those risks and should take into account the licensing authority's Statement of Gambling Principles. The licensing authority can provide advice on the level of detail required, which will be proportional to the scale and nature of the application made.

The licensing authority will expect this risk assessment to accompany all applications for premises licences (new and variation), and will also expect the risk assessment to be shared with the licensing authority on request. Local risk assessments must be reviewed when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence. The Council's Local Area Profile is available on request.

Risk assessments must be kept at the individual premises to which they relate. All staff should be fully aware of the risk assessment and where it is kept in order that they can work in accordance with any requirements, and it can easily be provided to responsible authorities should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.

We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments. A single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

2 Premises Licences

2.1 General Principles

A licence can only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are

brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as shopping malls to obtain separate premises licences, where appropriate safeguards are in place. This licensing authority will take account of the Gambling Commission's guidance in respect of this matter and the mandatory conditions relating to access between premises.

When determining an application for a premises licence or review a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications.

In determining an application, the licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide, nor may it take account of any moral objections.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate. More detail on licence conditions can be found at 2.5 of this document.

The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation, and will seek to avoid any duplication with other regulatory systems where possible. For example, the licensing authority will not take into account whether a premises has the appropriate planning or building consents, nor will it take into account fire or health and safety risks. It will, however, consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take such steps as are lawful and necessary to either limit access generally or by introducing measures to prevent under-age

gambling. The licensing authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm. Applicants are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

2.2 Preventing gambling from being a source of crime and disorder

This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling premises from being a source of crime, for example the sale and distribution of controlled drugs, money laundering, prostitution, or unlawful gambling. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as provisions of door supervisors. When making decisions in this regard, the licensing authority will give due weight to any comments made by the Police.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. The licensing authority will seek the views of its legal advisers before determining what action to take in circumstances in which disorder may be a factor. As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority will not use the Act to deal with general nuisance issues, such as parking problems, which can easily be dealt with using alternative powers.

2.3 Ensuring gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

2.4 Protecting children and other vulnerable people from gambling

This licensing authority has noted that the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo

halls and family entertainment centres where category B or C gaming machines are operated, the licensing authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

As regards the term “vulnerable persons”, it is noted that the Gambling Commission does not seek to offer a definition, but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis and shall seek advice from the West Berkshire Health and Wellbeing Board and Safeguarding Adults Board where required.

2.5 Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the premises suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises, and
- reasonable in all other respects.

When considering any conditions to be attached to licences, the licensing authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Conditions (other than default conditions and those required by law) will only be attached where they are needed to meet the requirements of the licensing objectives and are within the control of the licensee. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This licensing authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated), and
- conditions in relation to stakes, fees, winning or prizes.

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect. Where it is decided that supervision of entrances or machines is appropriate for particular cases, a consideration of whether these supervisors need to be SIA licensed will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Listed below are examples of possible areas where a licensing authority may wish to attach conditions to a licence if deemed appropriate:

- Leaflets giving assistance to problem gambling being displayed in prominent areas and discreet areas such as toilets
- The operator having regard to best practice guidance issued on the protection of the interests of vulnerable people
- Positioning of GamCare helpline information positioned on the machine
- Posters promoting details of the GamCare telephone number and website
- A proof of age policy which would be agreed with a relevant responsible authority
- The inclusion of designated chill out areas and areas of non-gambling in the premises.

The licensing authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in

accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement or in a way that is reasonably consistent with the licensing objectives.

2.6 Licensed Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Plans of the premises should be provided with an application for an FEC permit.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

In exercising their functions in respect of family entertainment centre permits, the licensing authority need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

Except in exceptional circumstances, the licensing authority will not grant FEC permits in premises licensed for the sale of alcohol under the Licensing Act 2003.

2.7 Casinos

There are currently no casinos operating within the Borough.

The Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

2.8 Bingo Premises

This licensing authority notes that the Gambling Commission's Guidance states: "Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas".

This authority also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2.9 Betting Premises

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines. No further limits may be imposed by the licensing authority on gaming machine numbers in betting (other) premises, beyond the standard prescribed limit applying to all betting (other) premises licences.

There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/ machine areas
- Physical separation of areas

- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/ helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.10 Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

2.11 Tracks

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures that may be taken.

Gaming machines - Guidance from the Gambling Commission is available as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Plans - The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take

place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

2.12 Travelling Fairs

It will fall to this licensing authority to decide whether a travelling fair which offers category D machines and/or equal chance prize gaming without a permit meets the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

The 27-day statutory maximum for the land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses boundaries is monitored so that the statutory limits are not exceeded.

2.13 Provisional Statements

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed
- expects to be altered, or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant’s circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage
- which in the authority's opinion reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.14 Licence Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice or Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the licensing authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months, and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

3 Permits, Temporary and Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

A proprietor of a family entertainment centre premises (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.

It should be noted that the premises must be wholly or mainly used for making gaming machines available for use, to be eligible for this type of permit.

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.

The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.

Applicants will also be asked to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the location of the area(s) where category D gaming machines will be made available for use.

An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.

It is noted that a licensing authority cannot attach conditions to this type of permit.

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice

issued by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises is mainly used for gaming, or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” This licensing authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

3.3 Prize Gaming Permits

In any application for a prize gaming permit the applicant should set out the types of gaming that he or she is intending to offer, and should also be able to demonstrate:

- they understand the limits to stakes and prizes that are set out in regulations
- that the gaming offered is within the law, and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling; in particular, the measures that will be taken to ensure that children cannot participate in the gambling offered.

In making its decision on an application for this permit, the licensing authority does not need to have regard to the licensing objectives, but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Act with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and

- completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
 - participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

Members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines, equal chance gaming and games of chance as set out in the regulations.

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines as set out in the regulations.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Before granting the permit, the authority will need to satisfy itself that the premises meets the requirements of a members' club and may grant the permit if the majority of members are over 18.

Licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years, or
- an objection has been lodged by the Commission or the Police.

There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission's Guidance to Licensing Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced."

The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of the code of practice about the location and operation of gaming machines.

3.5 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues. The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The types of gambling activities that may be authorised by a Temporary Use Notice are set out in regulations made under the Act. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

3.6 Occasional Use Notices

Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority.

The licensing authority notes that the definition of track premises is not restricted to permanent premises, but can include any premises or land on which a race or sporting event is to take place. Consideration will therefore be given to the nature of the premises specified in a notice, in addition to whether the person giving the notice is an occupier of the track, or is responsible for the administration of events at the track.

It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.

4 Decisions Making

4.1 Delegations and process

The Council will carry out its responsibilities under the Gambling Act 2005 efficiently and cost-effectively. To do this functions are delegated from the Licensing Committee to either Sub-Committees or officers as appropriate. The link shown at Appendix B identifies where the Council's Constitution and Scheme of Delegation is published. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or full Committee if considered appropriate in the circumstances of any particular case.

