

Notice of Meeting



Scan here to access the public documents for this meeting

Licensing Committee

Monday, 8th November, 2021 at 4.30 pm
in Council Chamber Council Offices
Market Street Newbury

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded.

Date of despatch of Agenda: Friday, 29 October 2021

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Democratic Services.

e-mail: Executivecycle@westberks.gov.uk

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



Agenda - Licensing Committee to be held on Monday, 8 November 2021 (continued)

To: Councillors Adrian Abbs, Phil Barnett (Vice-Chairman), Jeff Beck, Graham Bridgman, Billy Drummond, Rick Jones (Chairman), Tony Linden, David Marsh, Graham Pask, Claire Rowles, Vacancy and Martha Vickers

CC: Moira Fraser, Sean Murphy

Agenda

Part I	Page No.
1. Apologies To receive apologies for inability to attend the meeting (if any).	5 - 6
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 6 September 2021.	7 - 8
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 .	9 - 10
4. Forward Plan	11 - 12
5. Statement of Gambling Principles (C4045)	13 - 64
6. Hackney Carriage Tariffs (EX4140)	65 - 90
7. Licensing Act 2003 and Gambling Act 2005 Delegations (LC4141)	91 - 118
8. Licensing Annual Report (LC4044)	119 - 134
9. Fees and Charges	135 - 162
10. Taxi Trade Meeting Report	163 - 170

Sarah Clarke
Service Director Strategy and Governance

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.

Licensing Committee – 8 November 2021

Item 1 – Apologies for absence

Verbal Item

This page is intentionally left blank

DRAFT

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

LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 6 SEPTEMBER 2021

Councillors Present: Adrian Abbs, Phil Barnett (Vice-Chairman), Graham Bridgman, Rick Jones (Chairman), Tony Linden and David Marsh

Also Present: Councillor Jeff Beck, Moira Fraser (Policy and Governance Officer and Councillor Graham Pask

Apologies for inability to attend the meeting: Councillor Peter Argyle, Councillor Billy Drummond, Councillor Claire Rowles and Councillor Martha Vickers

PART I

8. **Declarations of Interest**

There were no declarations of interest received.

9. **Statutory Consultation on Hackney Carriage Tariffs (DoD4137)**

The Committee considered a report (Agenda Item 3) on the review of the current Hackney Carriage fare scale in light of the recent non-statutory consultation undertaken with the Taxi Trade. Members were asked to consider the outcome of that consultation and then if appropriate agree on a set of fares to consult on as part of the statutory consultation process.

Moira Fraser explained that that the Hackney Carriage fair scale had not changed since 2013. Due to the impact of the pandemic on the trade and in light of the very recent non-statutory consultation with the trade and several years of complex discussions, it was requested that the Committee consider if it would be appropriate to consult on amending the fares. If Members were minded to do so they were also asked to consider the mechanisms and timescales for undertaking the statutory consultation. Councillor Graham Bridgman explained that he had previously put forward proposals for a more logical set of fees. However, during the consultation and in discussions with the people who calibrated the meters, it had come to light that the proposals, whilst logical, could not be accommodated on the meters. For example the trade wished to working around numbers of around ten pence or twenty pence to prevent taxi drivers from having to carry around loads of small change. It was this that subsequently led to the revised proposals as set out in the agenda.

The non-statutory consultation had shown mixed views around raising the fares, with some members of the trade stating that they would like to see a 10% increase, others supported a 5% increase and some stating that they would not like to see the fares increased at all. The five percent rise was a compromise between the ranges of opinions.

Councillor Adrian Abbs added that the rise would not be mandatory and that the fare would be the maximum that the taxi operators could charge. He supported the proposal from Councillor Bridgman for a consultation on a 5% increase..

LICENSING COMMITTEE - 6 SEPTEMBER 2021 - MINUTES

Moira Fraser asked the Committee Members to consider the timescales for the consultation and to approve the Officers recommendations for the end of the consultation process on 14 October; as this would ensure that adverts would appear in local newspapers, on the Council website and further letters could be written to the trade. While this timescale would exceed the statutory provisions it was felt that it would be appropriate to extend the timescales on this occasion. If objections were received and not withdrawn the matter would come back to the Licensing Committee in November and a recommendation could then be taken to the Executive on 18 November 2021 for determination.

It was noted that, in accordance with the Constitution, authority was delegated to the Service Director (Development and Regulation) to signoff the decision to go out to consultation.

RESOLVED that the Licensing Committee Noted the existing tariffs after considering the outcome of the recent non-statutory consultation undertaken with the Taxi Trade as set out in Appendix B.

The Licensing Committee Agreed to recommend to the Service Director that:

- they consult on a variation of a five percent increase to the table of fares;
- that a statutory notice be placed in the Newbury Weekly News, the Reading Chronicle, on the Public Protection Partnership’s website and on display at the Market Street Council Offices;
- a copy of the notice should be emailed to the trade;
- the consultation period should run from the 16 September to the 14 October 2021.

(The meeting commenced at 4.30 pm and closed at 4.51 pm)

CHAIRMAN

Date of Signature

Licensing Committee – 8 November 2021

Item 3 – Declarations of Interest

Verbal Item

This page is intentionally left blank

Licensing Committee Forward Plan January 2022 to January 2023

No.	Ref No	Item	Purpose	Lead Officer	Lead Member
WB 31 January 2022					
1.	LC4042	Draft Hackney Carriage and Private Hire Vehicle Driver and Operator Policy	To consider the draft report which will be the subject of a consultation process.	Julia O' Brien	Councillor Hilary Cole
2.	LC4046	Fees for Taxi and Private Hire Vehicles, Drivers and Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Moira Fraser	Councillor Hilary Cole
3.		Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	Councillor Hilary Cole
4.		Licensing Condition Pertaining to Safe Late Night Travel for Workers	To consider the legal and operation implications of this licensing condition	Julia O'Brien	Councillor Hilary Cole
31 June 2022					
5.		Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group	To provide the Committee with an update and raise any issues emanating from the Liaison Group meetings.	Moira Fraser	Councillor Rick Jones
6.		Annual Report 2021/22	To set out the work of the Licensing Committee in 2021/22 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	Councillor Rick Jones
7.		Hackney Carriage Tariffs	To consider any proposals for adjustments to tariffs, should they be requested by the trade, which would then be the subject of a consultation exercise	Moira Fraser	Councillor Hilary Cole
8.	C??	Hackney Carriage and Private Hire Policy	To consider the comments received on the policy during the consultation and recommend that Council adopt the revised policy.	Julia O' Brien	Councillor Hilary Cole

No.	Ref No	Item	Purpose	Lead Officer	Lead Member
October 2022					
9.		Fees and Charges 2023/24	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee on X September 2022 which will be consulted on.	Sean Murphy	
10.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade	Moira Fraser	
January 2023					
11.		Fees for Taxi and Private Hire Vehicles, Drivers and Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Moira Fraser	Councillor Hilary Cole
12.		Taxi Liaison Meeting Update	To provide an update on the discussion at the January Taxi Trade Liaison meeting.	Moira Fraser	Councillor Hilary Cole

Adoption of the Statement of Licensing Policy Principles Under S.349 Of The Gambling Act 2005

Committee considering report:	Licensing Committee
Date of Committee:	Licensing Committee 8 November 2021 Council 02 December 2021
Portfolio Member:	Councillor Hilary Cole
Date Service Director agreed report:	05 October 2021
Date Portfolio Member agreed report:	Emailed on the 12 October 2021
Report Author:	Sean Murphy
Forward Plan Ref:	C4045

1 Purpose of the Report

- 1.1 To consider the responses received during the twelve week consultation period and make a recommendation to Council that it adopts the Statement of Licensing Policy Principles under the Gambling Act 2005 (hereafter referred to as The Statement) as set out in Appendix 1.

2 Recommendation

- 2.1 That the Licensing Committee:
- (a) **NOTES** the outcome of the consultation;
 - (b) **CONSIDERS** any amendments needed to be made to the draft Statement of Gambling Principles arising from the consultation;
 - (c) **DELEGATES** Authority to the Service Director (Development and Regulation), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to inclusion in the Council agenda.
 - (d) **RECOMMENDS** to Full Council that the Statement be adopted, subject to any amendments agreed at the meeting.
- 2.2 That Full Council:
- (a) **CONSIDERS** the Statement and the consultation responses received.

- (b) **DELEGATES** Authority to the Service Director (Development and Regulation), in consultation with the Portfolio Holder, to make any minor corrections to the Statement prior to publication.
- (c) **APPROVES** the Statement for adoption and publication by the 31st January 2022.

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	<p>The costs of producing this report and running the consultation exercise were met from within the existing Public Protection Partnership budgets.</p> <p>There are no direct costs associated with the implementation of the policy</p>			
Human Resource:	None			
Legal:	<p>This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years.</p>			
Risk Management:	<p>The Council is required to renew the statement every three years. A failure to do so and consult properly could result in any decisions and the policy being challenged in the Courts.</p>			
Property:	None			
Policy:	<p>The licensing authority must publish its Statement of Principles at least every three years. The previously adopted iteration is due to expire in January 2022. The Council is required to consult on any changes being proposed.</p>			
	Positive	Neutral	Negative	Commentary

Equalities Impact:			
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		<p>X</p>	<p>In applying this Policy, no particular group is given priority over another in relation to Implementation of the Policy and how any applicant is dealt with. Applications are assessed on their individual merits. Where applicants ask for information in alternate formats these can be provided.</p> <p>The Council is not in a position where it can proactively affect the profile of licence holders, but the Policy ensures that the process of obtaining a licence is fair and free of discrimination and there are no barriers to anyone making an application. The Council would provide documents in alternative formats where required.</p> <p>On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy.</p>

<p>B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?</p>		<p>X</p>	<p>The protection of children and other vulnerable people from gambling within the policy clearly has a benefit relating to these groups. For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age. References to age are made throughout the policy i.e. Protecting children from being harmed or exploited by gambling is a key Licensing objective enshrined in the legislation.</p> <p>Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities. They have however been consulted during the consultation phase of the revision of the policy. They did not submit any comments on the policy.</p> <p>While public health commented on the fact that gambling lower income families and had an adverse impact on mental health and deprivation they made no specific comments on those with protected characteristics.</p> <p>No other comments about people with protected characteristics were received during the consultation.</p>
<p>Environmental Impact:</p>		<p>X</p>	<p>There are no environmental implications that result from the policy.</p>

Health Impact:		X		<p>Gambling related harm is recognised as a 'co-morbidity' (i.e. one of a range of conditions existing in an individual that exacerbates pre-existing conditions and contributes toward a reduced life expectancy). It is often observed in people who suffer from poor mental health, stress or anxiety, substance misuse and by those in financial difficulties.</p> <p>Information on some of these issues can be found on the Public Health for Berkshire website at: https://westberkshire.berkshireobserver.co.uk/health-and-social-care/</p> <p>This Statement sets out our expectations of operators of gambling premises and is kept under review.</p>
ICT Impact:		X		None
Digital Services Impact:		X		The statement will be published on the Council's website.
Council Strategy Priorities:		X		Ensure our vulnerable children and adults achieve better outcomes. Support businesses to start, develop and thrive in West Berkshire
Core Business:		X		Business as Usual
Data Impact:		X		Not applicable
Consultation and Engagement:	The draft Statement of Gambling Policy was the subject of a 12 week public consultation. In addition the organisations referred to in paragraph 6.5 were asked for their comments on the draft policy.			

4 Executive Summary

- 4.1 This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must

publish its Statement of Principles at least every three years. The current Statement is due to expire in January 2022.

- 4.2 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 4.3 Under the Act, the licensing authority is required to consult a number parties as a minimum before finalising its Statement. The consultation, which was undertaken between the 05 July 2021 and 27 September 2021, has now been concluded and the responses collated.
- 4.4 The outcome of the consultation will be considered by the Licensing Committee who will then be asked to make a recommendation to Full Council that the revised Statement of Gambling Principles be adopted subject to the inclusion of any amendments they put forward at the meeting.

5 Supporting Information

Introduction

- 5.2 The Gambling Act 2005 (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It introduced the Gambling Commission, which, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 5.3 Licensing Authorities have powers to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs. The Act also provides for a system of Temporary Use Notices which authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for strictly limited periods.
- 5.4 The Act requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 5.5 The current Gambling Statement of Licensing Policy Principles was adopted at the Full Council meeting on 06 December 2018 and was published and came into effect 31 January 2019. The Statement must therefore be revised and republished by the 30 January 2022.
- 5.6 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 5.7 The Act contains three licensing objectives that underpin the functions that the Licensing Authorities perform and which are central to the regulatory regime. They are:

- I. preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- II. ensuring that gambling is conducted in a fair and open way;
- III. protecting children and other vulnerable persons from being harmed or exploited by gambling.

5.8 In September 2021 West Berkshire had twelve betting premises including one racecourse, eight adult gaming centres, one Bingo premise, seven Club Machine Permits, four Family Entertainment Centres and eighty three notifications of fewer than two machines and eight premises with two or more gaming machines.

6 Review of Statement Of Principles

6.1 David Lucas (James Button & Co Solicitors) on behalf of the Public Protection Partnership had reviewed the existing Statement prior to the consultation process starting. Minor changes were proposed when compared to the previous iteration of the report. A section on small society lotteries was added and the policy was amended to make it compliant with the current legislation and regulations as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission.

6.2 The opportunity was also taken to provide some additional information in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the policies are both up-to-date and informative.

6.3 The Draft Statement was presented to the Licensing Committee at the 21 June 2021 meeting. A number of minor changes were requested at this meeting prior to it being issued for consultation. These changes included some formatting adjustments (including updating the contents table justification of the text and that the footer being updated). The Committee requested that reference be made to the documentation being in place from 31 January 2022 to 30 January 2025 that acronyms be explained and that the guidance be defined at the start of the document and that then thereafter it be referred to as 'the guidance'.

6.4 The Licensing Committee agreed that the statutory consultation on the Draft Statement would be undertaken for a 12 period weeks between 05th July 2021 and 27th September 2021. A public notice was placed in both the Newbury Weekly News and the Reading Chronicle. Information was also placed on the West Berkshire and Public Protection Partnership websites.

6.5 Letters or email were also sent to:

- 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
- Building Control

- Committee of Registered Club Associations
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- Health and Wellbeing Board
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- National Association of Bookmakers
- Parish and Town Councils
- 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 Adults Board
- West Berkshire Safeguarding Children Board

6.6 Responses to the consultation were received from Greenham Parish Council and West Berkshire Environment Health who both stated that they did not wish to raise any objections to the proposed Statement. Some comments were also received from West Berkshire Council's Public Health and Wellbeing Team as set out in Appendix 2.

7 Key Changes to the Draft Statement Following the Consultation

7.1 The comments from Public Health and Wellbeing West Berkshire requested that consideration be given to the cumulative impact of gambling given the impact gambling had on the poorest in society. They also noted that gambling was associated with poor mental health and deprivation. The team asked that public health principals be considered when processing licencing applications for new venues. They also requested that some joint work around the promotion of advocacy and support for those who are affected by gambling.

7.2 However, under section 349 of the Gambling Act 2005 a licensing authority is required to prepare a Statement of Licensing Policy containing the principles that they propose to apply in exercising their functions under the Act. As the protection of public health is not one of those functions, the comments, whilst helpful, are not directly relevant to the subject matter of the Policy. It is proposed that some of the issues raised by Public Health could be dealt with by changing some operational practices.

8 Other options considered

8.1 None. It is a statutory requirement to review and publish this policy.

9 Conclusion

9.1 Members of the Licensing Committee are asked to consider the draft policy and the comments received during the consultation period and then recommend that the draft policy be recommended to Council for approval at the 02 December 2021 meeting subject to the inclusion of any additional amendments agreed at the meeting.

10 Appendices

10.1 Appendix 1 – Draft Statement of Gambling Principles 2022 – 2025

10.2 Appendix 2 – Comments received during the consultation

Background Papers:

- The Gambling Act 2005
- [Guidance to licensing authorities - Gambling Commission](#)
- The Statement of Gambling Principles 2019-2022

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 Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Officer details:

Name: Sean Murphy
 Job Title: Public Protection Partnership Manager
 Tel No: 01635 519840
 E-mail: Sean.Murphy@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			

Adoption of the Statement of Licensing Policy Principles Under S.349 Of The Gambling Act 2005

Version	Date	Description	Change ID
2			

Statement of Gambling Principles

January 2022 - January 2025

Contents

Part A - General	4
1.1 Introduction	4
1.2 The District of West Berkshire	4
1.3 The Licensing Objectives	5
1.4 Licensable Activities	5
1.5 Responsible Authorities	6
1.6 Interested Parties	7
1.7 Information Exchange	9
1.8 Enforcement	9
1.9 Local Risk Assessments	10
Part B - Premises Licences	11
2.1 General Principles	11
2.2 Preventing gambling from being a source of crime and disorder	13
2.3 Ensuring gambling is conducted in a fair and open way	14
2.4 Protecting children and other vulnerable people from gambling	14
2.5 Licence Conditions	15
2.6 Licensed Family Entertainment Centres	16
2.7 Casinos.....	17
2.8 Bingo Premises	17
2.9 Betting Premises.....	19
2.10 Adult Gaming Centres.....	20
2.11 Tracks	20
2.12 Travelling Fairs.....	23
2.13 Provisional Statements	23
2.14 Licence Reviews	24
Part C - Permits, Temporary and Occasional Use Notices	26
3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits.....	26
3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits.....	27
3.3 Prize Gaming Permits	28
3.4 Club Gaming and Club Machine Permits	29
3.5 Temporary Use Notices	31
3.6 Occasional Use Notices	32
3.7 Small Society Lotteries	33

Part D - Decision Making	34
4.1 Delegations and process	34
4.2 Appeals.....	34
Part E - Further Information.....	34
5.1 Contact for West Berkshire Licensing Team	34
5.2 Contact for Gambling Commission	35
Appendix A List of Consultees	36
Appendix B Gambling Act Glossary	37
Document Control	39

Part A - General

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 and principles that West Berkshire Council as Licensing Authority (‘the Licensing Authority’) will generally apply when discharging their responsibilities 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, and to provide consistency to decision-making. However, as each case will always be determined on its own merits, where the circumstances justify doing so, the Licensing Authority may depart from any provision of this Statement, or of the Guidance to Licensing Authorities issued by the Gambling Commission (‘the Guidance’), to make an appropriate decision based upon the individual circumstances of a particular case. In any such case the Licensing Authority will give a clear explanation and reasons for its decision.

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, and any responses from those consulted during the preparation of the Statement. A 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 agenda and minutes of the Council meetings where the Statement was considered can be viewed on the Council website at www.westberks.gov.uk.

The Statement will come into effect on the 31 January 2022 and will be reviewed as necessary, and at least every three years from the date of adoption.

1.2 The District 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 of 158,527 (2018 Census) 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 five main areas of conurbation spread evenly across the Council’s area of jurisdiction.

Newbury Racecourse is situated in 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 racehorses.

1.3 The Licensing Objectives

In exercising functions under the Act, 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.

The 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 Licensing 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 or a series of processes 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) and non-remote (land-based) gambling, for which it issues operating licences and personal licences.

The 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 the 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 two gaming machines and issue licensed premises gaming machine permits where there are more than two machines;
- issue permits to family entertainment centres;
- issue permits for prize gaming;
- receive and endorse temporary use notices;
- receive occasional use notices for betting at tracks;
- register small society lotteries;
- undertake compliance and enforcement responsibilities;
- provide details of licences issued, to the Gambling Commission;
- maintain registers of 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:

- The Gambling Commission;

- the chief officer of police or chief constable for the area in which the premises are wholly or partially situated;
- the local fire authority;
- the local planning authority;
- the environmental health authority;
- the child protection body designated by the Licensing Authority;
- HM Revenue and Customs;
- the Licensing Authority.

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.

The Licensing Authority designates the Local Safeguarding Children Board for this purpose.

The contact details for all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.westberks.gov.uk.

1.6 Interested Parties

Interested parties can make representations about premises licence applications or apply for a review of an existing licence. Interested parties will be required to relate their representation to one or more of the matters referred to in section 153 of the Act (see section 1.3 above).

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 may 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 may 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 Licensing Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a Councillor or Member of Parliament.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Licensing Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

It is for the Licensing Authority to determine on a case-by-case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given consent for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation.

If individuals wish to approach Councillors to ask them to represent their views, and Councillors are prepared to do so, then care should be taken that the Councillors are not part of the Licensing Committee or Sub-Committee dealing with the licence application. If there are any doubts, please contact the licensing team (see Section E).

1.7 Information Exchange

This Licensing Authority will act in accordance with all the relevant legislation and guidance from the Gambling Commission with regard to data protection and the freedom of information. Additionally, this Licensing Authority has adopted and will apply the principles of better regulation as detailed in the Regulators' Code.

1.8 Enforcement

The Licensing Authority's principles are that it will be guided by the Guidance and will endeavour to be:

- *Proportionate*: regulators should only intervene when necessary; and 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.

The Licensing Authority has also adopted and implemented a risk-based inspection programme based on:

- the Licensing Objectives;
- relevant Codes of Practice;
- the Guidance;
- the principles set out in this Statement of Licensing Policy;
- the location of the premises and their impact on the surrounding area;
- the enforcement history of the premises;
- the nature of the licensed or permitted operation;
- the management record of the premises.

The main enforcement and compliance role for the Licensing Authority in terms of the Act 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.

The 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 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 to the licensing team (see Section E). The 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 the Licensing Authority has concerns about a premises whose operator has formed a primary authority partnership relevant to the issue in question, it will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

The Licence Conditions and Codes of Practice (the "LCCP") attached to operating licences issued by the Gambling Commission impose a need for operators to consider local risks.

The LCCP require licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account any relevant matters identified in this Statement.

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

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

The LCCP also require licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority might request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.

Risk assessments should 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 the Licensing Authority should they request to see it at any reasonable time, including unannounced inspections and ad hoc visits.

The Licensing Authority does not intend to specify a format or mandatory content for these local risk assessments, as these will be decisions for the operator to take, and they will be dependent upon the location, size, and operational nature of the premises in question. However, it is expected that operators will 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 Licensing Authority to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement. For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school.

Completion of a local area profile is not a requirement on licensing authorities. Any local area profile prepared by the Licensing Authority will be separate from this Statement, so that it can be reviewed and updated without the need for full consultation. Details of any local area profile will be available upon request to the licensing team (see Section E).

Part B - Premises Licences

2.1 General Principles

In exercising its functions under the Act, section 153 requires the Licensing Authority to permit the use of premises for gambling in so far as it thinks it:

- 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 (subject to the previous two points); and

- in accordance with the Licensing Authority's statement of licensing policy (subject to the previous three points).

The Licensing Authority will not investigate the suitability of an applicant for a premises licence. The issue of suitability will already have been considered by the Gambling Commission because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) must hold an operating licence from the Commission before the premises licence can be issued.

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. The Licensing Authority will take account of the Guidance in respect of this matter and the mandatory conditions relating to access between premises.

The Act requires applicants to submit plans of the premises with their application to ensure that the Licensing Authority has the necessary information to make an informed judgment about whether the premises are fit for gambling. As the plan forms part of the premises licence, it will also be used by the Licensing Authority in connection with premises inspection activity. The plans must comply with requirements contained in the regulations made under the Act.

When determining an application for a premises licence or review of 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 cannot 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 Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The mandatory and default conditions are often sufficient to ensure operation that is reasonably consistent with the licensing objectives. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary and/or appropriate in the circumstances of a particular case. More detail on licence conditions can be found at section 2.5 of this Statement.

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 premises have the appropriate planning or building consents, nor will it take into account fire or health and safety risks without justification in a particular case. It will, however, carefully consider 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 introduce 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

The 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 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 the provision of door supervisors. When making decisions in this regard, the Licensing Authority will give due weight to any comments made by the Police and the evidence provided in support of them.

The 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 be dealt with using alternative powers.

2.3 Ensuring Gambling is Conducted in a Fair and Open Way

The 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

The Licensing Authority has noted that the Guidance 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 whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines or segregation of areas.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) may be insufficient 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 to 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.

The Licensing Authority is also aware of the Gambling Commission's Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.

As regards the term "vulnerable persons", it is noted that it is not defined in the Act and 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". The licensing authority will consider this licensing objective on a case by case basis.

The Licensing Authority will consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations will be balanced against the authority's objective to aim to permit the use of premises for gambling.

Best practice is for staff working at licensed premises to undergo training on identifying and assisting vulnerable persons.

2.5 Licence Conditions

The Act provides that premises licences may be subject to conditions in a number of ways:

- they may attach automatically, having been set out in the Act;
- they may attach through regulations made by the Secretary of State;
- they may be attached to premises licences by licensing authorities.

Any conditions attached to premises licences by the Licensing Authority will be proportionate and will be:

- relevant to the aim to permit the use of the premises for gambling;
- necessary to promote the licensing objectives;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- within the control of the licensee; 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 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 the Licensing Authority will consider utilising should there be an evidence-based need, such as the use of supervisors, appropriate signage for adult only areas or CCTV. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer their own suggestions as to the way in which the licensing objectives can be met effectively.

The 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 gambling premises to which children are allowed, in order to pursue the licensing objectives.

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.

If the Licensing Authority is concerned that premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that entrance to the premises is controlled by a door supervisor and is entitled to impose a condition on the premises licence to this effect.

The Act provides that where a person employed as a door supervisor is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.

The majority of persons employed to work as door supervisors at premises licensed for gambling will need to be licensed by the SIA. There are, however, exceptions to this requirement.

This requirement is relaxed when applied to door supervisors at casino and bingo premises. Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. However, in-house employees working as door supervisors at casino and bingo premises are exempt from this requirement.

2.6 Licensed Family Entertainment Centres

Persons operating a licensed Family Entertainment Centre (FEC) must hold a relevant operating licence issued by the Gambling Commission. They will be able to make category C and D gaming machines available.

Children and young persons are permitted to enter an FEC and may use category D machines. They are not permitted to use category C machines and it is a requirement that there must be clear segregation between the two types of machine, so that under-18s do not have access to them.

The 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.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV;
- proof of age schemes;
- 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.

2.7 Casinos

There are currently no casinos operating within the West Berkshire Council area.

Casinos are only permitted in certain areas within Great Britain. New casinos under the Gambling Act 2005 are restricted to 16 specific local licensing authority areas. West Berkshire is not one of those areas.

Casinos that operated under the Gaming Act 1968 should already have a premises licence from their local licensing authority. The regions in which those casinos operate are based on a historical division that was established under the previous licensing regime by the Gaming Board for Great Britain. West Berkshire is not one of those regions.

2.8 Bingo Premises

Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals

between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

The Licensing Authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is sought.

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

An operator may allow children and young people into licensed 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.

The Licensing Authority will need to be satisfied that any premises licensed for bingo will operate in a manner which a customer would reasonably be expected to recognise as premises licensed for the purposes of providing facilities for bingo.

The Licensing Authority may consider measures to meet the licensing objectives such as:

- CCTV;
- proof of age schemes;
- supervision of entrances/machine areas;
- physical separation of areas (if not adult-only);
- entry control system (if not adult-only);
- 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 children on the premises (if not adult-only).

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

2.9 Betting Premises

Betting premises provide off-course betting which is betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are considered in section 2.11 below.

Children and young persons are not permitted to enter betting premises. The Licensing Authority will expect applicants and licence holders to take account of the structure and layout of their gambling premises in order to prevent underage gambling.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D.

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (“SSBTs”) are not going machines.

The Licensing Authority may restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the Licensing Authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

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

Persons operating an adult gaming centre (AGC) are able to make category B, C and D gaming machines available. No-one under the age of 18 is permitted to enter an AGC.

The 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.

The 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

The Act defines a track as a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Examples of other tracks include (this is not an exhaustive list):

- a point-to-point horserace meeting;
- football, cricket and rugby grounds;

- an athletics stadium;
- a golf course;
- venues hosting darts, bowls, or snooker tournaments;
- premises staging boxing matches;
- a section of river hosting a fishing competition;
- a motor racing event.

There are differences between track premises licences and other premises licences. Tracks admit third-party operators to provide betting facilities, whereas other premises licence holders – for example, betting shops, bingo clubs and casinos – provide the gambling facilities themselves and are subject to the conditions of the operating licence as well as the premises licence.

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The 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.

Persons under 18 years old are not permitted to enter premises when betting facilities are being provided, other than at tracks. This dispensation allows families to attend premises such as greyhound tracks or racecourses on event days, and children to be permitted into areas where betting facilities are provided, such as the 'betting ring', where betting takes place.

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and procedures in place to prevent betting from persons who are under 18 years old. As under-18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

The Act prohibits the employment of anyone under 18 years old on tracks.

The 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;
- entry control system;
- 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.

The 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 operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (“SSBTs”) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on the number of SSBTs that may be in use but operators must, by virtue of their operating licence conditions, supervise such terminals to prevent them being used by persons under 18 years of age.

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.

In cases such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions.

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 due to the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pin-pointing exact locations for some types of track. The Licensing Authority will need to be satisfied that the plan provides sufficient information to enable it to assess an application.

2.12 Travelling Fairs

The Act defines a “fair” as wholly or principally providing amusements on a site that has been used for a fair for no more than 27 days in a calendar year. In addition, the fair must be provided wholly or principally by persons who travel from place to place for the purpose of providing fairs.

Travelling fairs may provide an unlimited number of category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair. They do not require a permit to provide these gaming machines but must comply with legal requirements about how the machines operate.

Travelling fairs are also able to offer equal chance prize gaming without a permit, provided that, taken together, the facilities for gambling are an ancillary amusement at the fair.

The Licensing Authority will 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 determine whether any specific fair 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 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. The 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

The Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that they:

- expect to be constructed;
- expect to be altered; or
- expect to acquire a right to occupy.

Developers and others may wish to apply to the Licensing Authority for a provisional statement before entering into a contract to buy or lease property or land to determine 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 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 (except in the case of a track), the applicant does not need to hold or have applied for an operating licence from the Gambling Commission and they do not need to have a right to occupy the premises in respect of which their provisional statement application is made.

The holder of a provisional statement may then apply for a premises licence and the normal statutory process will apply subject to one exception. No 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.

The Licensing 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 have not been constructed in accordance with the plan and information submitted with the application.

2.14 Licence Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities at any time. 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 one or more of the matters listed below:

- any relevant code of practice issued by the Gambling Commission;
- any relevant guidance issued by the Gambling Commission;

- reasonable consistency with the licensing objectives; or
- in accordance with the Licensing Authority's statement of principles.

The request for the review may also be rejected if the Licensing Authority considers that the request is:

- frivolous;
- vexatious;
- certainly not going to cause the Licensing Authority to take any action allowed by the Act; or
- 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 in the following circumstances:

- in relation to particular premises, the Licensing Authority may review any matter connected with the use made of the premises if:
 - it has reason to suspect that premises licence conditions are not being observed; or
 - for any other reason which gives them cause to believe that a review may be appropriate, such as a complaint from a third party.
- in relation to a class of premises, the Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

The purpose of a review will be to determine whether the Licensing Authority should take any action in relation to the licence. If any 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 (eg opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; or
- 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 take action on the grounds that a premises licence holder has not used the licence.

Part C - Permits, Temporary and Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

A proprietor of a family entertainment centre (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 licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is 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 matters, including adequate levels of staff supervision.

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;
- measures / training covering how staff would deal with children causing perceived problems on / around the premises.

The Licensing Authority will also expect applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant(s) or company directors (if the applicant is a limited company) has no relevant convictions (this will not be necessary if the applicant is licensed by the Gambling Commission); and
- that staff are trained to have a full understanding of the maximum stakes and prizes.

Applicants will also be required 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 the chief officer of police has been consulted on the application.

The Licensing Authority cannot attach conditions to this type of permit. There is no limit on the number of category D gaming machines that may be made available at the premises.