Where there are no areas of contention, it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by a sub-committee, as will any application for the review of a licence.

Every determination of a licensing decision by a Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

4.2 Appeals

Where a licensing authority rejects an application, the applicant may appeal to the local Magistrates' Court.

5 Further information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from the Licensing Team as follows:

Licensing Team, West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD

Tel: 01635 519184

E-mail: licensing@westberks.gov.uk

www.westberks.gov.uk

Information is also available from:

Gambling Commission, Victoria Square House, Victoria Square, Birmingham, B2 4BP

Tel: 0121 230 6500

Website: www.gamblingcommission.gov.uk

List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- National Association of Bookmakers
- Parish and Town Councils
- Planning
- Public Consultation Portal
- Public Health Team
- Royal Berkshire Fire and Rescue
- Thames Valley Police
- West Berkshire Council Environmental Health
- West Berkshire Council Planning
- West Berkshire Safeguarding Children Board

Summary of Delegations under the Gambling Act 2005

<https://info.westberks.gov.uk/constitution>

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Gambling Act Glossary

Adult Gaming Centres	Adult Gaming Centres must have a premises licence from the licensing authority to make category B, C and D gaming machines available to their customers.
Betting Premises	The Act contains a single class of licence for betting premises, which includes track and non-track.
Bingo	Two types of bingo can be offered: Cash bingo - where the stakes paid made up the cash prizes that are won; or Prize bingo - where various forms of prizes are won and are not directly related to the stakes paid.
Casinos	The Act defines casino games as games of chance which are not equal chance gaming.
Customer Lottery	A lottery run by occupiers of a business for the benefit of the customers who buy tickets sold on the premises (e.g. supermarket holding a hamper raffle).
Exempt Lottery	Incidental non-commercial lotteries Private lotteries Customer lotteries Small Society lotteries
Gambling Act 2005	The Act governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It received royal assent on 7 April 2005.
Gambling Commission	The Gambling Commission licenses larger gambling operators and provides advice and guidance to operators, stakeholders and licensing authorities. They also have a role in enforcement and ensuring promotion of the licensing objectives.
Gaming Machines	Category of machine and where they can be situated are contained at the end of this glossary.
Incidental Non-Commercial Lottery	Lottery that is run as an additional amusement at non-commercial events with tickets sold only during the event, such as a raffle at a dance or church fair.
Licensed Family Entertainment Centres	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a premises licence.

Lotteries	A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
Non-track betting	Betting that takes place other than at a race track.
Occasional Use Notices	Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
Private Lottery	Lottery that requires membership of a society, place of work or single residential unit (e.g. raffle at a student hall of residence).
Small Society Lottery	Non-commercial societies if it is established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or for any other non-commercial purpose other than private gain.
Temporary Use Notices	These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises which might be suitable for temporary use notices would include hotels, conference centres and sporting venues.
Track betting	Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks both in the form of pool betting (often known as the "totalisator" or "tote") and also general betting, often known as "fixed-odds" betting.
Travelling Fairs	A travelling fair is one that "wholly or principally" provides amusements and they must be on a site that had been used for fairs for no more than 27 days per calendar year. No permit is required for gaming machines, but they must comply with age restrictions.
Unlicensed Family Entertainment Centres	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

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Licensing Fees & Charges 2019 to 2020

Committee considering report: Licensing Committee on 19 November 2018

Portfolio Member: Councillor Marcus Franks

Report Author: Charlie Fletcher

Forward Plan Ref: L3665

1. Purpose of the Report

- 1.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process. Annex D details the licensing fees and charges for the current year, alongside proposed changes for 2019/20.
- 1.2 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

2. Recommendations

- 2.1 That, save for the vehicle and private hire operator licence fees, the Committee recommends to the Executive the new fees and charges detailed in Annex D, for public consultation, and
- 2.2 That the Committee agrees that the proposed charges for operators and vehicle licence fees are:
 - a) advertised;
 - b) if no objections are received, implemented for any licences commencing from 1 April 2019; or
 - c) if objections are received they be considered by the Chairman, who will then set those fees and charges for any licences commencing from 1 April 2019
- 2.3 That the Committee uses its discretion to round the proposed fees to the nearest whole pound

3. Implications

- 3.1 **Financial:** Proposals to vary fees and charges to reflect the costs of operating the licensing service. If fees and charges do not reflect the cost of the service, the department may be operating at a loss or a profit.
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None

3.6 **Property:** None

3.7 **Other:** None

4. Other options considered

4.1 There are legislative restrictions upon the maximum charge that can be made in some cases, and also legislation which restricts those elements of the service provided by a Licensing Authority that are chargeable and non-chargeable through the provision of a licence. In drawing up these proposed fees, officers have done so with consideration of the legal constraints in place.

Executive Summary

5. Introduction / Background

- 5.1 Each service area is required to review the fees and charges it levies on behalf of the Council as part of the budget process.
- 5.2 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.
- 5.3 At the meeting of the Joint Public Protection Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. In 2018/19 the rate for the service was set at £55 per hour.
- 5.4 For 2019/20, in respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise. The result is the fee schedule set out at Annex D of this report.

6. Proposals

- 6.1 Members are asked to note the proposals and agree these fees go forward for further discussion and consideration as part of the Council fee setting process.

7. Appendices

- 7.1 Appendix A – Data Protection Impact Assessment
- 7.2 Appendix B – Equalities Impact Assessment
- 7.3 Appendix C – Supporting Information
- 7.4 Appendix D – Fees and charges 2019 to 2020

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Fees & Charges 2019 to 2020
Date of Assessment:	8 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p>Note – sensitive personal data is described as “<i>data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation</i>”</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p>Note – will it have an interactive element which allows users to communicate directly with one another?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Approve updated list of fees and charges
Summary of relevant legislation:	Various
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	8 October 2018

Is this a:		Is this:	
Policy	No	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To publish an updated list of fees and charges
Objectives:	To ensure that the fees and charges levied adequately cover the costs encountered by the licensing team
Outcomes:	New fees set
Benefits:	To ensure that the licensing service is not operating at either a loss or a profit, which will expose liability.

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender	No impact	

Reassignment		
Marriage and Civil Partnership	No impact	
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No evidence the revised Statement will have an adverse impact.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 8 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Licensing Fees and Charges – Supporting Information

1. Introduction/Background

- 1.1 The Joint Public Protection Committee is required by the Inter-Authority Agreement that set up the Public Protection Partnership shared service to recommend a draft set of fees and charges to each of the member Councils.
- 1.2 At the meeting of the Joint Public Protection Committee in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle, all fees and charges should be set on the basis of full cost recovery. In 2018/19 the rate for the service was set at £55 per hour as the basis of cost recovery. It was also agreed that there should be a move to align fees across the former Bracknell licensing regime and the former Wokingham/ West Berkshire fee structure where appropriate.
- 1.3 In July 2018 the Joint Public Protection Committee received a further report asking it to consider the basis for setting fees and charges and the application of full cost recovery. That methodology was approved by the Committee. Based on previous decisions work has been carried out by officers to align fee structures.
- 1.4 In respect of all discretionary fees and the hourly rate, an inflationary rise of 2.5% has been applied. This inflationary rise will balance the increase in cost of service provision such as the cost of living salary rise. The result is the fee, schedule set out at Annex D of this report.
- 1.5 It is noted that a significant number of fees within the licensing field are set by Government regulation and cannot therefore be changed by the Council.
- 1.6 The Committee has discretion to round the proposed fees to the nearest whole pound should they so resolve.

2. Supporting Information

- 2.1 The 2018/19 fees and charges for hackney carriage and private hire licences shows a significant disparity between the former West Berkshire and Wokingham fee structure and the Bracknell fee structure, in respect of vehicle and operator licensing.
- 2.2 Following the decisions of the Joint Public Protection Committee outlined above regarding full cost recovery, Officers have now completed a review and the proposed single fee structure for hackney carriage and private hire is included within Annex D.
- 2.3 Driver rates have remained in line with inflation and have been brought into line across the three PPP Councils. As can be seen at Annex D, these were close in any case across the three authorities.

- 2.4 Any change in fees charged for the licensing of vehicles and private hire operators are required by section 70 of the Local Government (Miscellaneous Provisions) Act 1976 to be advertised, and any objections received must be considered by the Council. It is recommended that in the event of any objections being received, they be considered by the Chairman, who will then set those specific fees having taken account of the objections.
- 2.5 A new licensing regime covering a number of different businesses involving animals, including pet shops, animal boarding businesses, riding establishments, etc. came into force on October 1st 2018. It had been anticipated that the Regulations would include a statutory fee structure. The final Regulations in the end left it to licensing authorities to set their own fees.
- 2.6 The Regulations also brought in new competence requirements for those conducting inspections; this will clearly impact fees. The extent of this impact however is not fully known at this stage.
- 2.7 It is proposed that the fee structure in respect of these establishments for 2019/20 remains as for 2018/19 with an inflationary rise applied. A full review based on the agreed methodology and taking account of the impact of the new Regulations will be undertaken and a new fee structure will be put before Committee to consider at the time the 2020/21 budget is being considered

3. Proposals

- 3.1 That the Committee approves the proposed fees and charges and recommends to the Executive that they are adopted.
- 3.2 That the Committee uses its discretion to round the proposed fees to the nearest whole pound for the sake of clarity and for the ease of those processing payments.

4. Consultation and Engagement

- 4.1 There are certain legal provisions requiring consultation on the vehicle and operator fees and charges which will be conducted after this meeting. The remaining fees and charges will be subject to the Council's usual budget consultation process.

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected:

All

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

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Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Public Protection Partnership						
Environmental Protection						
Prevention of Damage by Pests						
Pest Site survey		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Rat treatment		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Any other Pest treatment		N/A	N/A	N/A		Hourly rate and / or cost recovery where WID
Dog Warden Services						
Stray Dogs - Not taken to Kennel		£62.00	N/A	£70.00	£71.75	Amalgamate. Vet fees separate as applicable
Stray Dogs - Taken to Kennel		£88.00	N/A	£88.00 + overnight kenneling fees		Fees based on charges & cost recovery. Vet fees separate as applicable
Dog Fouling fixed penalty charge		£75.00	£75.00	£75.00		Set in FPN policy
Misc stray dog activities ie taxi, relocating, microchipping etc				£55.00	£56.38	Plus cost recovery on charges.
Abandoned Vehicles						
Removal (prescribed fee)	Less than 3.5 tonnes	£150.00	£150.00	£150.00		Set by statute
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20.00	£20.00	£20.00		Set by statute
Enforcement disposal costs (prescribed fee)	Less than 3.5 tonnes	£75.00	£75.00	£75.00		Set by statute
Fixed penalty notice	Reduced to £120 if paid within 7 days	£200.00	£200.00	£200.00		Set by statute
Enforcement invoice costs		£77.00	£77.00	£77.00		Set by statute
Trading Standards						
Weights and Measures Fees (per hour)		£61.00	£61.00	£61.00	£62.53	Discretionary
Explosives Licenses / Registrations - set by statute						Set by statute
Varying the name of licensee or address of site						Set by statute
Petroleum Licensing Fees - set by statute						Set by statute
Primary Authority						
Primary Authority Work hourly chargeable rate		£55.00	£55.00	£55.00	£56.38	
Annual charge - previous year usage 10 hours or less		£500.00	£500.00	£500.00	£512.50	
Annual charge - previous year usage 20 hours		£1,000.00	£1,000.00	£1,000.00	£1,025.00	
Anything likely to be in excess of 20 hours				POA		Individually assessed
Support with Confidence						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Application fee	1-5 employees	£58.00	N/A	£58.00	£59.45	All disbursements charged at cost
	6-20 employees	£116.00	N/A	£116.00	£118.90	As above except fee reduced to £50 if registered with confidence
	21+ employees	£291.00	N/A	£291.00	£298.28	As above except fee reduced to £50 if registered with confidence
Buy with Confidence						
Members from 2017/18 Application Fee	1-5 employees	N/A	£125.00	£125.00	£125.00	Nationally agreed with 'Buy with Confidence' scheme holder as varied from time to time
	6-20 employees	N/A	£167.00	£167.00	£167.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees	N/A	£208.00	£208.00	£208.00	Nationally agreed with 'Buy with Confidence' scheme holder
Annual Fee	1-5 employees		£250.00	£250.00	£250.00	Nationally agreed with 'Buy with Confidence' scheme holder
	6-20 employees		£375.00	£375.00	£375.00	Nationally agreed with 'Buy with Confidence' scheme holder
	21+ employees		£500.00	£500.00	£500.00	Nationally agreed with 'Buy with Confidence' scheme holder
Members before 2017/18 Application /Annual Fee	1-5 employees	N/A	£123.33	£123.33	£123.33	Applicable only to legacy Bracknell members
	6-20 employees	N/A	£185.00	£185.00	£185.00	Applicable only to legacy Bracknell members
	21+ employees	N/A	£246.67	£246.67	£246.67	Applicable only to legacy Bracknell members
Commercial						
Food Export Certificates			N/A	£55.00	£56.38	Full cost recovery based on officer hourly rate
Anti-Social Behaviour Act:						
High Hedges Fee (Class A – Fee Discretionary)		£1,146.00	N/A	£1,146.00	£1,174.65	Cost recovery for consultant
Licences, Registrations and Similar Consents						
<i>Licensing Act 2003:</i>						
Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)						
Band A – RV up to 4300		£100.00	£100.00	£100.00		Statutory -no increase.
Band B – RV 4300 to 33000		£190.00	£190.00	£190.00		Statutory -no increase.
Band C – RV 33001 to 87000		£315.00	£315.00	£315.00		Statutory -no increase.
Band D – RV 87001 to 125000		£450.00	£450.00	£450.00		Statutory -no increase.
Band E – RV 125001 and above		£635.00	£635.00	£635.00		Statutory -no increase.
Pre-Application Advice, Hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Premises Licence – Annual Fee (Class B – Statutory Fee)						
Band A		£70.00	£70.00	£70.00		Statutory -no increase.
Band B		£180.00	£180.00	£180.00		Statutory -no increase.
Band C		£295.00	£295.00	£295.00		Statutory -no increase.
Band D		£320.00	£320.00	£320.00		Statutory -no increase.
Band E		£350.00	£350.00	£350.00		Statutory -no increase.