A permit will remain in force for ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

There is provision in the Act for some premises licensed to sell alcohol for consumption on the premises to have an automatic entitlement to provide no more than two gaming machines, of categories C and/or D. The premises must satisfy the conditions contained in the Act, notify the Licensing Authority of their intention to make the gaming machines available for use and pay the fee. The conditions restrict the entitlement to premises:

- with an on-premises alcohol licence;
- that have a bar at which alcohol is served; and
- without a requirement that alcohol is only served with food.

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 Act (ie 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 are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

If relevant alcohol licensed premises wish to provide more than two gaming machines, they must apply to the Licensing Authority for a "licensed premises

gaming machine permit” for any number of category C and/or D machines. This would replace any automatic entitlement under the Act.

The Licensing Authority must consider a permit application on the basis of the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act and such other matters as the authority considers relevant.

The Licensing Authority considers that “such other 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
- measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which may satisfy the licensing 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;
- 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 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.

A permit may be varied or transferred. An annual fee is payable, but a permit does not require renewal. The permit will lapse if the alcohol premises licence ceases to have effect.

3.3 Prize Gaming Permits

Gaming is “prize gaming” if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes are determined by the operator before play commences.

Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for prize gaming on specified premises.

In any application for a prize gaming permit the applicant should set out the types of gaming that they are 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 making its decision on an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives, but must have regard to any relevant Gambling Commission guidance.

The Licensing Authority will only grant a permit after consultation with the chief officer of police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and any issues about disorder.

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.

A permit will remain in force for ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

3.4 Club Gaming and Club Machine Permits

The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines three types of club for the purposes of gaming:

- members' clubs;
- commercial clubs;
- miners' welfare institutes.

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 (a maximum of three gaming machines of category B, C or D), 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 (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that 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 restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

The Licensing Authority may only refuse an application for a permit 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.

If the Licensing Authority is satisfied that the first or second ground applies, it must refuse the application. In exercising its functions in relation to club permits the authority will have regard to any relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.

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

The grounds on which an application under the "fast track" 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 issued by the Gambling Commission about the location and operation of gaming machines.

The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

A permit will normally remain in force for ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

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 would include hotels, conference centres and sporting venues.

A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (ie an operating licence that authorises the type of gambling to be offered).

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.

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to the Licensing Authority not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- The Gambling Commission;
- the chief officer of police for the area in which the premises are situated;
- HM Revenue and Customs; and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

The Licensing Authority will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications (see section 2.1 above).

3.6 Occasional Use Notices

Occasional use notices may be used to authorise infrequent betting at tracks (see section 2.11 for definition), on no more than eight days in any calendar year. They cannot be used to authorise any other form of gambling activity (eg gaming machines). Providing that the eight-day limit is not breached, there is no provision for correctly-served notices to be refused by the Licensing Authority.

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.

The notice must be given to the Licensing Authority and the chief officer of police, in writing, before the event starts. No fee is payable.

Occasional use notices allow the giver of the notice to invite operators who hold a General Betting Operating Licence to accept bets on the premises. Such persons must hold a relevant betting operating licence, and comply with the requirements of any conditions attached to that licence.

3.7 Small Society Lotteries

Small society lotteries are required to be registered with the local authority in the area where their principal office is located. The local authority is the licensing authority.

The Act defines a small society lottery by reference to two areas:

- society status - the society in question must be 'non-commercial';
- lottery size - the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

Small society lotteries are required to be registered with the local authority in the area where their principal office is located.

- the Licensing Authority must refuse an application for registration if, within the past five years, either of the following applies: an operating licence held by the applicant for registration has been revoked; or
- an application for an operating licence made by the applicant for registration has been refused.

In addition, the Licensing Authority may refuse an application for registration if, within the past five years, either of the following applies:

- the applicant is not a non-commercial society;
- a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act); or

- information provided in or with the application for registration is false or misleading.

The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations. These can be taken at a formal hearing or via correspondence. The authority will inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion prior to the opportunity to make representations.

Part D - Decision Making

4.1 Delegations and Process

The Licensing Authority 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. All delegations approved by the Licensing Committee are without prejudice to officers referring a matter to a Sub-Committee or the full Committee if 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 the Licensing Committee or Sub-Committee, as will any application for the review of a licence.

Every determination of a licensing decision by the Licensing Committee or Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The written notice of 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

Any appeal against a decision of the Licensing Authority must be made to the local Magistrates' Court within 21 days of receipt of the decision notice.

Part E - Further Information

5.1 Contact for West Berkshire Licensing Team

Licensing Team
West Berkshire District Council
Council Offices
Market Street
Newbury

RG14 5LD

Tel: 01635 519184

Email: licensing@westberks.gov.uk

www.westberks.gov.uk

5.2 Contact for Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Appendix A 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

Appendix B 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 (eg 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 racetrack.
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 (eg 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.

Document Control

Document Ref:	SoGP	Date Created:	21 June 2021
Version:	V3	Date Modified:	02 July 2021
Revision due	January 2025		
Author:	Licensing	Sign & Date:	
Owning Service	Public Protection Service		

Change History

Version	Date	Description	Change ID
1	21/06/21	Original document	
2	01/07/21	Including the changes agreed at Licensing Committee	
3	02/07/21	Formatting and removal of Appendix B and references to the Scheme of Delegation.	

This page is intentionally left blank

West Berkshire Responses to the Statement of Gambling Principles Consultation

Respondent	Comment	Response
Greenham Parish Council	No objections to the SOGP	None Needed
West Berkshire Council Environment Health	No comments to make.	None Needed
Public Health and Wellbeing West Berkshire	<p>I have read the consultation on behalf of public health and find that this is a very thorough policy which appears to cover most of the relevant issues relating to public health. I did wonder if there is any possibility of considering cumulative impact as public health research shows that gambling problems and harms impact the poorest in our society the most with lower income families spending a higher proportion of their income on gambling. I understand that Gambling is something that we have limited ability to influence due to the range of gambling activities however when processing licencing applications for new venues public health principals should be considered. Public health approach to Gambling also focuses on advocacy, information regulation of access and promotion of gambling. Gambling has an association with poor mental health and deprivation, with those in deprived areas suffering the most harm. This may be outside of the policy but I wondered if some joint work around the promotion of advocacy and support for those who are affected by gambling and some awareness around the impact of gambling would be something that would be worth looking at with the Public Protection Partnership in conjunction with Public Health because I envisage that this is an area of work where the impact of gambling could be effective. .</p>	<p>The comments from Public Health and Wellbeing West Berkshire are noted. However, under section 349 of the Gambling Act 2005 a licensing authority is required to prepare a Statement of Licensing Policy containing the principles that they propose to apply in exercising their functions under the Act. As the protection of public health is not one of those functions, the comments, whilst helpful, are not directly relevant to the subject matter of the Policy.</p> <p>Changes could be made to operational practices.</p>

This page is intentionally left blank

Hackney Carriage Tariffs

Committee considering report:	Licensing Committee
Date of Committee:	Licensing 08 November 2021 Executive 18 November 2021
Portfolio Member:	Councillor Hilary Cole
Date Head of Service agreed report:	05 October 2021
Date Portfolio Member agreed report:	Emailed on the 12 October 2021
Report Author:	Moira Fraser
Forward Plan Ref:	EX4140

1 Purpose of the Report

- 1.1 To feedback on the statutory consultation in relation to the hackney carriage table of fares.
- 1.2 The Executive is asked to determine whether or not to modify the hackney carriage fare scale, following the Delegated Officer Decision on 08 September 2021 to vary the current fare scale by an increase of 5%, in light of the objection received (and not withdrawn) during the consultation period.

2 Recommendations

The Licensing Committee is asked to:

- 2.1 **CONSIDER** the objection received during the Statutory Consultation as set out in Appendix A; and
- 2.2 **RECOMMEND** to the Executive, with reasons, that the table of fares at Appendix D comes into effect as set out; or
- 2.3 **PROPOSE** a modification to the table at Appendix D for the Executive to consider, which they believe is more appropriate, with reasons.

The Executive is asked to:

- 2.4 **CONSIDER** the objection received during the statutory consultation; and
- 2.5 **DETERMINE** any modifications to be made to the table of fares at Appendix D in light of the objection; or
- 2.6 **DETERMINE** no modifications are to be made to the table of fares at Appendix D having taken into account the objection; and

2.7 **CONFIRM** a date of 19th November 2021 for the table of fares, with or without modification, to come into effect.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	<p>The cost of placing the public notices was around £700 which was met from within existing budgets. There are no other specific financial implications arising from this report. There is a potential for licensing income to reduce should the decision made have a detrimental impact on the number of drivers and operators working in the district.</p>
Human Resource:	<p>None</p>
Legal:	<p>The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>The statutory process for consultation under s.65 has been followed.</p> <p>Section 65 of the of the Local Government (Miscellaneous Provisions) Act 1976 requires that where objections are duly made during the statutory consultation period, and are not withdrawn, the Council has to:</p> <ul style="list-style-type: none"> i) Decide whether or not to make modifications to the table of fares in Appendix D after consideration of the objections; ii) Set a date, no later than 14 December 2021, on which the table of fares at Appendix D will come into force with or without modification. <p>In addition to having regard to the objections, other decision-making considerations apply, namely due regard should be given to how the decision may affect people who are protected under the Equality Act 2010 pursuant to the Public Sector Equality Duty. See equalities information below.</p> <p>Legal Services have been consulted.</p>
Risk Management:	<p>There would be a risk of challenge to the decision should the statutory process not be followed.</p>

Hackney Carriage Tariffs

Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		<p>Nationally young women are one of the largest groups to use taxis. Other groups, such as those who are disabled and those who are elderly may also use taxis more frequently.</p> <p>Any change to fares suggested could impact these groups financially, but equally there needs to be a viable taxi trade to provide a taxi service for these groups and all residents/visitors to West Berkshire.</p> <p>The review of the current fares is seeking to protect the public from excessive fares but at the same ensuring that this remains a profitable sector and therefore retaining drivers and operators to provide the service to those who rely on it.</p> <p>No comments relating to equalities were received during the consultation. No comments on the proposed increase to the fares were received from members of the public.</p>
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		See above

Environmental Impact:		X		A well-functioning taxi sector will assist with promoting public transport in the district.
Health Impact:		X		None
ICT Impact:				None
Digital Services Impact:		X		The revised table of fares (with or without modification) will be published on the Councils website along with the Public Protection Partnership Website.
Council Strategy Priorities:		X		The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy, in particular they are associated with supporting businesses to start, develop and thrive in West Berkshire.
Core Business:		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:		X		None
Consultation and Engagement:	In making this decision Members will be cognisant of the comments made during statutory consultation process undertaken in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976.			

4 Executive Summary

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 section 65 gives a Local Authority the power to determine the table of fares for the hire of hackney carriages. This legislation also prescribes a statutory consultation process and a means of ensuring objections are properly considered in relation to a Local Authority's adoption of or variation to a table of fares prior to the table coming into effect.
- 4.2 The current table of fares has not been varied since 2013. There have been ongoing discussions with the trade about potentially increasing the fares to offset their rising costs. It should be noted though that increasing the fares is not universally supported by the trade. To provide some additional context a comparison with a selection of other authorities of the cost of a two mile fare as at July 2021 is included in Appendix E.

Hackney Carriage Tariffs

- 4.3 Options for amending the tariffs were discussed at the 21 June 2021 Licensing Committee meeting. Members decided at this meeting that they would like the trade to be informally consulted (non-statutory) and their views established prior to considering whether or not any changes should be taken forward for statutory consultation. The Council received 35 responses to the non-statutory consultation and the outcome is set out in Appendix B.
- 4.4 The question as to whether or not the fares should be increased produced mixed results, albeit that around 77% of the respondents to the non-statutory consultation did support the fares being increased. The findings of the consultation were presented to the Licensing Committee at a special meeting on the 06 September 2021. The Committee noted the findings and recommended that the Service Director (Development and Regulation) vary the table of fares for hackney carriage tariffs based on a 5% increase and proceed with statutory consultation.
- 4.5 On 08 September 2021 the Service Director (Development and Regulation) made a delegated officer decision to commence statutory consultation on the table at Appendix D, having considered the Licensing Committee's observations.
- 4.6 As an objection to the varied table of fares has been received (see Appendix A) and not withdrawn the matter must be considered further to decide whether or not to modify the table of fares before it comes into effect and to set a further date for the table to come into effect. The objection will be discussed by Members of the Licensing Committee and they are asked to make recommendations to the Executive who will make the final determination on this matter.
- 4.7 The table of fares must come into operation by the 14 December 2021 i.e. no later than two months after the last date for making objections (14 October 2021) with or without modification.

5 Supporting Information

Introduction

- 5.1 The process of setting a fare increase is complex and a balance needs to be struck between the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares.
- 5.2 Local authorities have a statutory power to set the maximum fares that licensed hackney carriages (taxis) can charge for a journey. Under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, local authorities have the power to "...fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a "table of fares") made or varied in accordance with the provisions of this section."
- 5.3 Any changes to the current table of fares must be subjected to a statutory consultation process. Where objections to the proposed table of fares are received and not withdrawn, decisions are required as to whether or not to modify the revised table of fares and to set an implementation date.

Hackney Carriage Tariffs

- 5.4 The Department for Transport's 'Taxi and private hire vehicle licensing: best practice guidance' (March 2010) includes some guidance around taxi fares at paragraphs 52 to 54. It notes that it is "good practice to review the fare scales at regular intervals". The guidance emphasises that "Fare scales should be designed with a view to practicality" and goes on to state;

"The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand."

- 5.5 The trade are not obligated to charge the maximum fare. This means that hackney carriage drivers are within their rights to negotiate the fare down provided that the final agreed fare is no more than the maximum set. The best practice guidance confirms;

"Taxi fares... in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings... But local licensing authorities can usefully make it clear that published fares are a maximum..."

"There is a case for allowing any taxi operators who wish to do so to make it clear... that they charge less than the maximum fare..."

Background

- 5.6 The current table of fares as set out in Appendix C was agreed in 2013. Since then the fares have been reviewed and a number of discussions have taken place with the trade about potential adjustments to these fares. The trade have had mixed views on any changes to the table of fares.
- 5.7 Options for amending the tariffs were discussed at the 21 June 2021 Licensing Committee meeting. Members decided at this meeting that they would like the trade to be consulted (non-statutory) and their views established prior to considering whether or not any changes should be taken forward to statutory consultation. Thirty five responses were received to this non-statutory consultation (see Appendix B for the outcome).
- 5.8 The question as to whether or not the fares should be increased produced mixed results. Eight respondents did not answer this question. The comments received would indicate that perhaps this was because they felt that the fares should not be increased at all. Eighteen of the 35 respondents stated that they would like to see an increase of circa 5% and nine respondents indicated that they would like to see an increase of circa 10%. These nine responses included a response from CABCO, on behalf of their 71 drivers, who have indicated that because the fares have not been increased since 2013 and costs have risen considerably over this time they would like to see the fares increased by circa 10%.
- 5.9 The findings of the consultation were presented to the Licensing Committee at a special meeting on the 06 September 2021. The Committee noted the findings and recommended that the Service Director (Development and Regulation) agree that a

Hackney Carriage Tariffs

statutory consultation be undertaken on a variation to the table of fares for hackney carriage tariffs based on a 5% increase.