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Personal Licence - (Class B – Statutory Fee)		£37.00	£37.00	£37.00		Statutory -no increase.
Temporary Event Notices (TEN's) - (Class B – Statutory Fee)		£21.00	£21.00	£21.00		Statutory -no increase.
Application for copy licence, change address or club rules		£10.50	£10.50	£10.50		Statutory -no increase.
Application to vary DPS/transfer licence/interim notice		£23.00	£23.00	£23.00		Statutory -no increase.
Application for making a provisional statement		£315.00	£315.00	£315.00		Statutory -no increase.
Minor variation		£89.00	£89.00	£89.00		Statutory -no increase.
Application to disapply mandatory DPS condition		£23.00	£23.00	£23.00		Statutory -no increase.
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Gambling Licenses						Separate listing for Wokingham
Casinos (regional)	New Application	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
	Provisional Statement	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
	Application with Prov Statement	N/A	£6,000.00	£8,000.00		100% of Statutory Maximum
	Variation	N/A	£5,625.00	£7,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	N/A	£4,875.00	£6,500.00		100% of Statutory Maximum
	Annual Fee	N/A	£11,250.00	£15,000.00		100% of Statutory Maximum
Casinos (large)	New Application	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
	Provisional Statement	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
	Application with Prov Statement	N/A	£3,750.00	£5,000.00		100% of Statutory Maximum
	Variation	N/A	£3,750.00	£5,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	N/A	£1,612.50	£2,150.00		100% of Statutory Maximum
	Annual Fee	N/A	£7,500.00	£10,000.00		100% of Statutory Maximum
Casinos (small)	New Application	£6,000.00	£6,000.00	£8,000.00		100% of Statutory Maximum
	Provisional Statement	£6,000.00	£6,000.00	£8,000.00		100% of Statutory Maximum
	Application with Prov Statement	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Variation	£3,000.00	£3,000.00	£4,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£1,350.00	£1,350.00	£1,800.00		100% of Statutory Maximum
	Annual Fee	£3,750.00	£3,750.00	£5,000.00		100% of Statutory Maximum
Bingo Clubs	New Application	£2,625.00	£2,625.00	£3,500.00		100% of Statutory Maximum
	Provisional Statement	£2,625.00	£2,625.00	£3,500.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£1,312.00	£1,312.50	£1,750.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Betting Premises	New Application	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Provisional Statement	£2,250.00	£2,250.00	£3,000.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£1,125.00	£1,125.00	£1,500.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£450.00	£450.00	£600.00		100% of Statutory Maximum
Tracks	New Application	£1,875.00	£1,875.00	£2,500.00		100% of Statutory Maximum
	Provisional Statement	£1,875.00	£1,875.00	£2,500.00		100% of Statutory Maximum
	Application with Prov Statement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Variation	£937.50	£937.50	£1,250.00		100% of Statutory Maximum
	Transfer/Reinstatement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
Family Entertainment Centres	New Application	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Provisional Statement	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Application with Prov Statement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Variation	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£712.50	£712.50	£950.00		100% of Statutory Maximum
	Annual Fee	£562.00	£562.50	£750.00		100% of Statutory Maximum
Adult Gaming Centres	New Application	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Provisional Statement	£1,500.00	£1,500.00	£2,000.00		100% of Statutory Maximum
	Application with Prov Statement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Variation	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
	Transfer/Reinstatement	£900.00	£900.00	£1,200.00		100% of Statutory Maximum
	Annual Fee	£750.00	£750.00	£1,000.00		100% of Statutory Maximum
Lotteries and Amusements	New Application	£40.00	£40.00	£40.00		Statutory -no increase.
	Annual Fee	£20.00	£20.00	£20.00		Statutory -no increase.
All Licences	Notification of change	£37.50	£37.50	£50.00		100% of Statutory Maximum
	Copy of Licence	£18.75	£18.75	£25.00		100% of Statutory Maximum
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Club Gaming Machines						
Club Gaming or Machine Permit	New Application	£200.00	£200.00	£200.00		Statutory-no increase
Club Gaming or Machine Permit	Existing holder	£100.00	£100.00	£100.00		Statutory-no increase

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	New Application	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Renewal	£200.00	£200.00	£200.00		Statutory-no increase
Club Gaming or Machine Permit(holds a Club Premises Certificate under Licensing Act 2003)	Renewal	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Annual Fee	£50.00	£50.00	£50.00		Statutory-no increase
Club Gaming or Machine Permit	Variation	£100.00	£100.00	£100.00		Statutory-no increase
Club Gaming or Machine Permit	Copy of Licence	£15.00	£15.00	£15.00		Statutory-no increase
Licensed Premises Notifications						
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	notification of intention	£50.00	£50.00	£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Application (existing holder)	£100.00	£100.00	£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	New Application	£150.00	£150.00	£150.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Annual Fee	£50.00	£50.00	£50.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Variation	£100.00	£100.00	£100.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Transfer	£25.00	£25.00	£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Change of Name	£25.00	£25.00	£25.00		Statutory-no increase
Gaming Machine Permit (more than 2 machines) on premises which hold on premises alcohol licence	Copy of Permit	£15.00	£15.00	£15.00		Statutory-no increase
Pre-Application Advice, hrly charge	Min 1Hr	£55.00	N/A	£55.00	£56.38	
Sex Establishments – (Class A – Fee Discretionary)						
Cinema		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Shop		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Entertainment Venue		min £3,100 to max £5150	N/A			No change - WB/Wokingham only
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Premises - new			£2,617.00			Bracknell only - no change
Premises - renewal			£1,389.00			Bracknell only - no change

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Street Trading Consents – (Class A – Fee Discretionary)						Leave the fees as per individual authorities to be reviewed 2019 with a view to unifying 2020/21
Application / Renewal	1 week	N/A	£132.00	£132.00	£135.30	Bracknell only
	Monthly Rate		£354.00	£354.00	£362.85	Bracknell only
	Monthly Rate	£218.00		£218.00	£223.45	WB & W only
	3 months	N/A	£833.00	£833.00	£853.83	Bracknell only
	6 months		£1,362.00	£1,362.00	£1,396.05	Bracknell only
	6 months	£765.00		£765.00	£784.13	WB & W only
	Annual Fee	£1,310.00	N/A	£1,310.00	£1,342.75	WB & W only
	6 months max 2 trading days a week incl Fri, Sat or Sun	N/A	£545.00			Bracknell only
6 months max 2 trading days a week Mon to Thurs only	N/A	£545.00			Bracknell only	
Ice Cream Van (per van) application / renewal	1 month		177.00			Bracknell only
Ice Cream Van 6 months (per van) application / renewal	6 months		682.00			Bracknell only
Assistant's badges		N/A	N/A	£27.50	£28.19	New
Variation fee		N/A	86.00	86.00	£88.15	
Community Events						50% reduction of appropriate fee for non profit making events
Refund for Street Traders	If application withdrawn	£110.00	N/A	£110.00	£112.75	WB & W only
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Skin Piercing Registrations (one off registration) – (Class A – Fee Discretionary)						
Individual		£175.00	£41.00	£175.00	£179.38	Cost recovery
Premises		£273.00	£226.00	£273.00	£279.83	Cost recovery
Joint Application		£437.00	N/A	£437.00	£447.93	Cost recovery
Pre-Application Advice, hrly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	
Animal Licences – (Class A – Fee Discretionary) * +vet fee where applicable						Leave the fees as per individual authorities to be reviewed 2019 with a view to unifying 2020/21
Dog Breeding Establishments New*		N/A	£477.00	£477.00	£488.93	Cost recovery
Dog Breeding Establishments *			£215.00	£215.00		Bracknell only Cost recovery
Dog Breeding Establishments *		£382.00		£382.00	£391.55	WB & W only Cost recovery
Animal Boarding Establishments*		£437.00		£437.00	£447.93	Cost recovery
1-30 animals - New		N/A	£395.00	£395.00	£404.88	Cost recovery
1-30 animals - Renewal		N/A	£232.00	£232.00	£237.80	Cost recovery
31-60 animals - New		N/A	£466.00	£466.00	£477.65	Cost recovery
31-60 animals - Renewal		N/A	£251.00	£251.00	£257.28	Cost recovery
61 (or more) animals - New		N/A	£568.00	£586.00	£600.65	Cost recovery

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
61 (or more) animals - Renewal		N/A	£307.00	£307.00	£314.68	Cost recovery
Home Boarding - New*			£142.00	£142.00	£145.55	Bracknell only Cost recovery
Home Boarding - New*		£275.00		£275.00	£281.88	WB & W only Cost recovery
Home Boarding - Renewal *			£119.00	£119.00	£121.98	Bracknell only Cost recovery
Home Boarding - Renewal *		£192.00		£192.00	£196.80	WB & W only Cost recovery
Pet Shops - New & Renewal*		£437.00	N/A	£437.00	£447.93	Cost recovery
Pet Shops - New*		N/A	£477.00	£477.00	£488.93	Cost recovery
Pet Shops - Renewal*		N/A	£215.00	£215.00	£220.38	Cost recovery
Dangerous Wild Animal Consent*	2 years	£437.00	N/A	£437.00	£447.93	Cost recovery
Dangerous Wild Animal Consent - New*	2 years	N/A	£464.00	£464.00	£475.60	Cost recovery
Dangerous Wild Animal Consent - Renewal*	2 years	N/A	£269.00	£269.00	£275.73	Cost recovery
Zoo Licenses (new and renewals)*	Up to 6 Years	N/A	£463.00	£463.00	£474.58	Cost recovery
Zoo Licenses (new and renewals)*	Up to 6 Years	£1,965.00	N/A	£1,965.00	£2,014.13	Cost recovery
Riding Establishments *	1 to 5 Horses	£546.00	N/A	£546.00	£559.65	WB & W only Cost recovery
	Each additional 10 horses	£136.00	N/A	£136.00	£139.40	WB & W only Cost recovery
Riding Establishments - New*		N/A	£501.00	£501.00	£513.53	Bracknell only Cost recovery
Riding Establishments - Renewal*		N/A	£261.00	£261.00	£267.53	Bracknell only Cost recovery
Provisional - New		N/A	£292.00	£292.00	£299.30	Cost recovery
Provisional - Renewal		N/A	£149.00	£149.00	£152.73	Cost recovery
Performing Animals Registration		£109.00	£96.00	£110.00	£112.75	2 hours
Hairdresser Registration		N/A	£41.00	£41.00	£42.03	Bracknell only
Scrap Metal						
Scrap Metal Site - New	3 Years	£476.00	£476.00	£476.00	£487.90	Cost recovery
Scrap Metal Site - Renewal	3 Years	£476.00	£413.00	£476.00	£487.90	Cost recovery
Scrap Metal Mobile Collector - New	3 Years	£254.00	£254.00	£254.00	£260.35	Cost recovery
Scrap Metal Mobile Collector - Renewal	3 Years	£254.00	£233.00	£254.00	£260.35	Cost recovery
Scrap Metal -Variation of Licence		£350.00	£350.00	£350.00	£358.75	Cost recovery
Scrap Metal-Change of Site Manager		£65.00	£65.00	£65.00	£66.63	Cost recovery
Scrap Metal- Copy of licence		£11.00	£11.00	£11.00	£11.28	Cost recovery
Scrap Matal- Change of Name		£34.00	£34.00	£34.00	£34.85	Cost recovery
Pre-Application Advice, hrly charge		£55.00	N/A	£55.00	£56.38	
Private Water Supplies (Statutory Maximums stated)						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Risk Assessment	Carried out every 5 years	£515.00	N/A	£55.00	£56.38	Minimum charge 1 Hr, simple risk assessment and report typically 5 hours
Sampling		£103.00	N/A	£55.00	£56.38	Charge for a visit, taking a sample and delivering it to the laboratory. Typically 2.5 hours
Private water and pool samples	includes cost of testing	N/A	£58.00			
Investigation		£103.00	N/A	£103.00	£105.58	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.
Analysis - Regulation 10		£26.00	N/A	£26.00	£26.65	Where a supply provides <10m ³ /day or serves <50 people and is used for domestic purposes
Analysis of Group A Parameters		£103.00	N/A	See Note		Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.
Analysis of Group B Parameters		£515.00	N/A	See Note		Additional parameters sampled less often to ensure the water complies with all safety standards - Hrly rate applies
Environmental Permitting (E&W) Regulations 2016						
Scheduled Processes - (Class B – Statutory Fee)						Statutory-no increase
						Statutory-no increase
Standard Process		N/A	£1,650.00	£1,650.00		Statutory-no increase
Service Stations (PVI &PVII)		N/A	£257.00	£257.00		Statutory-no increase
Dry Cleaners		N/A	£155.00	£155.00		Statutory-no increase
Vehicle Refinishers		N/A	£362.00	£362.00		Statutory-no increase
Mobile screening & crushing plant		N/A	£1,650.00	£1,650.00		Statutory-no increase
for the third to seventh applications		N/A	£985.00	£985.00		Statutory-no increase
for the eighth and subsequent applications		N/A	£498.00	£498.00		Statutory-no increase
						Statutory-no increase
Substantial Changes						Statutory-no increase
Standard Process		N/A	£1,050.00	£1,050.00		Statutory-no increase
Reduced Activities		N/A	£102.00	£102.00		Statutory-no increase
						Statutory-no increase
Annual Substance Charge						Statutory-no increase
	LOW	N/A	£772.00	£772.00		Statutory-no increase
	MEDIUM	N/A	£1,161.00	£1,161.00		Statutory-no increase
	HIGH	N/A	£1,747.00	£1,747.00		Statutory-no increase
	LOW	N/A	£113.00	£113.00		Statutory-no increase
Service Stations PVR2	MEDIUM	N/A	£226.00	£226.00		Statutory-no increase