- 5.10 The Service Director (Development and Regulation), in coming to their decision, considered the recommendation of the Licensing Committee. The Licensing Committee took a number of factors into consideration on 06 September 2021 including the fact that inflation between 2013 and 2021 equated to circa 17.5%, the fact that the Covid-19 pandemic had meant that over the last year the trade had lost about 80% of their business and that some members of trade were concerned that a significant increase to fares could result in a further loss of business.
- 5.11 They noted that that any proprietor or driver of a licensed hackney carriage could lawfully charge lower fares if they so wished, but the fare could not exceed the tariffs set by the Council or charge for items not appearing on the table of fares. Overall, the Licensing Committee felt an increase was justified in the circumstances, and that a 5% increase could be easily calculated, was workable for taxi meters and would be a compromise of the range of opinions from the taxi trade.
- 5.12 The Service Director agreed with the observations of the Licensing Committee, and based on the recommendation from the Licensing Committee and their reasoning, decided a 5% increase in fares would be appropriate. The Service Director also noted that any variation would be subject to statutory consultation before coming into effect.
- 5.13 The Service Director decided the statutory consultation would run from the 16 September 2021 to the 14 October 2021 (which exceeds the statutory requirement of a minimum of 14 days), that a public notice be placed in the Newbury Weekly News and in the Reading Chronicle on the 16 September 2021 (triggering the start of the consultation), that the consultation be placed on the Public Protection Partnership's website, a note be displayed at the Market Street Council Offices from the 16 September 2021 and that a copy of the proposals be sent to all trade representatives, to encourage participation in the statutory consultation.
- 5.14 The Table of Fares decided on 08 September 2021 is set out in full in Appendix D to the report. The summary is set out below:
- | | |
|----|---|
| T1 | £3.00 initial distance (flag) / initial 69.1 seconds/ 352 yards
£0.20 per unit / 146.7 yards |
| T2 | £4.50 initial distance (flag) / initial 69.1 seconds/ 352 yards
£0.30 per unit/ 146.7 yards |
| T3 | £6.00 initial distance (flag) / initial / f 69.1 seconds/ 352 yards
£0.40 per unit / 146.7 yards |
- 5.15 It was noted that if objections were received during the statutory consultation period and not withdrawn the objections should be considered at the 08 November Licensing Committee and decisions could then be made at the 18 November 2021 Executive meeting as necessary. The Licensing Committee are well placed to consider the objections from their knowledge of the taxi trade in West Berkshire and taxi licensing, to assist the Executive with their consideration of the objections. While the final decision could, constitutionally, be taken by the Service Director it has been determined that it

would be more appropriate for this decision to be made by the Executive in light of the objection.

Decisions to be taken

- 5.16 During the consultation the Council received one objection to the variations. The objection is set out in full in Appendix A to the report. The consultee who objected does not want any increase to fares at this time and suggests deferring the decision a year. In essence the objection to the 5% increase was based on the current economic climate, the ongoing Covid pandemic and the fact that the majority of the trade has been well looked after by central and local government with the provisions of loans and grants during the pandemic.
- 5.17 As an objection has been received and not withdrawn the Executive is required to decide whether or not the revised table of fares should be modified before it is implemented and decide the date for implementation. These decisions cannot be deferred under the statutory process.
- 5.18 The objector has commented that given the financial toll that the Covid -19 pandemic had had on many residents “now is the wrong time to be considering a rise”. They were concerned that increasing the fares could lead to a further diminution in passenger numbers.
- 5.19 The Executive will also need to decide a date for the table of fares as set out at Appendix D to come into effect, with or without modification. This must be by 14 December 2021 in accordance with the requirements under s.65 Local Government (Miscellaneous Provisions) Act 1976. Officers are proposing that this be the 02 December 2021 which should give the trade sufficient time to have their meters recalibrated, whatever is decided, following the meeting of the Executive on 18 November 2021.

6 Options

- 6.1 The Executive can either
- (a) Modify the table of fares at Appendix D; or
 - (b) Approve the revised table of fares at Appendix D as drafted, without modification, leading to an increase in fares across the tariffs of 5%.
- 6.2 The Licensing Committee made the following observations: [TO BE INSERTED AFTER 08 NOVEMBER 2021]

7 Other options considered

- 7.1 The options are outlined above in accordance with the statutory framework.
- 7.2 Other options, such as not introducing an increase or varying the table of fares by circa 10%, have been considered at earlier stages in the process and rejected. However, the specifics of any modification now to the table of fares set at Appendix D, are for the Executive to determine, taking into account all the information referred to in this report and Appendices.

Hackney Carriage Tariffs

7.3 The only decisions that can be taken now are as outlined above. There are no restrictions or limitations on when or how often the Council reviews the table of fares after decisions to be made on 18 November 2021. Future changes by way of decrease or increase to fares, or amendments to the tariff model or method of calculation of fares, can take place at the Council's discretion in line with the process under s.65 Local Government (Miscellaneous Provisions) Act 1976.

8 Appendices

8.1 Appendix A – Table of Objection Received During the Statutory Consultation

8.2 Appendix B – Outcome of the Non-Statutory Consultation

8.3 Appendix C – Current Tariff Scale (2013)

8.4 Appendix D – Table of Fares varied on 08 September 2021

8.5 Appendix E – Comparison data of a two mile journey

Corporate Board's recommendation

Corporate Board were supportive of the report and requested that some minor amendments be made and these have been included in this version of the report.

Background Papers:

Local Government (Miscellaneous Provisions) Act 1976
<http://www.legislation.gov.uk/ukpga/1976/57>

[Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance \(March 2010\)](#)

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input checked="" type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Officer details:

Name: Moira Fraser
Job Title: Policy and Governance Officer
Tel No: 01635 519045
E-mail: Moira.fraser@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

Responses to the West Berkshire Council Consultation on Proposed Changes to Hackney Carriage Tariffs

Representing	Comments
Trade	<p>I would like to formally object to the proposed increases to hackney carriage rates for the following reasons:</p> <ul style="list-style-type: none"> • With the pandemic ongoing at present and the risks of a subsequent influenza pandemic on the horizon, now is the wrong time to be considered a rise. Each and every rise sees a fall in the number of passengers. • The UK economy and the local economy is already fairly frail. • Locally Bayer pulled out of town and with Vodafone also relocating a lot of staff to Paddington, the local trade is suffering. • Therefore the loss of any passengers due rate increases will be detrimental to the trade. • I would also add that this pandemic has affected us all, however the majority of the trade has been well looked after by central and local government with the provisions of loans and grants, therefore, I feel that this is another reason why it would be inappropriate for the trade to be requesting more money from the general public. • Lastly, whilst I accept we haven't had a rise since 2013, I would ask that you consider deferring a decision for 12 months or until we as a country know what is happening surrounding the pandemics.

This page is intentionally left blank

Outcome of the Non-Statutory Hackney Carriage Tariffs Consultation with the Taxi Trade

Background

West Berkshire Council is committed to balancing the legitimate aims of the taxi trade to maintain profitability in the face of increasing costs, while protecting the public from excessive fares. The current hackney carriage fare scale was agreed in 2013 and adjustments have been discussed at a number of meetings of the Taxi Trade Liaison Group as well as at Licensing Committee meetings over the past few years.

As a result of these ongoing discussions a report was taken to the [Licensing Committee on the 21 June 2021](#) where it was agreed that, as it had been difficult to get consensus from the trade, an initial non-statutory consultation should be undertaken with them to establish a preferred option. The preferred option would then be subjected to the statutory consultation process.

The Trade were asked to respond to three questions:

1. How many tariffs do you think are required?
2. What timescales do you think should be applied to Tariffs 1 and 2?
3. Which of the two fare options do you think should be included in the statutory consultation?

Background to Question 1

The current scheme comprises three tariffs

Tariff 1	Which is applied between 06:00 and 22:00 Monday to Saturday (excludes bank holidays and public holidays, Boxing Day and Christmas Day)
Tariff 2	Which is applied between 22:00 and 06:00 Monday to Saturday, on Sundays, bank holidays and public holidays, between 06:00 and midnight on Boxing Day, between 19:00 and midnight on Christmas Eve and New Year's Eve and for any journey with five or more passengers between 06:00 and 22:00 Monday to Saturday
Tariff 3	Which is applied to journeys commencing on Christmas Day until 06:00 on Boxing Day and journeys commencing between midnight and 06:00 on New Year's Day.

It has been suggested by some members of the trade that Tariff 3 might no longer be needed and should therefore be removed from the table of fares.

Background to Question 2

Another issue that has been raised is whether the unsociable hour's element of the tariffs should remain at 22:00 or if that should be changed to 23:00 i.e. Tariff 1 should be applied between 06:00 and 23:00 and Tariff 2 between 23:00 and 06:00. The consultation therefore asked the trade if the unsociable hour's element of the fares should remain at 22:00 or if it should start at 23:00

Background to Question 3

It had been agreed at the Taxi Trade Liaison Group meetings that it would be useful to apply a more logical approach to the tariff setting based on tenths of a mile of this was workable. The options the trade were consulted on comprised a flag charge (which included two units), the units cost broken down into tenths of a mile and waiting times were factored in too. Tariffs 2 and 3 (if needed) would be set as a factor of Tariff 1.

Two options were consulted on. The first was an increase of circa 5% and the second of circa 10%. The option not to increase the fees was not offered as an option. A number of respondents did not select an option but instead commented that they did not want to see the fees increased.

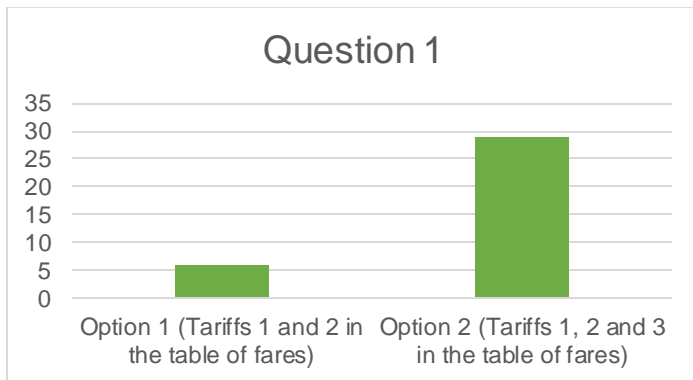
Who we Consulted

- A link to the online consultation survey was sent to all members of the West Berkshire Taxi Trade via email. The consultation was open for comments from members of the West Berkshire Taxi Trade from the 28 June 2021 to the 26 July 2022.
- In addition a meeting was held with a representative from the taximeter providers to ascertain if the options set out in question 3 could be accommodated on the meters.

What you Told Us

The Council received 34 responses to the online survey and an additional response was sent directly to the team via email.

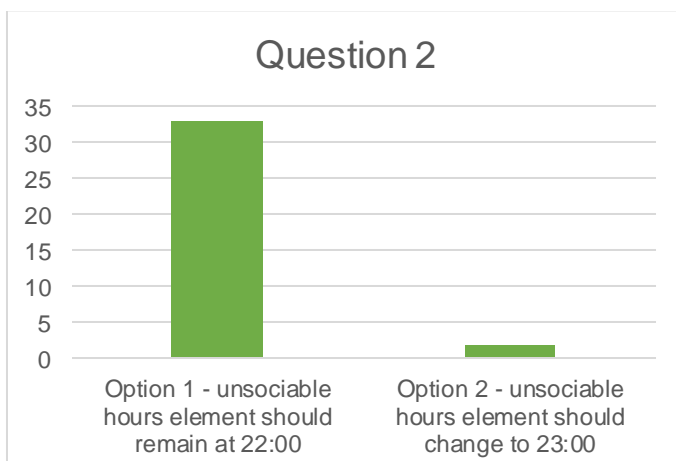
Question 1 - How many tariffs do you think are required?



Summary of Comments Received

We still need an effective charge for Christmas day and New Year's day. Just giving them a price isn't going to be enough
Tariff 3 shouldn't be removed as it only applies on New Year's Eve , Christmas Day, I believe drivers working on those days should earn some extra because drivers working on those festive rather than spend time with family. West Berkshire taxi users always appreciate that they are getting service on festive days
Tariff 3 is for exceptionally anti-social hours. It's a fair reward for working Christmas day / Boxing day and New Year's Eve. Without it customers will suffer. Especially on New Year's Eve. There will be less taxis out working on this night of extreme demand.
All three tariffs
Why should we not have extra to work Christmas day? Take T3 away there is no incentive to work Christmas day or New Year's Eve, it would be like working a normal Sat/Sun. Any other job you get extra to work these shifts.

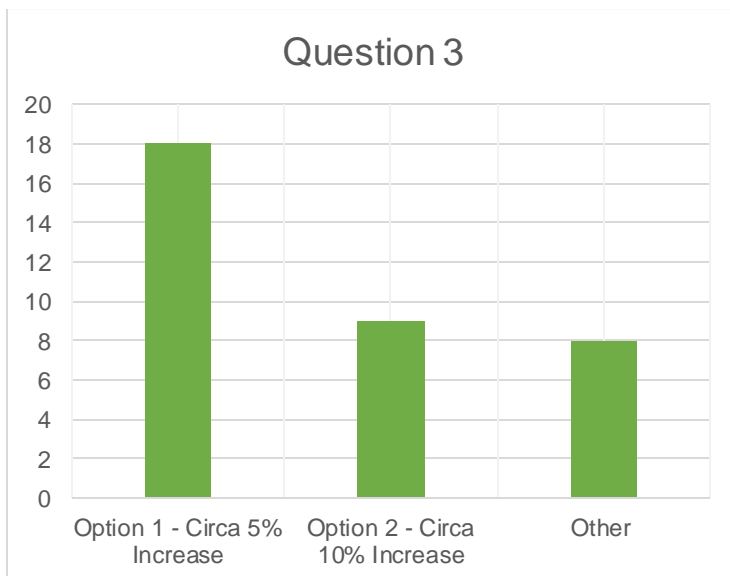
Question 2 - What timescales do you think should be applied to Tariffs 1 and 2?



Summary of the comments received

Unsociable hour's element of Tariffs to remain as is. The extension to 23.00 would have the effect of reducing any fare increase negotiated by the trade.
Keep it as it is now a lot of drivers work very hard
These times are madness. We need to look at tariffs when it's busy like trains and Uber do not do tariffs from years ago that are designed around the dark ages of pubs closing at 11pm. The entire thing needs upgrading to suit today's worlds. Why does a driver in a multi seater dealing with 8 drunk people get paid the same as someone in a normal car after 10pm again makes no sense move double the people for same money
I think this option works well
I personally would like to see the time change to 00.00 Midnight and Sundays as Tariff 1 and Tariff 2 at the agreed change over time to be agreed
Last time this was changed the whole of the trade went on strike to get it back to 22.00, why change something that works ok.

Question 3 - Which of the two fare options do you think should be included in the statutory consultation?



Summary of the comments received

Keep the tariffs at the same rates. Given the year that's been had if there was an increase in price we would lose custom
I wouldn't make any changes to current tariffs at this time! Let the nation heal and get back to work after a pandemic!!

Please note that this response (Option 2) is fully supported by all 71 drivers currently working on the Cabco circuit. A list of these drivers can be provided if required. Cabco is the main provider of taxis in West Berkshire. We have owned office premises (mortgage applicable), permanent staff, pensions liability and all other ancillary costs associated with running a business of this nature. Unlike other businesses we cannot pass on any increased business costs to our customers due to the nature of the tariff system. These can often be substantial and have included;

- Minimum Wage Increase
- Staff Pension Contributions
- Cost of Credit Card Machines/Charges
- Bounce Back Loan repayment, without which we would not still be operating as WBC did not believe we were deserving of any support.

The Independent and smaller operators do not have these concerns and should bear in mind that any increases are the maximum amount chargeable and they can charge less if they so wish. -We have not had any increase since April 2013.

Keep the fares at the same rates so we don't lose customers

Neither it's a crazy idea! Whoever come up with these tariffs has no real idea about the taxi trade in my opinion they are so out of date now. I would also like to raise a point at this moment on electric cars at this point I haven't seen very many wheel access vehicles in this range of electric cars? If West Berks and looking for a greener future can someone explain to me what electric car I can go and purchase and plate as a taxi as with where access the options are very limited. I believe this needs looking at ASAP.

Personally I'm happy to leave it at option 1

Since 2013 through 2020 compounded inflation rose 17.2%. If we add another 2% (it's going to be more) for 2021 that gives up 17.54%. So even with Option 2 the trade is 7.54% worse off than in 2013. Why no 17% option because that's what we are down by?

Neither I had sent what would work within the taximeter, I believe there is so much more to discuss to ensure all are satisfied. Clock Calendar Meters, Multi Seat Vehicle Rates, dates and times

T3 should start at £6.00. That way you have a proper- time, time and a half, and double time. Like we used to have and worked well.