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
	HIGH	N/A	£341.00	£341.00		Statutory-no increase
VRs and other reduced fees	LOW	N/A	£228.00	£228.00		Statutory-no increase
	MEDIUM	N/A	£365.00	£365.00		Statutory-no increase
	HIGH	N/A	£548.00	£548.00		Statutory-no increase
Dry Cleaners /PVR1	LOW	N/A	£79.00	£79.00		Statutory-no increase
	MEDIUM	N/A	£158.00	£158.00		Statutory-no increase
	HIGH	N/A	£237.00	£237.00		Statutory-no increase
Mobile Screening & Crushing Plant	LOW	N/A	£646.00	£646.00		Statutory-no increase
	MEDIUM	N/A	£1,034.00	£1,034.00		Statutory-no increase
	HIGH	N/A	£1,506.00	£1,506.00		Statutory-no increase
For the second permit	LOW	N/A	£646.00	£646.00		Statutory-no increase
	MEDIUM	N/A	£1,034.00	£1,034.00		Statutory-no increase
	HIGH	N/A	£1,506.00	£1,506.00		Statutory-no increase
For the third to seventh permit	LOW	N/A	£385.00	£385.00		Statutory-no increase
	MEDIUM	N/A	£617.00	£617.00		Statutory-no increase
	HIGH	N/A	£924.00	£924.00		Statutory-no increase
For the eighth & subsequent applications	LOW	N/A	£198.00	£198.00		Statutory-no increase
	MEDIUM	N/A	£316.00	£316.00		Statutory-no increase
	HIGH	N/A	£473.00	£473.00		Statutory-no increase
Late payment charge	When invoice issued & not paid in 8 weeks	N/A	£52.00	£52.00		Statutory-no increase
						Statutory-no increase
Transfer & Surrender						Statutory-no increase
Transfer			£169.00	£169.00		Statutory-no increase
Partial Transfer			£497.00	£497.00		Statutory-no increase
Surrender			£0.00	£0.00		Statutory-no increase
Transfer Reduced fees			£0.00	£0.00		Statutory-no increase
Partial Transfer Reduced fees			£47.00	£47.00		Statutory-no increase
Private Sector Housing						
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)		£382.00	N/A	£382.00	£391.55	
Enforcement Notices served under Housing Act 2004		£110.00	£408.00	£110.00	£112.75	Activities as prescribed
HMO Licence NEW - assisted application		£1,145.00	N/A	£1,145.00	£1,173.63	Fees aligned June 2018
HMO Licence RENEWAL		£765.00	N/A	£765.00	£784.13	
Civil Penalties housing offences						Up to £30,000.00
Caravan Site Licence annual Licence (Option 2 of DCLG Guide for Charging						

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Site licence new		N/A	£418.00	£418.00	£428.45	Amalgamate across all areas
New licence per pitch		N/A	£16.00	£16.00	£16.40	Amalgamate across all areas
Transfer of licence		£110.00	£177.00	£177.00	£181.43	Amalgamate across all areas
Alteration of conditions		N/A	£324.00	£324.00	£332.10	Amalgamate across all areas
Annual fee per pitch		N/A	£14.00	£14.00	£14.35	Amalgamate across all areas
Enforcement action -per hour		N/A	£55.00	£55.00	£56.38	Hourly rate as for activity as prescribed. Amalgamate across all areas
Deposit, vary or deleting site rules		N/A	£111.00	£111.00	£113.78	Amalgamate across all areas
Variation of licence		£110.00	N/A	£110.00	£112.75	Amalgamate across all areas
Other Fees for Information						Hourly rate applies minimum for 2 hours
Environmental Info Individual, Non Commercial		£110.00	N/A	£110.00	£112.75	Cost recovery
Commercial and Government		£110.00	N/A	£110.00	£112.75	Cost recovery
Civil Actions (Class A – Fee Discretionary)		£110.00	N/A	£110.00	£112.75	Cost recovery
Safety Certification and administration	Minimum 2 hours	£110.00	N/A	£110.00	£112.75	Cost recovery
Pre-Application Advice, hourly charge		£55.00	N/A	£55.00	£56.38	
Resident and Business Advice						Hourly rate applies
General Business Advice (non-primary authority)	Per hour - free for first 30 minutes	£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Request for Advice		£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Primary Authority Advice		£55.00	N/A	£55.00	£56.38	New cost recovery model - refer to officer guidance
Hackney Carriage / Private Hire Licensing						
Vehicle Licences						Consideration 2019 for new environmental standard vehicles eg electric, low emission taxis
Hackney Carriage Vehicle New / Renewal		£161.00	£276.00	£275.00	£281.88	
Private Hire Vehicle New / Renewal		£161.00	£276.00	£275.00	£281.88	
Home to School New / Renewal		N/A	£140.00	£140.00	£143.50	Bracknell only
Private Hire Vehicle with Dispensation		£207.00	N/A	£320.00	£328.00	Cost recovery process of checking records add 1 hour time
Temporary Vehicle licence	Issue up to 3 months maximum	£162.00	N/A	£220.00	£225.50	
Private Hire Operators						
Operator 1 vehicle	1 year	N/A	£179.00	£179.00	£183.48	
Operator 2-5 vehicles	1 year	N/A	£310.00	£310.00	£317.75	
Operator 6-10 vehicles	1 year	N/A	£520.00	£520.00	£533.00	
Operator 11-15 vehicles	1 year	N/A	£720.00	£720.00	£738.00	
Operator 16-20 vehicles	1 year	N/A	£975.00	£975.00	£999.38	
Operator more than 20 vehicles	1 year	N/A	£1,175.00	£1,175.00	£1,204.38	