Meeting with the Taximeter Representative

It was noted that increases needed to be considered in terms of the limitations of what could be accommodated on the meters. At least two of the makes of meters currently used in the district could only support units in round numbers (multiples of 10p). It would therefore be preferable to adjust the distances and keep the currency where they are.

The proposal put forward was as follows

- T1 £3.00 initial distance (flag) / initial 69.1 seconds/ 352 yards
£0.20 per unit / 146.7 yards
- T2 £4.50 initial distance (flag) / initial 69.1 seconds/ 352 yards
£0.30 per unit/ 146.7 yards
- T3 £6.00 initial distance (flag) / initial / f 69.1 seconds/ 352 yards
£0.40 per unit / 146.7 yards

Cross over speed of 9.34mph

What We Are Proposing To Do

The outcome of the non-statutory consultation will be sent to all members of the West Berkshire taxi trade and will be published on the Public Protection Partnership website.

The outcome of this initial consultation will be taken to a Special Licensing Committee meeting on the 06 September 2021 where Members will be asked to discuss any potential adjustments to the table of fares. If they are minded to make any changes they will need to agree which of the options they will propose that the Head of Public Protection should include in a statutory consultation. The Head of Public Protection will then make a decision in accordance with the procedure for setting fares and public notice requirements as stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

If changes are to be made the Council will publish a notice setting out the proposed changes in local newspapers (Newbury Weekly News and Reading Chronicle) which will explain that readers will have at least fourteen days from the date of the first publication of the notice to object to the change. Notices will also be displayed at the Council Offices and will be placed on the Council's website and information will be emailed to the Trade.

If no objection to the variation is received within the consultation period or if all objections are withdrawn, the revised fares will come into operation on the date of the expiration of the consultation period specified in the notice or the date of withdrawal of the last objection whichever date is the later.

If objections are received the matter will be discussed by Members at the 08 November 2021 Licensing Committee meeting and a final decision will then be made on how to proceed in accordance with any stipulations set out in the Council's Constitution and

in the legal framework. A further date would need to be set to determine when the new table of fares, with or without modifications following consideration of the objections, would come into force. This date is required to be no later than 2 months after the consultation period.

This page is intentionally left blank

Hackney Carriages – Table of Fares effective from 18 April 2013

Customers should be aware that these charges are the **MAXIMUM** to be charged and any lesser fare agreed prior to commencement of the journey. Where the taxi is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences his/her journey) (Local Government (Miscellaneous Provisions) Act 1976 sec. 67)

<p>Tariff 1 Applies for any hiring when the journey commences between 06:00 and 22:00 Monday to Saturday, other than Bank Holidays, Public Holidays, Boxing Day or Christmas Day. Initial distance not exceeding 377.1429 yards or part thereof Initial waiting time 81 seconds or a combination of time and distance £2.80 For each subsequent 123.2493 yards completed or part thereof 15p Waiting time: for every period of 27 seconds or part thereof 15p</p>	<p>Waiting Time Per Hour T1 = £20.00 T2 = £30.00 T3 = £40.00</p> <p>TAXI PLATE NUMBER</p>
<p>Tariff 2 Applies for any hiring when the journey commences between 22:00 and 06:00 Monday to Saturday. Applies for any hiring when the journey commences on Sundays, Bank Holidays or Public Holidays. Applies for any hiring when the journey commences between 06:00 and midnight on Boxing Day. Applies for any hiring when the journey commences between 19:00 and midnight on Christmas Eve or New Years Eve. For any journey with 5 or more passengers which commences between 06:00 and 22:00 Monday to Saturday. Initial distance not exceeding 377.1429 yards or part thereof Initial waiting time 72 seconds or a combination of time and distance £3.80 For each subsequent 106.8431 yards completed or part thereof 20p Waiting time: for every period of 24 seconds or part thereof 20p</p>	
<p>Tariff 3 Applies for any hiring when the journey commences on Christmas Day until 0600hrs on Boxing Day. Applies for any hiring when the journey commences between midnight and 06:00 on New Years Day.</p> <p>Initial distance not exceeding 377.1429 yards or part thereof Initial waiting time 81 seconds or a combination of time and distance £4.80 For each subsequent 123.2493 yards completed or part thereof 30p Waiting time: for every period of 27 seconds or part thereof 30p</p>	<p>Any comments should be made to: West Berkshire Council Council Offices Market Street Newbury, Berkshire RG14 5LD Quoting the above Taxi Plate Number</p>

If a Hackney Carriage is booked by telephone, facsimile, e mail or other electronic means a booking fee may be charged by prior arrangement only. London Congestion Charge (or similar in any other place), or any Tolls, will be applied for any journey where such charges or tolls are incurred.
Fouling will be charged.

This page is intentionally left blank

WEST BERKSIRE COUNCIL HACKNEY CARRIAGE FARE CHART effective (TBC)
FARES FOR DISTANCE AND TIME

All distance and time charges include uncompleted parts thereof

Tariff 1		Tariff 2		Tariff 3		Extra Charges
Rate for the first mile: £5.00		Rate for the first mile: £7.50		Rate for the first mile: £10.00		Where there are five or more passengers in a vehicle the meter will be switched to Tariff 2
Rate for each mile thereafter: £2.40		Rate for each mile thereafter: £3.60		Rate for each mile thereafter: £4.80		
Hiring when journey commences between 06:00 and 22:00 Monday to Saturday (excludes bank holidays and public holidays, Boxing Day and Christmas Day)		Hiring when journey commences between 22:00 and 06:00 Monday to Saturday, on Sundays, bank holidays and public holidays, between 06:00 and midnight on Boxing Day, between 19:00 and midnight on Christmas Eve and New Year's Eve		Hiring when the journey commences on Christmas Day until 06:00 on Boxing Day and journeys commencing between midnight and 06:00 on New Year's Day.		Taxi Plate Number:
£3.00	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	£4.50	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	£6.00	Maximum Charge up to 352 yards or 69.1 seconds or a combination of time and distance	
20p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	30p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	40p	For each subsequent 146.7 yards or every 28.8 seconds or part thereof	Waiting Time Per Hour T1 = 25.00 T2 = 37.50 T3 = 50.00

Cross Over Speed 9.34MPH

Where the hackney carriage is used for pre-booked journeys the fare shall be calculated from the point in the district at which the hirer commences their journey in accordance with the Local Government (Miscellaneous Provisions) Act 1976 section 67. If a hackney carriage is booked by telephone, text, email or other electronic means a booking fee may be charged by prior arrangement only

If the journey takes the taxi outside the West Berkshire Council area the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started. **These are the maximum fares chargeable and any lesser fare agreed before commencement of the journey still applies.**

Congestion Charge, ULEZ, or any tolls will be applied for any journey where such charges or tolls are incurred. **These charges would not appear on the meter.**

The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168

Any complaints about a taxi or a driver should be directed to Licensing@westberks.gov.uk quoting if possible the taxi plate number and or the driver's badge number

Authority	Position	2 Mile Fare
London Heathrow	1	£11.40
Guildford	6	£7.60
Reading	15	£7.20
Wiltshire	30	£7.00
Vale of White Horse	33	£6.90
Swindon	57	£6.70
West Berkshire		£6.65
Basingstoke and Dean	61	£6.60
Oxford	97	£6.40
Wokingham	108	£6.40
Bracknell Forest	163	£6.00
Slough	184	£6.00
Windsor and Maidenhead	233	£5.80
Middlesbrough	356	£4.30
<i>Lowest fee listed</i>		

This page is intentionally left blank

Licensing Act 2003 and Gambling Act 2005 Delegations

Committee considering report:	Licensing Committee
Date of Committee:	Licensing Committee (08 November 2021)
Portfolio Member:	Councillor Hilary Cole
Date Portfolio Member agreed report:	23 September 2021
Report Author:	Sean Murphy
Forward Plan Ref:	LC4141

1 Purpose of the Report

- 1.1 To set out and seek approval for updated delegations under the Licensing Act 2003 and Gambling Act 2005.

2 Recommendation

- 2.1 To **APPROVE** the delegations to the Licensing Sub-Committee and Officers set out at **Appendix A** and **Appendix B** to this report.
- 2.2 To **DELEGATE** authority to the Monitoring Officer to make any changes to the Constitution arising from this report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no financial implications associated with production of this report
Human Resource:	There are no HR implication associated with this report.
Legal:	The Licensing Act 2003 established that West Berkshire District Council, as a unitary authority, would be the Licensing Authority for the District of West Berkshire.

	<p>The Gambling Act 2005 established that West Berkshire Council, as a unitary authority, would be the Licensing Authority for the purpose of the local authority licensing functions under the Act</p> <p>Section 7 of the Licensing Act 2003 requires the Council to establish a Committee for the purpose of the Act and to oversee the implementation of the Act in the District. The Committee must by law consist of between twelve and fifteen Members of Council and any Sub-Committee must consist of three members of the Committee. In accordance with the Constitution the Committee must appoint a Chairman and Vice Chairman and each Sub-Committee must appoint a Chairman.</p> <p>Section 10 of the Licensing Act 2003 permits the Licensing Authority to delegate functions under the Act to either a Sub-Committee or to an Officer.</p> <p>Section 154 of the Gambling Act 2005 applies various provisions of the Licensing Act 2003 for the purpose of the Gambling Act 2005. This includes the power of the Committee to delegate functions to a Sub-Committee or an Officer of the Licensing Authority.</p> <p>Legal Services and External Legal Specialists have been consulted on drawing up the scheme of delegations.</p>
<p>Risk Management:</p>	<p>The only significant risk identified is not delegating functions in accordance with law. The legislation and thus the route to the Committee being able to consider / grant these delegations is set out in the legal implications section above.</p> <p>Both proposed delegation schemes have be drafted to reflect the prevailing legal framework as well as local policy considerations as set out in local policies adopted in a accordance with statute.</p>
<p>Property:</p>	<p>There are no property issues associated with this report</p>
<p>Policy:</p>	<p>Both proposed delegation schemes have be drafted to reflect the prevailing legal framework as well as local policy considerations as set out in local policies adopted in a accordance with statute.</p>

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Equalities issues are considered as part of the formulation of the Licensing and Gambling Policies. This report is seeking to ensure the appropriate governance arrangements are in place.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Equalities issues are considered as part of the formulation of the Licensing and Gambling Policies. This report is seeking to ensure the appropriate governance arrangements are in place.
Environmental Impact:		X		It is not envisaged that the governance arrangements will have either a positive or negative impact on the environment.
Health Impact:		X		It is not envisaged that the governance arrangements will have either a positive or negative impact on health and wellbeing. These issues are considered during the formulation of the licensing and gambling policies.
ICT Impact:		X		Meetings will be conducted in accordance with Council Policies and the prevailing law which includes face to face and hybrid meetings.
Digital Services Impact:		X		All meetings are broadcast live.
Council Strategy Priorities:		X		Business as Usual

Core Business:		X		Business as Usual
Data Impact:		X		None
Consultation and Engagement:	None			

4 Executive Summary

- 4.1 The purpose of this report is to allow the Committee to consider updated delegation schemes for the purposes of the Licensing Act 2003 (LA03) and Gambling Act 2005 (GA05).
- 4.2 The proposed scheme for the Licensing Act 2003 can be found at Appendix A to this report and the proposed Scheme for the Gambling Act 2005 can be found at Appendix B to this report.
- 4.3 These delegation schemes have been drafted taking account of the relevant legislation, statutory guidance, the Councils Licensing Act 2003 Policy approved by Council on 06 December 2018 and the proposed Statement of Policy under the Gambling Act 2005 considered by this Committee on 21 June 2021 the final version of which is due for consideration by Council on 02 December 2021. The Governance and Ethics Committee considered this report at its meeting on the 27 September 2021 and agreed to recommend to the Licensing Committee that the delegations be considered for approval.
- 4.4 While the Committee does not have authority to delegate decisions up to Council it should be noted that delegations to Council referred to in Appendix A including the creation of the Licensing Committee and the agreement of the Licensing Policy and its content are already delegated to Council. It is proposed to include them in the documented schemes for completeness.
- 4.5 Similarly in Appendix B the signing off of the Gambling Policy is already included in the Policy Framework (paragraph 2.5.2 of the Constitution) for Council to consider and approve. This policy will include the 'no casino resolution'. In addition all fees, including licensing fees, are signed off by Full Council usually at the Annual Budget meeting.
- 4.6 Should the Committee approve these schemes they will be published on the Councils website and be made available in other forms on request.

5 Supporting Information

Statutory Basis for the Delegations

- 5.1 The legal position regarding the delegation of licensing functions can be summarised as follows

- Section 101(1) of the LGA provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.
- Section 101(15), inserted by the LA03, states that section 101 does not apply to any function of a licensing authority under the LA03. This means that the usual mechanisms for delegation do not, and cannot apply to the Licensing Act, and by extension the Gambling Act.
- Under section 7 of the LA03, the functions of the licensing authority (Council) are expressly delegated to, and must and can only be discharged by, the licensing committee which must be established by the authority, subject to the exceptions contained in subsection (2) and the circumstances described in subsection (9).
- The exceptions contained in subsection (2) and the circumstances described in subsection (9) are the only functions that can be discharged by the licensing authority (full Council).
- Section 10 of the LA03 allows a licensing committee to sub-delegate any functions to sub-committees and some functions to officers.
- Section 154 of the GA05 applies Section 7 of the LA03 to the discharge of functions by a licensing authority created under the GA05, subject to three exceptions and amendment of the functions capable of delegation to officers.
- Subject to the three exceptions and the amendment, the functions of the licensing authority (Council) under the GA05 are also expressly delegated to, and must and can only be discharged by, the licensing committee,

The Structure of the Delegations

- 5.2 The proposed delegation Schemes identify in table form those matters that are matters for the Licensing Committee along with those that are matters for the Licensing Sub-Committee and those which are delegated to Officers.
- 5.3 Primarily the delegations to Officers are the administrative functions under both Acts and include the authority to approve full applications, variations, minor variations for premise licences as well as personal licences and temporary event notices (under the Licensing Act 2003). In some cases these matters would automatically come before a sub-committee if objections are raised that cannot be mediated by Officers. The occasions when matters will go before the Sub-Committee are set out in the relevant scheme and reflect both the law and adopted local policy framework.
- 5.4 The activity of both Officers and Licensing Sub-Committee are reported annually to the Licensing Committee and the minutes of the Committee are referenced at the next meeting of Full Council.
- 5.5 It is important for both applicants, licence holders, responsible authorities and residents that the any scheme of delegation approved by this Committee is clear in its intent. These new proposed delegation schemes, laid out in table form, contain a significant level of detail and provide absolute clarity about who is making decisions and on what legal basis. External specialist legal advice has been sought in the development of these delegations.
- 5.6 If the Licensing and Gambling Schemes of Delegation are agreed they will be located in the Constitution, alongside the Scheme of Delegation (Part 3) as Schemes of Delegation approved by the Licensing Committee.

Appendices

6.1 Appendix A – Licensing Act 2003– Proposed Scheme of Delegation

Appendix B – Gambling Act 2005 – Proposed Scheme of Delegation

Background Papers:

Licensing Act 2003 Policy dated 06 December 2018

Draft Gambling Act 2005 Statement of Policy 21 June 2021

Subject to Call-In:

Yes: No:

Wards affected: All

Officer details:

Name: Sean Murphy
 Job Title: Public Protection Manager
 Tel No: 01635 519840
 E-mail: Sean.Murphy@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:	V2	Date Modified:	06/09/21
Author:	Moir Fraser		
Owning Service	Public Protection Partnership		

Change History

Version	Date	Description	Change ID
1	-		
2	06/09/21	Amend names of external solicitors and reference from Chair to Chairman/Chairmen	Covering Report Implications

Appendix A: Delegation of Functions:

Licensing Act 2003 & Regulations

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 5	Creation of Statement of Licensing Policy	Council			
Section 5A	Consultation on possible Cumulative Impact Assessment and Subsequent Publication	Council			
Section 6	Creation of Licensing Committee	Council			
Section 8(1)	Maintaining a register				•
Section 8(3)	Providing facilities for inspecting register				•
Section 8(4)	Providing copies of entries in register				•
Section 8(5)	Determining a fee for providing copies of entries in register		•		
Section 10	Delegation of functions by Licensing Committee ¹		•	•	•
Various sections	Making representation as a responsible authority ²				•
Section 18(2)	Grant of premises licence where no representations				•
Section 18(3)	Determination of application for premises licence following representations			•	
Section 18(6)	Decision as to whether any representation in relation to a premises licence application is relevant				•
Section 18(7)	Decision as to whether any representation in relation to a premises				• In consultation with Chairman or Vice Chairman of

¹ S10(1) allows the Licensing Committee to delegate functions to a sub-committee or an officer (subject to certain exceptions contained in subsection 10(4)). This scheme of delegations must be made by the Licensing Committee, not Full Council. A sub-committee can also delegate (and again this must be a decision of the sub-committee) its functions to an officer (again subject to the s10(4) exceptions).