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Operator 1 vehicle	3 years	N/A	£428.00	£428.00	£438.70	
Operator 2-5 vehicles	3 years	N/A	£753.00	£753.00	£771.83	
Operator 6-10 vehicles	3 years	N/A	£1,248.00	£1,248.00	£1,279.20	
Operator 11-15 vehicles	3 years	N/A	£1,730.00	£1,730.00	£1,773.25	
Operator 16-20 vehicles	3 years	N/A	£2,341.00	£2,341.00	£2,399.53	
Operator more than 20 vehicles	3 years	N/A	£2,819.00	£2,819.00	£2,889.48	
Operator – New and renewal	1-4 Vehicles (New 5 Yr)	£545.00	N/A			Left for comparison but to be replaced with below
	5-9 vehicles (New 5 Yr)	£870.00	N/A			Left for comparison but to be replaced with below
	9+ vehicles (New 5 Yr)	£1,356.00	N/A			Left for comparison but to be replaced with below
Operator 1 vehicle	5 years	N/A	£671.00	£545.00	£558.63	
Operator 2-5 vehicles	5 years	N/A	£1,184.00	£900.00	£922.50	Based on £36 per vehicle per year on top figure
Operator 6-10 vehicles	5 years	N/A	£1,956.00	£1,800.00	£1,845.00	Based on £36 per vehicle per year on top figure
Operator 11-15 vehicles	5 years	N/A	£2,712.00	£2,700.00	£2,767.50	Based on £36 per vehicle per year on top figure
Operator 16-20 vehicles	5 years	N/A	£3,670.00	£3,600.00	£3,690.00	Based on £36 per vehicle per year on top figure
Operator more than 20 vehicles	5 years	N/A	£4,419.00	£4,419.00	£4,529.48	
Transfer of Operator Licence		N/A	£47.00	£47.00	£48.18	
Driver Licences						
Driver – New / Renewal	3 years	£258.00	£252.00	£258.00	£264.45	
Home to School New / Renewal	3 years	N/A	£177.00	£177.00	£181.43	Bracknell only
Conversion of driver licence to another type		N/A	N/A	£76.00	£77.90	
Other Charges						
Transfer of vehicle to new owner		£108.00	£47.00	£110.00	£112.75	2 hours
Change of vehicle		N/A	£71.00	£71.00	£72.78	
Replacement licence		£39.00	£23.00	£39.00	£39.98	
Replacement badge		£39.00	N/A	£39.00	£39.98	
Replacement Vehicle licence Plate		£55.00	£26.00	£55.00	£56.38	
Meter test - retest after failure		N/A	£31.00			
Knowledge Test		£71.00	£31.00			
Missed Appointments		£35.00	N/A	£35.00	£35.88	
Disclosure and Barring Service Check (DBS)		£65.00	At Cost Admin £12.00			Capita cost + half an hour at hourly charge
Advertising on a Hackney Carriage Initial		£52.00	£37.00	£45.00	£46.13	Not West Berks
Advertising on a Hackney Carriage Renewal		N/A	£26.00	£30.00	£30.75	Bracknell only
Change of Address (PH & HC)		£14.00	N/A	£14.00	£14.35	
Backing Plate		£24.00	£21.00	£24.00	£24.60	
Medical Exemption from carrying assistant dog		N/A	£21.00	£21.00	£21.53	

Description		Wokingham / West Berks 2018/19 (Excluding VAT)	Bracknell 2018/19 (Excluding VAT)	Proposed Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) - no annual % added	Wokingham / West Berks / Bracknell 2019/20 (Excluding VAT) + 2 ¹ / ₂ %	Notes
Refund processing fee		£55.00	£26.00	£55.00	£56.38	
Change of vehicle registration		£39.00	£48.00	£55.00	£56.38	
Pre-Application Advice, hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	New. Refer to officer guidance
Missed Appointments		£35.00	N/A	£35.00	£35.88	
Age of vehicle retest		N/A	N/A	£55.00	£56.38	New
Disability Awareness Training Course			N/A			Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Safeguarding Training						Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
First Aid training for drivers		N/A	£27.00	£27.00		Cost to be agreed with PPP Management Board at cost recovery (internal / external provider being investigated)
Pre-Application Advice, hourly charge	Min 1 Hr	£55.00	N/A	£55.00	£56.38	

Licensing Annual Report

Committee considering report:	Licensing Committee on 19 November 2018
Portfolio Member:	Councillor Marcus Franks
Report Author:	Charlie Fletcher
Forward Plan Ref:	L3668

1. Purpose of the Report

- 1.1 The Licensing Service considers and issues a range of licences and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to West Berkshire. Legislation requiring a licence/permit for a business activity is generally enacted on health and safety grounds to protect users of a service or those that might be affected due to their proximity to the licensed premises or their interaction with a licensed person.
- 1.2 The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

2. Recommendation

- 2.1 That the Committee notes the content of this report.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** None
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

4. Other options considered

- 4.1 N/A

Executive Summary

5. Introduction / Background

- 5.1 This report details the activities carried out by the Licensing Service of the Public Protection Partnership in West Berkshire during the period 1 April 2017 to 31 March 2018.

6. Appendices

- 6.1 Appendix A – Data Protection Impact Assessment
- 6.2 Appendix B – Equalities Impact Assessment
- 6.3 Appendix C – Supporting Information
- 6.4 Appendix D – Number of licences issued 1 April 2017 to 31 March 2018
- 6.5 Appendix E – Wokingham Borough Council licence data
- 6.6 Appendix F – Bracknell Forest Council licence data

Appendix A

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Public Protection and Culture
Service:	Public Protection Partnership
Team:	Licensing
Lead Officer:	Julia O'Brien
Title of Project/System:	Annual Report
Date of Assessment:	10 October 2018

Do you need to do a Data Protection Impact Assessment (DPIA)?

	Yes	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><i>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><i>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><i>Note – will it have an interactive element which allows users to communicate directly with one another?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will any decisions be automated?</p> <p><i>Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><i>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; this includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	Note contents only
Summary of relevant legislation:	Various
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Charlie Fletcher
Date of assessment:	10 October 2018

Is this a:		Is this:	
Policy	No	New or proposed	N/A
Strategy	No	Already exists and is being reviewed	N/A
Function	No	Is changing	N/A
Service	Yes		

1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	To advise the Committee on the work of the department
Objectives:	To advise the Committee on the work of the department
Outcomes:	Understanding of the work conducted
Benefits:	Understanding of the work conducted

2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age	No impact	
Disability	No impact	
Gender Reassignment	No impact	
Marriage and Civil	No impact	

Partnership		
Pregnancy and Maternity	No impact	
Race	No impact	
Religion or Belief	No impact	
Sex	No impact	
Sexual Orientation	No impact	
Further Comments relating to the item:		
No further comments		

3 Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: No evident contribution on inequality	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer: No impact.	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

4 Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Name: Charlie Fletcher

Date: 10 October 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

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Licensing Annual Report – Supporting Information

1. Introduction/Background

- 1.1 Attached as Appendix D are figures for the number of licences, registrations, permits and consents issued between 1 April 2017 – 31 March 2018. This is a single indicator of the number of transactions that the Licensing Section has with businesses operating within the District.