² This power is available in a wide range of circumstances, and is exercised under regulation 22 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 SI 2005/42. It is suggested it should be an officer decision, but the Licensing Authority must give careful consideration to:

- i) which officer it will delegate the power to; and
- ii) what the Licensing Authority will expect the officer to say in any representations so made.

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	licence application from a person is frivolous, vexatious or repetitious				Licensing Committee
Section 18(8)	Notification of decision that a representation in relation to a premises licence application from a person is frivolous, vexatious or repetitious				•
Section 23(1)&(2)	Notification of grant of premises licence and issue of premises licence following representations				•
Section 23(3)	Notification of refusal of application (rejection) of premises licence				•
Section 25(3)	Issue of copy premises licence				•
Section 31(2)	Grant of provisional statement where no representations				•
Section 31(3)	Determination of application for provisional statement following representations			•	
Section 31(3)(c) & (4)	Issue of provisional statement and copies following representations				•
Section 31(5)	Decision as to whether any representation in relation to a provisional statement is relevant				•
Section 31(7)	Decision as to whether any representation in relation to a provisional statement from a person is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 31(7)	Notification of decision that a representation in relation to a provisional statement from a person is frivolous, vexatious or repetitious				•
Section 35(2)	Grant of variation of premises licence where no representations				•
Section 35(3)	Determination of application for variation of premises licence following representations			•	
Section 35(5)	Decision as to whether any representation in relation to a variation of				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	a premises licence is relevant				
Section 35(6)(c)	Decision as to whether any representation in relation to a variation of a premises licence from a person is frivolous, vexatious or repetitious				● In consultation with Chairman or Vice Chairman of Licensing Committee
Section 36(5)	Notification of decision that a representation in relation to a variation of a premises licence from a person is frivolous, vexatious or repetitious				●
Section 36(1)	Notification of grant of variation of a premises licence and issue of premises licence following representations				●
Section 36(4)	Notification of refusal of application (rejection) for variation of a premises licence				●
Section 39(2)	Grant of variation of premises licence to specify new DPS where no representations				●
Section 39(3)	Determination of application for variation of premises licence to specify new DPS following representations			●	
Section 39(4)	Notification of grant or refusal (rejection) of application for variation of a premises licence to specify new DPS				●
Section 41B(3)	Determination of application for minor variation of premises licence (whether or not representations)				●
Section 41C(1)	Notification of grant of minor variation of premises licence				●
Section 41C(4)	Notification of refusal of application (rejection) for minor variation of premises licence				●
Section 44(2)	Grant of transfer of premises licence where no representations				●
Section 44(5)	Determination of application for transfer of			●	

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	premises licence following representations				
Section 44(6)	Determination to exempt applicant for transfer from obtaining existing licensees consent				•
Section 44(7)	Notification of refusal to exempt applicant for transfer from obtaining existing licensees consent				•
Section 45	Notification of grant or refusal (rejection) of application for transfer of a premises licence				•
Section 47(7A)	Sending copy of interim authority notice sent by electronic facility to the police				•
Section 48(3)	Determination of interim authority notice following representations			•	
Section 48(4)	Notification of cancellation of interim authority notice				•
Section 48(5)	Sending copy of notification of cancellation of interim authority notice to police				•
Section 49(1)	Issue of certified copy of premises licence and summary to giver of interim authority notice				•
Section 51(4)(a)	Rejection of application for review of premises licence				•
Section 51(4)(b)	Rejection of application for review of premises licence from a person because it is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 51(6)	Notification of decision to reject an application for review of premises licence from a person because it is frivolous, vexatious or repetitious				•
Section 52(2) & (3)	Determination of application for review of premises licence			•	
Section 52(7)	Decision as to whether any representation in relation to a review of a premises licence is relevant				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 52(8)(c)	Decision as to whether any representation in relation to a review of a premises licence from a person is frivolous, vexatious or repetitious				● In consultation with Chairman or Vice Chairman of Licensing Committee
Section 52(9)	Notification of decision to reject any representation in respect of a review of premises licence from a person because it is frivolous, vexatious or repetitious				●
Section 52(10)	Notification of determination of a review of a premises licence				●
Section 53(2)	Application for review of a premises licence by a licensing authority				●
Section 53A(2)	Determination of application for summary review of premises licence			●	
Section 53B(5)	Notification of imposition of interim steps				●
Section 53B(6)	Consideration of representations relating to interim steps			●	
Section 53B(7)	Notification of summary review hearing				●
Section 53C(2)	Determination of review of premises licence following summary review			●	
Section 53C(7)	Decision as to whether any representation in relation to a review of a premises licence following a summary review is relevant				●
Section 53C(8)(c)	Decision as to whether any representation in relation to a review of a premises licence following a summary review from a person is frivolous, vexatious or repetitious				● In consultation with Chairman or Vice Chairman of Licensing Committee
Section 53C(9)	Notification of decision to reject any representation in respect of a review of premises licence following a summary review from a				●

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	person because it is frivolous, vexatious or repetitious				
Section 53C(10)	Notification of determination of review of a premises licence following a summary review				•
Section 55A(1) & (3)	Suspension of premises licence for failure to pay annual fee				•
Section 55A(5)	Issue of receipt for payment and lifting of suspension of premises licence following payment of annual fee				•
Section 56(1)	Amendments to premises licence and issue of revised summary				•
Section 56(2)	Requiring production of premises licence				•
Section 63(3)	Notice to club that it is no longer a qualifying club				•
Section 72(2)	Grant of club premises certificate where no representations				•
Section 72(7)	Decision as to whether any representation in relation to a club premises certificate application is relevant				•
Section 72(8)	Decision as to whether any representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 72(9)	Notification of decision that a representation in relation to a club premises certificate application from a person is frivolous, vexatious or repetitious				•
Section 72(3)	Determination of application for club premises certificate following representations			•	

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 77(1)&(2)	Notification of grant of club premises certificate and issue of club premises certificate following representations				•
Section 77(3)	Notification of refusal of application (rejection) of club premises certificate				•
Section 79(3)	Issue of copy club premises certificate				•
Section 82 (4)	Amendment of club premises certificate				•
Section 83 (5)	Amendment of club premises certificate following notification of change of premises				•
Section 85(2)	Grant of variation of club premises certificate where no representations				•
Section 85(3)	Determination of application for variation of club premises certificate following representations			•	
Section 85(5)	Decision as to whether any representation in relation to a variation of a club premises certificate is relevant				•
Section 85(6)(c)	Decision as to whether any representation in relation to a variation of a club premises certificate from a person is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 86(5)	Notification of decision that a representation in relation to a variation of a club premises certificate from a person is frivolous, vexatious or repetitious				•
Section 86(1)	Notification of grant of variation of a club premises certificate and issue of club premises certificate following representations				•
Section 86(4)	Notification of refusal of application (rejection) for variation of a club premises certificate				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 86B(3)	Determination of application for minor variation of club premises certificate (whether or not representations)				•
Section 86C(1)	Notification of grant of minor variation of club premises certificate				•
Section 86C(4)	Notification of refusal of application (rejection) for minor variation of club premises certificate				•
Section 87(4)(a)	Rejection of application for review of club premises certificate				•
Section 87(4)(b)	Rejection of application for review of club premises certificate from a person because it is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 87(6)	Notification of decision to reject an application for review of premises licence club premises certificate from a person because it is frivolous, vexatious or repetitious				•
Section 88(2) & (3)	Determination of application for review of club premises certificate			•	
Section 88(7)	Decision as to whether any representation in relation to a review of a club premises certificate is relevant				•
Section 88(8)(c)	Decision as to whether any representation in relation to a review of a club premises certificate from a person is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 88(9)	Notification of decision to reject any representation in respect of a review of club premises certificate from a person because it is frivolous, vexatious or repetitious				•
Section 88(10)	Notification of determination of a				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	review of a club premises certificate				
Section 89(2)	Application for review of club premises certificate by a licensing authority				•
Section 90(1)	Giving notice that club is no longer a qualifying club				•
Section 92A(1) & (3)	Suspension of club premises certificate for failure to pay annual fee				•
Section 92A(5)	Issue of receipt for payment and lifting of suspension of club premises certificate following payment of annual fee				•
Section 93(1)	Amendments to club premises certificate and issue of revised summary				•
Section 93(2)	Requiring production of club premises certificate				•
Section 100A(4)	Sending copy of temporary event notice sent by electronic facility to the police and environmental health				•
Section 102	Acknowledgement of temporary event notice				•
Section 104A	Issue of Counter notice				•
Section 105(2) & 106A(2)	Consideration of objection to temporary event notice and imposition of conditions (if possible under s106A)			•	
Section 105(3)(a)	Notice of decision following consideration of objection to temporary event notice where no counter notice issued				•
Section 105(3)(b)	Issue of counter notice following consideration of objection to temporary event notice				•
Section 106A(3)(b)	Issue of notice detailing conditions following consideration of objection to temporary event notice				•
Section 107(1)	Issue of counter notice where temporary event notice limits exceeded				•
Section 107(11)	Issue of copy counter notice where temporary				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	event notice limits exceeded to relevant persons				
Section 110(4)	Issue of copy temporary event notice				•
Section 120(2) & (6)	Grant of personal licence where no representations				•
Section 120(3)	Refusal of application for personal licence where grant criteria not met				•
Section 120(4)	Giving notice to the police where applicant for personal licence has unspent relevant previous convictions				•
Section 120(7)	Determination of application for personal licence following police objections			•	
Section 121(2)	Giving notice to the police where applicant for renewal of personal licence has unspent relevant convictions since last grant or renewal				•
Section 121(5)	Grant of renewal of personal licence where no representations				•
Section 121(6)	Determination of application for renewal of personal licence following police objections			•	
Section 122(1) & (2)	Notification of grant or refusal (rejection) of personal licence				•
Section 124(2)	Giving notice to the police where applicant for personal licence (or renewal) has obtained a relevant conviction during the application process				•
Section 124(4)	Consideration of revocation of personal licence following notice from the police where applicant personal licensee has obtained a relevant conviction during the application process			•	

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 124(5)	Notification of decision to revoke or not following police notice where conviction during application process for personal licence				•
Section 125(1)	Issue personal licence				•
Section 126(3)	Issue of duplicate personal licence				•
Section 132A(4) & (5)	Giving notice to personal licensee that licensing authority is considering whether to suspend or revoke the personal licence				•
Section 132A(8)	Decision to suspend or revoke personal licence			•	
Section 132A(10)	Giving notice to the police of decision not to revoke a personal licence and inviting representations as to whether the licence should be suspended or revoked				•
Section 132A(12)	Decision to suspend or revoke personal licence following police representations			•	
Section 132(13)	Notification of decision in relation to action against a personal licence				•
Section 134(2)	Endorsing personal licence following certain events				•
Section 134(4)	Requiring production of personal licence				•
Section 167(5)	Determination of review of premises licence following closure order			•	
Section 167(9)	Decision as to whether any representation in relation to a review of a premises licence following closure order is relevant or, if made by a person from a person is frivolous, vexatious or repetitious				• In consultation with Chairman or Vice Chairman of Licensing Committee
Section 167(11)	Notification of decision to reject any representation in respect of a review of premises licence following closure				•

Licensing Act 2003	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
	order because it is not relevant, or if made by a person because it is frivolous, vexatious or repetitious				
Section 167(12)	Notification of determination of a review of a premises licence following closure order				•
Section 172A(1)	Making, varying or revoking an Early Morning Alcohol Restriction Order EM(A)RO ³	Council			
Section 172B(1)(a)	Advertising a proposal to introduce an Early Morning Alcohol Restriction Order (EM(A)RO)				•

³ Making an Early Morning Alcohol Restriction Order (EM(A)RO) is a Council function by virtue of s7(2)(aa) Licensing Act 2003, but other parts of the procedure e.g. advertising the proposal under s172B(1)(a) are licensing functions and fall to the licensing committee which can then delegate those functions to a sub committee or officer.

Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Regs 26B & 26C	Advertising various applications on Council Website Policy				•
Reg 27(1)	Copying various electronic applications to responsible authorities				•
Reg 28(1)	Copying various electronic applications to police				•
Reg 36A	Notification of summary review of premises licence				•
Reg 37	Notification of review of premises licence following closure order				•
Reg 38	Advertising review of premises licence or club premises certificate				•
Reg 40	Provision of application etc forms				•

Licensing Act 2003 (Personal Licences) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 10	Provision of application etc forms				•

Licensing Act 2003 (Hearings) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 4	Arranging hearings				•
Reg 6	Giving notice of hearings				•
Reg 7	Provision of information accompanying notice of hearing				•
Reg 6	Power to dispense with a hearing				•
Reg 11(1)	Power to extend time limits for hearings				• In consultation with Chairman or Vice Chairman of Licensing Committee
Reg 11(2)	Notification of extension of period				•
Reg 12	Power to adjourn a hearing ⁴			•	• In consultation with Chairman or Vice Chairman of Licensing Committee
Reg 12(2)	Notification of adjournment				•
Reg 14	Power to exclude the public from a hearing ⁵		•	•	
Reg 20	Power to adjourn or continue a hearing in the absence of a party ⁶		•	•	
Reg 20(4)	Notification of adjournment of hearing in the absence of a party				•
Reg 21	Determination of proceedings for hearings		•		
Reg 22	Explanation of proceedings for hearings and determination of request for another person to appear ⁷		•	•	

⁴ It will depend on the situation whether this can be considered before the hearing, in which case the delegation should be to an officer in consultation with Chairman or Vice Chairman of Licensing Committee. Once the hearing has commenced, it will need to be a Licensing Committee decision (in which case it directly exercises the power of the Licensing Authority under s7(1) and no delegation is required) or a sub-committee (dependant on which body is hearing the matter) in which case delegation is required.

⁵ This will depend on whether the hearing is before the Licensing Committee (in which case it directly exercises the power of the Licensing Authority under s7(1) and no delegation is required) or a sub-committee.

⁶ See footnote 6 above.

⁷ See footnote 6 above.

Licensing Act 2003 (Hearings) Regulations 2005	Functions	Delegation - Licensing Authority	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 24	Allowing parties an equal period of time at a hearing ⁸		•	•	
Reg 25	Requiring a party to leave a hearing ⁹		•	•	
Reg 28	Notification of determination of hearing when not specified elsewhere				•
Reg 29	Details of rights of appeal to accompany notification of determination of hearing				•
Reg 30	Keeping record of hearings				•
Reg 32	Curing irregularities ¹⁰		•	•	

The Licensing Act (Early Morning Alcohol Restriction Orders) Regulations 2012	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 4	Advertising proposed Early Morning Alcohol Restriction Order (EM(A)RO)				•
Reg 14	Publication of EM(A)RO				•

⁸ See footnote 6 above.

⁹ See footnote 6 above.

¹⁰ See footnote 6 above.

Police Reform and Social Responsibility Act 2011	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 125(2) & 132	Decision to impose a Late Night Levy (LNL) ¹¹ , and determination of levy year, late night supply period etc	Council			
Section 130(5) & (6)	Publication of statements of deductions and net levy				•
Section 131(2)	Payment of specified proportion of levy to police				•
Section 132	Determination of levy year, late night supply period etc	Council			
Section 133	Amendment of levy year, late night supply period etc	Council			
Section 133(2)	Determining exemption or reduction categories	Council			

The Late Night Levy (Application and Administration) Regulations 2012	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Reg 8(1)	Payment of specified proportion of levy to police				•
Reg 8(2) & (3)	Using the LNL proceeds ¹²	Council			•
Reg 9	Consultation before introduction or variation	Council			

¹¹ The decision to introduce a Late Night Levy (LNL) is not a licensing function under the Licensing Act 2003 and therefore cannot be exercised by the Licensing Committee, and accordingly, the decision will lie with the Council.

¹² Whilst on a day to day basis, this will be an officer decision, the overall policy will need to be set by the Council or delegated by the Council to a Council committee, sub-committee or officer.

Appendix B: Delegation of Functions:

Gambling Act 2005 and Regulations

All but three functions under the Gambling Act functions are the responsibility of, and are discharged by, the Licensing Committee (see section 154(1) Gambling Act 2005). This includes delegating specific functions to a sub-committee or an officer (see s10 Licensing Act 2003 applied by S154(3) Gambling Act). The Licensing Committee has made this Scheme of Delegations. The three functions of Council are identified in the table below.

Gambling Act 2005	Functions	Delegation - Licensing Authority (Council or Executive – see notes)	Delegation - Full Licensing Committee	Delegation - Licensing Sub Committee	Delegation - Officer
Section 166	* No Casino resolution	Council			
Section 212	* Setting licence fees	Council – but can be delegated to the Licensing Committee			
Section 349	* Adopting Statement of Licensing Policy	Council			
Section 163	Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn)			•	
Section 163	Determination of application for Premises Licence where no relevant representations received				•
Section 162	Attachment of condition to Premises Licence or exclusion of default condition			•	
Section 162	Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Section 187	Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn)			•	
Section 187	Determination of application to vary Premises Licence in respect of which no representation received				•
Section 188	Determination of application for transfer of			•	

	Premises Licence in respect of which representations have been made (not withdrawn)				
Section 188	Determination of application for transfer of Premises Licence where no representations received				•
Section 193	Revocation of Premises Licence for failure to pay annual fee				•
Section 194	Determination that a premise Licence has lapsed				•
Section 195	Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn)			•	
Section 195	Reinstatement of lapsed Premises Licence where no representation is received				•
Section 198	Rejection of application for review of Premises Licence on various grounds				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Section 200	Initiation of review of Premises Licence				•
Section 201	Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Section 202	Determination of action following review of Premises Licence			•	
Section 204	Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn)			•	

Section 204	Determination of application for provisional statement in respect of which no representations received				•
Section 205	Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Section 218	Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded				•
Section 221	Objection to Temporary Use Notice				•
Section 224	Issue of counter notice in response to Temporary Use Notice			•	
Section 284	Making of Order to remove exemptions from specified premises			•	
Section 346	Institution of criminal proceedings in respect of an offence under the provisions of the Act				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Schedule 10 Paragraph 8	Determination of application for Family Entertainment Centre Gaming Machine Permit				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Schedule 10 Paragraphs 14 and 15	Notification of lapse of Family Entertainment Centre Gaming Permit				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Schedule 11 Paragraph 44	Registration of society for small society lottery				•
Schedule 11 Paragraph 48	Refusal of application for registration of society for small society lottery				• In consultation with the Chairman or Vice Chairman of Licensing Committee
Schedule 11 Paragraph 50	Revocation of registration of society for small society lottery				• In consultation with the Chairman or Vice Chairman of Licensing Committee

Schedule 11 Paragraph 54	Cancellation of registration of society for small society lottery for non-payment of annual fee				•
Schedule 12 Paragraphs 5, 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn)			•	
Schedule 12 Paragraphs 5, 10 and 24	Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received				•
Schedule 12 Paragraph 15	Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn)			•	
Schedule 12 Paragraph 15	Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received				•
Schedule 12 Paragraph 21	Cancellation of Club Gaming Permit and Club Registration Permit			•	
Schedule 12 Paragraph 22	Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee				•
Schedule 13 Paragraphs 4, 15 and 19	Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit				• (Refusal and limitation on number of machines only) in consultation with the Chairman or Vice Chairman of the Licensing Committee

Schedule 13 Paragraph 16	Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn)			•	
Schedule 13 Paragraph 16	Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received				•
Schedule 13 Paragraph 17	Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee				•
Schedule 14 Paragraphs 9 and 18	Determination of application for Prize Gaming Permit and application for renewal of Permit				• (Refusal only) in Consultation with the Chairman or Vice Chairman of the Licensing Committee
Schedule 14 Paragraph 15	Determination that Prize Gaming Permit has lapsed				•

Licensing Annual Report 2020/21

Committee considering report:	Licensing Committee
Date of Committee:	08 November 2021
Portfolio Member:	Councillor Hilary Cole
Date Head of Service agreed report: <i>(for Corporate Board)</i>	05 October 2021
Date Portfolio Member agreed report:	Emailed on the 12 October 2021
Report Author:	Sean Murphy
Forward Plan Ref:	LC4044

1 Purpose of the Report

- 1.1 To set out the work of the Licensing Committee and Sub-Committee in 2020/21.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).

2 Recommendation

- 2.1 That the Committee **NOTES** the content of this report including the work of the Licensing Committee and Service related activity for 2020/21.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	The Licensing functions within the PPP operate on a cost recovery basis with respect to discretionary fees. The Committee considers discretionary fees before they are considered by Full Council as part of the budget setting process. The report shows information relating to volumes of applications, at March 31 st 2021. Due to the national lockdown Officers had already identified a financial risk associated with licensing income.
Human Resource:	Vacant posts are currently being held to help mitigate the loss of licensing income.

Legal:	<p>These are all statutory functions.</p> <p>Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.</p>			
Risk Management:	<p>The PPP has continued to operate a risk based approach for their inspection programme. It was apparent that the implications of the national lockdown would place a risk to the hospitality and other licensed sectors such as taxi and private hire operators and drivers. The PPP has had to regularly amend its approach to maintain its services to an appropriate standard.</p>			
Property:	None.			
Policy:	<p>The Licensing regime is covered by the policies arising from the Licensing Act 2003 and the Gambling Act 2005. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions</p>			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		There are no decisions in this report
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		There are no decisions within this report, any policies or actions referred to will have already undergone and EIA when considered previously by committees

Environmental Impact:		✓		This report has no environmental impacts.
Health Impact:		✓		There are no health impacts
ICT Impact:		✓		None
Digital Services Impact:		✓		None
Council Strategy Priorities:		✓		This report covers the business as usual work of the Licensing Committee, Licensing Sub-Committee and the Licensing functions provided by the PPP.
Core Business:		✓		This report covers the business as usual work of the licensing committee and the Licensing functions provided by the PPP.
Data Impact:		✓		All data reported is open data and any addresses detailed are in the public domain following hearings open to the public.
Consultation and Engagement:	None the report is to note only.			

4 Supporting Information

Introduction

- 4.1 The Public Protection Partnership (PPP) delivers all regulatory functions but Licensing is distinct in the way it is governed. Whilst all decisions related to the PPP go through the Joint Public Protection Committee, each partner retains its individual Licensing Committee's to set policy. This requires careful co-ordination and clear governance arrangements have been put in place to ensure this happens, overseen by the Principal Officer for Policy and Governance.
- 4.2 The Licensing functions carried out by the PPP can be broadly described as the consideration and issue of a range of licences, consents, notices 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/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare

licensing provisions are there to protect the health and wellbeing of animals in regulated settings such a kennels or performances.

- 4.3 It is acknowledged by the licensed sector that an effective licensing regime, properly administered, applying sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The PPP 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 PPP therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

The Licensing Committee

- 4.4 The Licensing Committee meets to discharge the functions of the Council as licensing authority in respect of the Licensing Act 2003 and Gambling Act 2005. The Licensing Committee comprises 12 Members appointed at the Annual Council meeting each year and the 2020/21 membership is set out below:

Conservative Group (seven Members)	Jeff Beck, Graham Bridgman, James Cole (Chairman) Rick Jones, Tony Linden, Claire Rowles, Andy Williamson
Liberal Democrat Group (four Members)	Adrian Abbs, Phil Barnett (Vice-Chairman), Billy Drummond, Martha Vickers
Green Group (one Member)	David Marsh

- 4.5 The 2021/22 Membership was amended to reflect that Councillors Graham Pask and Peter Argyle joined the Committee and Councillors James Cole and Andy Williamson left the Committee. Sadly Cllr Argyle has recently passed away.
- 4.6 Over the 2020/21 period the Licensing Committee met on 14th May 2020, 30th November 2020 and 8th February 2021. The Committee considered a number of matters including: private hire vehicle and operator fees, the implications the Statutory Taxi and Private Hire Vehicle Standards (issued by the Department for Transport) would have on local policies including the hackney carriage and private hire taxi policy which would come to the Committee during the 2021/22 financial year. The Committee also considered a response to a Council Motion on the use of Fireworks and an operational approach was subsequently agreed.
- 4.7 In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies including the following are scheduled for consideration during the 2021/22 cycle:

- The Statement of Gambling Principles (November 2021)
- The Draft Hackney Carriage and Private Hire Policy (January 2022)
- Consideration of Revised Hackney Carriage Tariffs (September and November 2021)
- Amendments to the Scheme of Delegation for both the Licensing Act 2003 and the Gambling Act 2005 (November 2021).

4.8 At each meeting Committee Members are asked to consider if there are any additional items that they wish to include on the Forward Plan.

Licensing Sub-Committees

4.9 While the Licensing Committee carries out functions relating to licensing and registration the Licensing Sub-Committee considers licensing applications where representations are received. These meeting are arranged on an ad-hoc basis. Each Sub-Committee comprises three Members drawn from the membership of the Licensing Committee. A substitute is also appointed in the event that, for whatever reason, one of the Sub-Committee Members has to withdraw from the panel.

4.10 During the 2020/21 financial year the sub-committee met on two occasions and a summary of the appeals are set out in the table below:

Type of Application	Premise	Outcome
Premise Licence under the Licensing Act 2003	Pinchington Hall	Granted
Premise Licence under the Gambling Act 2005	Merkur Slots	Granted

4.11 Four further meetings for Medicine Events, The Bottle Opener, Monksmead House (Temporary Event Notice application) and Wasing Park were cancelled following successful mediation.

4.12 The Merkur Slots decision, under the Gambling Act 2005, was originally appealed to the Magistrates Court but withdrawn on the day of the hearing.

4.13 The number of sub-committee meetings held each year remains relatively low. In 2019/20 six applications were heard, three sub-committees took place in 2018/19 and three in 2017/18.

4.14 The onset of COVID-19 and the introduction of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”) which permitted meetings to take place in a virtual format brought with them challenges and the need to adapt the existing documentation provided to participants and practices adopted at hearings. The roll out of virtual Licensing and Licensing Sub-Committee was very successful in West Berkshire and reflected the work undertaken by IT, Democratic

Services, Legal Services, Licensing Services and Members, most notably Councillor Bridgman.

Taxi and Private Hire Liaison Group Meetings

- 4.15 The Group was set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest. The Group is also tasked with reporting back to the Licensing Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.
- 4.16 The Group comprises the Chairman and Vice Chairman of the Licensing Committee, three Members of the Licensing Committee, the Public Protection Manager, the Licensing Team Manager and representatives from the Hackney Carriage and Private Hire Trade. The number of attendees from the Trade remains relatively low. Officers continue to encourage trade representatives to attend the meetings and the minutes are circulated to the trade and Licensing Committee to keep them abreast of discussions that have taken place.
- 4.17 During the 2020/21 financial year the Group met on the 24th March 2020. A range of issues were discussed including the impact that COVID-19 had had on the trade, the impact of the Statutory Taxi and Private Hire Vehicles Standard Guidance that had been issued by Central Government, accessing Additional Restrictions Grants, electric vehicles tariffs and fees.
- 4.18 As a result of the discussions on tariffs a consultation about modifying the current table of fares, which has been in place since 2013 has just been completed. The outcome of that consultation is included as an item on this agenda.
- 4.19 Officers are also working with the Environment Delivery Team to raise awareness with the trade about the use of electric vehicles and a workshop is being set up to discuss barriers to using these vehicles on the 17 November 2021. This session will also provide an opportunity for the trade to test drive electric vehicles which might be suitable for the trade.

Impact of COVID- 19 on the PPP Licensing functions

- 4.20 The PPP, including officers from Licensing, has had a significant role to play in investigating, managing and preventing outbreaks during the 2020/21 financial year. This included providing support monitoring outbreaks on an ongoing basis, local contact tracing as well as a seven day Service in West Berkshire, outbreak tracing and isolation calls. Officers have also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with the Council's outbreak plans.
- 4.21 The PPP provided targeted pro-active advisory calls and visits to settings which saw increases in cases to look at how outbreaks were occurring and provide advice on how they could be reduced and contained. Officers also carried out both daytime and evening visits to businesses to ensure compliance with relevant restrictions affecting hospitality and other retail and business settings. A small number of prohibition notices

were issued to businesses that should not have been operating. In other cases where improvements were needed advice was offered and follow up visits undertaken. The PPP has engaged Licensing Liaison Officers as part of the approach to regulating and assisting the licenced sector with advice and support including Covid mitigations.

- 4.22 Officers use a risk based assessment programme to visit licensed premises to check compliance, provide assistance and advice for those businesses. In 2019/2020 PPP officers carried out 158 inspections (and a further 40 conducted on behalf of the authority) compared to 172 in 2018/2019 and 202 in 2017/2018. The figures are similar to previous years. It should also be noted that there is increased information and advice available to businesses as well as acknowledging that some licences do not require an annual inspection and therefore we would expect lower numbers. COVID lockdown also meant that many businesses were closed for periods of time hence less time to carry out visits.
- 4.23 Information about the number of active licences are set out in Appendix A. Appendix B provides details around the number of applications received and the outcome of those applications. The performance data is set out in Appendix C. In essence this shows that fewer complaints have been received and this is likely to be ascribed to reduced activity as a result of the pandemic. This has however resulted in more inquiries and requests for advice. There has been a reduction in the number of some applications and are also related to the impact COVID-19 has had on a range of businesses.

The Effect of COVID-19 on the Licensed Sector

- 4.24 This has been an extremely difficult and challenging year for many aspects of the licensed sector. The three lockdowns saw hospitality and non-essential retail completely closed down and reduced taxi and private hire trade to around 10% of normal levels. Other sectors were significantly affected by the 'stay home' legislation and bans on travel. These included home day care dog boarding and corporate and travel related private hire providers.
- 4.25 For those periods when the licenced sector in its various guises were able to trade they have done so under a range of regulations and guidance covering everything from face coverings to QR codes and contact tracing information. During this period the hospitality trade went through at least five sets of changes to legislation and/or guidance. As a service we have worked with them every step of the way.
- 4.26 Event activity was also very badly hit and most events in 2019/20 were cancelled although some events did take place under strict COVID controls and monitoring by the PPP. Officers sought to help organisers run the safest possible events within the legislative framework and the context of local infection levels.
- 4.27 Invariably some businesses did not survive the financial strains caused by the pandemic. In the case of other sectors such as betting shops the pandemic has quite likely hastened the planned closure programme of some high street settings. This has affected PPP income levels as mentioned elsewhere in this report and licensing budgets will need to adjust to this.

Development of Single Case Management System

4.28 During the 2020/21 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. For the first time data from West Berkshire and Bracknell will be stored in the same place, with improved customer management processes and less bureaucracy. This project is referred to as the single system project and will be online from April 2022.

Communication

4.29 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The PPP provides a range of advice and information sheets via its [website](#) and Council's website. We have also expanded our social media presence with active Facebook and Twitter feeds. 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.

4.30 PPP Licensing data shows that it dealt with 272 complaints and requests for service in 2020/21 (compared with 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18). These figures include some general telephone enquiries, due to the adaptations which have had to be made due to the remote home working of many staff due to COVID-19. The majority as shown have been logged for further response.

Customer Feedback

4.31 The role of Licensing has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up (as on many occasions it has been interactions with other services that has resulted in a negative response). Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs. The outturn position for 2020/21 is 79% of service users were satisfied / very satisfied with the Public Protection Service and a 100% of service users were satisfied with the Public Protection Service's business webinars.