2. Supporting Information

- 2.1 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2017/18 officers carried out 202 inspections, compared to 179 in 2016/17. A number of these visits were carried out with Home Office Immigration Compliance and Enforcement, in their new role as a responsible authority under the Licensing Act 2003.
- 2.2 Over the course of the year, the following licences and applications were considered by Licensing Sub-Committees:
- (1) New premises licence application for Domino's Pizza, 3 London Road, Thatcham, RG18 4GE – licence granted
 - (2) New premises licence for new build pub at the junction of Bath Road and Dorking Way, Calcot – licence granted
 - (3) New premises licence for Ace Space, St Nicholas Road, Newbury, RG14 5PR – licence granted
- 2.3 A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The service provides a range of advice and information sheets via the Council's website. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks. The Licensing Section dealt with 210 complaints and requests for service in 2017/2018 (compared with 181 in 2016/2017). These figures do not include general telephone enquiries, only matters which have been logged for further response.
- 2.4 Data for the other Public Protection Partnership member authorities is included for comparison purposes, Wokingham Borough Council at Appendix E and Bracknell Forest Borough Council at Appendix F. It is noted that the figures for Bracknell Forest Council reflect the number of licences valid at the date specified, rather than the number issued over the year.

Background Papers:

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only
-

Wards affected:

All

Officer details:

Name: Charlie Fletcher
Job Title: Licensing Officer
Tel No: 01344 352550
E-mail Address: Charlie.fletcher@westberks.gov.uk

Appendix D

Number of licences issued in 2017-2018 financial year – West Berkshire Council

Licence type	Number of licences issued	
	01/04/2016 to 31/03/2017	01/04/2017 to 31/03/2018
Animal Licences		
Animal Boarding Licence	33	18
Animal Breeding Licence	2	4
Home boarding licence	31	41
Riding establishment	12	12
Pet Shop licence	5	4
Zoo licence	1	0
Gambling Act 2005		
Betting Premises Licence	1	4
Family Entertainment Centre	0	2
Licensed premises gaming machine notice	11	6
Licensed premises gaming machine permit	1	3
Lotteries licence	22	37
Occasional use notice	1	1
Club machine permit	2	0
Hackney Carriage and Private Hire		
Hackney Carriage Driver	2	1
Hackney Carriage vehicle	190	196
Dual Driver Licence	71	148
Private Hire driver	39	49
Private Hire operator	36	3
Private hire vehicle	190	182
Charity collections		
House to house collection	32	42
Street collection	110	93
Licensing Act 2003		
Personal licence	102	117
Premises - minor variation	14	10
Premises - new	25	19
Premises - transfer	30	31
Premises - variation/vary DPS	129	123
Temporary event notice	540	564
Other		
Scrap metal - mobile	2	3
Scrap metal - site	6	1
Skin piercing - individual	14	11
Skin piercing - premises	2	9
Street trader - mobile	14	9
Street trader - site	31	34
Total	1701	1777

Appendix E

Comparison data, number of licences issued in 2017-2018 financial year – Wokingham Borough Council

Licence Type	2017/2018	2016/2017	2015/2016	2014/2015
Animal Boarding Establishment	7	1	5	0
Home Boarding Licence	35	5	1	1
Pet Shop Licence	14	1	0	0
Riding Establishment	4	0	3	0
Dermal Personal Registration	15	9	25	3
House to House Collections	9	9	18	2
Street Collections	59	62	98	36
Street Trading Consent	21	3	0	2
Licensed Premises Gaming Machine Permit	4	5	1	2
Notification of 2 or less gaming machines	3	3	4	0
Club Gaming Permits (Non-fast track)	0	1	0	0
Club Machine Permits (Non-fast track)	0	1	0	0
Small Society Lottery	71	38	17	4
Gambling Premises	0	1	2	1
Personal Licence	100	92	161	63
Scrap Metal Dealer - Site	3	3	1	5
Scrap Metal Dealer - Mobile	0	4	0	5
Premises Licence	84	52	42	44
Premises Licence Application (No alcohol)	3	2	3	1
Club Premises Certificate	3	0	3	1
Dual Driver	26	25	138	19
Private Hire Driver	28	19	120	26
Private Hire Operator	15	19	21	9
Hackney Carriage Vehicle	70	14	16	11
Private Hire Vehicle Licence	118	61	53	43
School And Community Services Driver	7	8	32	9
School And Community Services Vehicle	43	13	14	12
School And Community Services Operator	0	2	2	0
Private Hire Vehicle	35	14	8	6
Temporary Event Notice	429	392	384	386
GRAND TOTALS:	1206	859	1172	691

Appendix F

Comparison data, number of licences valid at date specified – Bracknell Forest Borough Council

Type	Numbers at 1 April 2015	Numbers at 1 April 2016	Numbers at 1 April 2017	Numbers at 1 April 2018
Private Hire Operators	40	38	43	43
Private Hire Vehicles	165	171	174	169
Private Hire Drivers	134	138	139	153
Dual (Hackney Carriage and Private Hire) Drivers	163	161	165	164
Hackney Carriage Vehicles	83	85	85	85
Home to School Drivers	17	13	11	7
Home to School Vehicles	25	33	35	33
Animal Boarding Establishments	3	4	5	5
Home Boarders of Dogs	27	29	30	34
Riding Establishments	6	6	7	6
Performing Animals	4	5	4	5
Pet Shops	7	7	7	7
Scrap Metal Site	3	3	2	2
Scrap Metal Mobile Collectors	7	7	7	3
Hairdressers	61	64	60	59
Personal Licences	1140	1213	1292	1358
Premises Licences	228	222	231	234
Temporary Event Notices	229	244	239	271
Club Premises Certificates	21	21	21	21
Street Traders	16	15	12	17
Street Collections	37	38	26	30
House to House Collections	50	30	17	29
Lotteries	59	60	56	58
Licensed Premises Gaming Machine Permits	10	10	13	13
Gaming Machine Notifications	35	31	30	29
Club Machine Permits	8	12	9	8
Club Gaming Permits	1	0	0	0
Bingo Premises	1	1	1	1
Adult Gaming Centres	1	1	1	1
Betting Premises	12	12	12	11
For TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year				

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