Looking Ahead

4.32 This summer has seen the return of events and numbers are greater than pre-COVID-19 levels with notification and applications being received for a raft of events. The PPP has also seen a significant increase in applications for Temporary Event Notices more generally. In terms of taxi and private sector a number of new drivers have licenced and a number of vehicles have returned to the fleet.

4.33 What is less obvious (as we go through recovery) is what the future will look like for aspects of the licenced sector. Parts of hospitality are seeing sluggish return to pre-pandemic levels and the taxi and private hire fleets have all been scaled back. New ways of working, with many people working at home and the move to online meetings, may well impact those involved in corporate private hire and taxi services as well as those in the home boarding day care for dogs.

4.34 By the time of the next annual report we should be able to give the Committee a clearer idea of the long-term impacts. It should be noted that future iterations of this report will be presented to members at the June/July meeting.

5 Other options considered

5.1 None the report is to note only

6 Conclusion

6.1 The Licensing Committee has continued to meet throughout 2020/21 and held Sub-Committee hearings, albeit it in remote and latterly hybrid formats. They have met their requirements and discharged their duties appropriately and in accordance with the Constitution. Officers have reported issues to the Committee and worked to implement decisions alongside maintaining a high standard of service to the licensed trade. This sets out the ways in which these objectives have been met.

7 Appendices

7.1 Appendix A – Number of Licences in the West Berkshire Area

7.2 Appendix B – Number of Applications Received

7.3 Appendix C – Licensing Service KPIs

Corporate Board's recommendation

Corporate Board approved the report.

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 Committee or associated Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: All

Officer details:

Name: Sean Murphy
 Job Title: Public Protection Manager
 Tel No: 01635 519840
 E-mail: Sean.Murphy@westberks.gov.uk

Document Control

DocumentRef:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

Appendix A

Number of active licences within the West Berkshire Council area

Licence Type	At 31/03/2021	At 31/03/2020	At 31/03/2019
Animal Boarding Establishment and Dog Breeding	11	20	19
Home Boarding Licence	26	31	31
Pet Shop Licence	4	3	2
Riding Establishment Licence	5	6	8
Dermal Personal and Premises Registration	334	242	313
House to House Collections*	17	39	9
Street Collections*	10	82	20
Street Trading Consent	20	24	26
Club Gaming Permits	0	0	1
Club Machine Permits	6	8	9
Licensed Premises Gaming Machine Permit	9	10	8
Notification of 2 or less gaming machines	83	84	85
Small Society Lottery	108	108	148
Gambling Premises	12	14	16
Personal Licence	2207	2157	2077
Scrap Metal Dealer - Site	5	5	7
Scrap Metal Dealer - Mobile	5	4	7
Premises Licence	465	458	497
Premises Licence Application (No alcohol)	73	75	
Club Premises Certificate	40	40	40
Dual Driver	193	247	239
Private Hire Driver	106	130	117
Private Hire Operator	56	61	58
Hackney Carriage Vehicle	133	153	159
Private Hire Vehicle Licence	127	163	156
Temporary Event Notice (total issued)*	71	610	559

* data shows total received for the year

Number of applications received by year, with application outcome – West Berkshire Council

Type	2020/21					2019/2020				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators	17	17				8	6	1		1
Private Hire Vehicles	139	138			1	200	197	1		2
Private Hire Drivers	28	26			2	50	46	3		1
Dual (Hackney Carriage and Private Hire) Drivers	95	88			7	66	61	1		4
Hackney Carriage Vehicles	140	140				181	180	1		
Animal Boarding Establishments	11	3	1		7	6	6			
Home Boarders of Dogs	15	1	2		12	20	16			4
Dog Breeder	2				2	2	2			
Dangerous Wild Animal	1	1				0	0			
Riding Establishments	0					6	5	1		
Performing Animals	0					1	1			
Pet Shops	3	2			1	0	0			
Zoo Licence	0					1				1
Scrap Metal Site	0					5	5			
Scrap Metal Mobile Collectors	2	2				1	1			
Hairdressers	4	4				2	2			
Personal Licences	53	50		2	1	82	81			1
Premises licence - variation/vary DPS	77	76		1		127	120	2		5
Premises licence - minor variation	8	7		1		21	19	1		1
Premises licence - transfer	23	23				24	22			2
Premises licence - new	21	16			5	27	21	1		5
Temporary Event Notices	72	68	1		3	610	593	9	1	7
Club Premises Certificates - new	1	1				1	1			
Street Traders - mobile	17	16		1		9	9			
Street Traders - site	27	22			5	33	31		1	1
Street Collections	10	10				81	80			1
House to House Collections	17	17				39	38		1	
Lotteries	18	18				23	23			
Licensed Premises Gaming Machine Permits	2	2				1	1			
Gaming Machine Notifications						5	5			
Skin Piercing - individual	8	5	1		2	8	8			
Skin Piercing - premises	9	6			3	4	4			
Club Machine Permits						1	1			

Key: I = licences issued, W = applications withdrawn, R = applications refused or rejected, P = applications pending decision, e.g. awaiting documentation before licence issue

Licensing Service KPI and key information

KPI	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
% of premises that have applied for a designated premise supervisor (DPS) variation visited within 28 days of application (reported cumulatively)	75%	1/2 50%	9/16 56%	30/40 75%	22/56 39%	62/114 54.4%	Some inspections were virtual with information shad
% of licensing applications processed within statutory timescales or 5 days	Base	122/162 75.3%	129/168 76.8%	154/225 68.4%	128/164 78%	533/719 74.1%	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	6/6 100%	26/33 78.8%	23/23 100%	3/4 75%	58/66 87.9%	
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	175/200 87.5%	196/200 98%	154/158 97.5%	184/191 96.3%	709/749 94.7%	Q1 was in the very first lockdown period when the service was adjusting to new regulations and restructure to manage the responses across the 3 authorities.

Measure of Volume	Target	Q1	Q2	Q3	Q4	2019/20	Notes (Comments)
Number of licences Revoked/Suspended	N/A	2	3	1	13	19	These were related to COVID and some authorised "suspension"
Number of Licensing – General Inquiries/advice	N/A	50	61	30	25	166	Initial lock down then information being sought over summer reopening and potential events
Number of Complaints made about those licenced (or unlicensed) by the authority	N/A	10	24	25	16	75	Lower numbers than previous years due to reduced activities
Number of Contacts directly attributable to the trade making contact	N/A	6	6	2	10	24	Some of these were requests about our processes during lockdown with some chasing queries
Number of COVID related inquiries	N/A	1	2	1	3	7	There were COVID related complaints outside of those recorded specifically as COVID (enforcement or advice)
Total Inquiries	N/A	67	93	58	54	272	

Detailed Breakdown of the types of demands on the service in 2020/21 compared to 2019/

Licensing Area	Recorded Licensing interactions		General Enquiries and Requests		Requests from the trade for information, meetings, updates		Complaints about licence holders/premises, non-compliance or unlicensed activities	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
L - Animal	14	36	6	20		5	8	11
L - Premises	84	76	26	52		1	57	20
L - Street Trading	9	25	4	12		2	5	11
L - Taxi	50	89	14	45	1	14	35	27
L - TEN	2	3	1	3		0	1	0
Licensing	9	43	9	34		2		6
Total	168	272	60	166	1	24	106	75

This page is intentionally left blank

This page is intentionally left blank

Licensing Fees and Charges 2022/23 Report

Committee considering report:	Licensing Committee
Date of Committee:	08 November 2023
Portfolio Member:	Councillor Hilary Cole
Date Service Director agreed report: <i>(for Corporate Board)</i>	TBC
Date Portfolio Member agreed report:	TBC
Report Author:	Sean Murphy
Forward Plan Ref:	JPPC4133

1 Purpose of the Report

- 1.1 To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee on 13 September 2021 pertaining to Licensing for the Committee to consider ahead of consideration by Executive and Full Council.
- 1.2 To consider the proposals for the statutory consultation associated with the fees and charges for hackney carriage and private hire drivers, vehicles and operators.

2 Recommendations

The Licensing Committee:

- 2.1 **AGREES** that save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the fees set out at Appendix A go forward for consideration as part of the Council fee setting process.
- 2.2 **AGREES** that the proposed charges for operators and vehicle licence fees are put forward for statutory consultation.
- 2.3 **AGREES** that the charges for private hire operators and vehicle licence fees are subjected to a twenty eight day statutory consultation period from 18 November 2021 to 16 December 2021.
- 2.4 **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Newbury Weekly News and Reading Chronicle.

- 2.5 **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators in the District and that a copy of the consultation is posted on the Public Protection Partnership website and in the reception area at the Market Street Offices.
- 2.6 **AGREES** if no objections are received, the charges for operators and vehicle licence fees are included in February 2021 Executive and March Council papers for approval; or if objections are received they be considered by the Licensing Committee at the meeting on 31 January 2022 and any changes be recommended to full Council for approval.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.</p> <p>Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit</p> <p>The total lost revenue budget from the adjustments to the Taxi and Private Hire Vehicles and Private Hire Operator’s fees will be in the order of £60K per annum across the PPP. This loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.</p>
<p>Human Resource:</p>	<p>The projected loss of income will be managed through the service reconfiguration process for the new two authority Public Protection Service. Vacant posts have been held to assist with mitigation.</p>
<p>Legal:</p>	<p>Fees for drivers licences</p> <p>Section 53 of the Local Government (Miscellaneous Provisions) Act 1976: “...a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so.”</p> <p>Section 53 above therefore limits the cost of a driver’s licence to the council’s administration costs associated with the “...the</p>

	<p>grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...”.</p> <p>Fees for vehicle and operators’ licences</p> <p>Section.70 of the Local Government (Miscellaneous Provisions) Act 1976: “...a district council may charge such fees for the grant of vehicle and operators’ licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:</p> <ul style="list-style-type: none"> (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed; (b) the reasonable cost of providing hackney carriage stands; and (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.” <p>The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with “...control and supervision of hackney carriages and private hire vehicles.”</p>
<p>Risk Management:</p>	<p>The fees are potentially subject to legal challenge. It is therefore important the fees and methodology are subject to ongoing review</p>
<p>Property:</p>	<p>None</p>
<p>Policy:</p>	<p>The Joint Public Protection Committee is required every autumn to propose a budget to partner authorities. This includes proposals in relation to discretionary fees and charges. The JPPC made some changes to the Street trading consents in order to align the West Berkshire and Bracknell Forest Council Fees. It is not the role of this Committee to set the fees for 2022/23. The Committee is being asked to consider the fees prior to them being considered by Executive and</p>

	Council. The Committee may amend the proposals and put forward alternative fees for consideration.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		There are no implications arising from the recommendation in this report.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		There are no implications arising from the recommendation in this report.
Environmental Impact:		X		<p>The reduction in fees should assist the trade which in turn will help to assist a public transport infrastructure which should be beneficial to the environment.</p> <p>Nuisance arising from licenced premises can have a significant impact on individuals and the wider community. The implementation of and policy oversight of the licensing regime provides important protections.</p>
Health Impact:		X		There are no implications arising from the recommendation in this report.
ICT Impact:		X		There are no implications arising from the recommendation in this report.

Digital Services Impact:		X		The consultation will be published on the Council's website.
Council Strategy Priorities:		X		This work is business as usual within the service.
Core Business:		X		Business as Usual
Data Impact:		X		Not applicable
Consultation and Engagement:	The fees for Taxis and Private Hire Vehicles and Private Hire operators will be subject to statutory consultation.			

4 Supporting Information

- 4.1 The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils. The JPPC met on the 13 September 2021 to consider the proposed fees and charges.
- 4.2 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.
- 4.3 At the meeting of the JPPC 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 that all fees and charges should be set on the basis of full cost recovery. In 2018/19 a generic hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for 2020/21. For 2021/22 the full cost of the service, including internal support service re-charges (as per Council budget build processes) and the current establishment lists were updated which resulted in a new rate of £59 p/h. Given the uncertainty of the staffing changes for 2022/23 it is proposed to maintain the hourly rate at £59p/h for 2022/23 and conduct a full review once the new structure is in place.
- 4.4 In calculating this rate a range of factors have been considered including the wide variety of council overheads each of the partners must contribute to, the levels of staffing, their costs, contracts and the necessary training to maintain a competent workforce.
- 4.5 During the discussion at the JPPC meeting the issue of the disparity between the Street Trading Consent fees in Bracknell when compared to West Berkshire Council. Officers were asked to revisit these fees and an amended proposal in relation to these set of fees is therefore including in Appendix A.

- 5.7 The most significant issue this year affecting the fees has been the imminent introduction of the new single system for premises and licences. This will be in place by the 1st April 2022 and will improve efficiency in the licensing administration process by allowing on-line applications and automated reminders at key times. It will also allow for on-line payments at the time of application which will significantly reduce the amount of invoicing. The cost recovery aspect of the fees has been considered in this context and consequently a number of discretionary fees have been reduced.
- 5.8 The PPP has also sought to review some of the additional fees that the taxi and private hire trade asked the PPP to consider through the liaison meetings. Having reviewed the fees for drivers a reduction for drivers has been proposed, based on the efficiency gains from the single system efficiency. This has enabled the incorporation of the fees for safeguarding and disability awareness training into the driver licence fee for only a small increase in overall cost. The plan is to deliver this training in-house.
- 5.9 The total lost revenue budget from these adjustments will be in the order of £60K per annum across the two authorities. The final figure depends on the extent of any recovery within the sector. Any loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.
- 5.10 The Council is required to undertake a statutory consultation in respect of the Taxi and Private Hire Vehicles and Private Hire Operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.6 for Members to consider and approve.

5 Other options considered

- 5.1 None. It is a requirement of the Inter Authority Agreement for the JPPC to consider the fees and charges and make a recommendation to the individual authorities. There is a requirement to set fees and charges annually and there is a statutory requirement to undertake consultation on the proposed charges for operators and vehicle licence fees.

6 Conclusion

- 6.1 Members of the Licensing Committee are asked to consider the proposed fees and charges and the consultation proposals and agree a way forward.

7 Appendices

Appendix A – Proposed Licensing Fees for 2022/23

Background Papers:

Papers that went to the Joint Public Protection Committee on the 13 September 2021.
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=6420&Ver=4>

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 Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Sean Murphy
 Job Title: Public Protection Partnership Manager
 Tel No: 01635 519840
 E-mail: Sean.Murphy@westberks.gov.uk

Document Control

Document Ref:		Date Created:	
Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

This page is intentionally left blank

PROPOSED FEES AND CHARGES 2022/2023

The Public Protection Partnership (PPP) provides chargeable services on behalf of two authorities, Bracknell Forest Council and West Berkshire Council.

Fees effective from 1 April 2022

Please Note:

- All Statutory Fees and those linked to national schemes are based on fees published on 16th August 2021 and may be subject to change by Central Government or the management of the schemes.
- The Hourly rate is **£59ph** for 2022/23, if there is a minimum number of hours or it is capped it is indicated in the text below.
- Class A Statutory Fees are marked with **Pale Gold** and Class B Discretionary Fees are headed **Blue**
- There are some additional fees which will be due when making an application, these listed separately (if known) and with a note if varied amounts
- If you have any questions regarding the fee amount please complete

CONTENTS

Licences, Registrations and Consents.....	2
Pre Application Advice	2
Animal Licences.....	2
Explosives Licences – Statutory.....	6
Gambling Act 2005 – Statutory	6
Hackney Carriage and Private Hire Licences.....	8
Hairdresser Registration (Bracknell Forest Only)	11
Licensing Act 2003 - Statutory.....	11
Petroleum Licences - Statutory.....	11
Scrap Metal	12
Sex Establishments - Statutory.....	12
Skin Piercing & Dermal Treatments.....	12
Street Trading Consents.....	12
Environmental Protection	14
Abandoned vehicles – Statutory	14
Anti-Social Behaviour Act	14
Dog Warden Services.....	14

Environmental Permitting Regulations 2016 - Statutory	14
Private Sector Housing.....	16
Private Water Supplies (Statutory Cap).....	16
Other Fees.....	17
Trading Standards.....	18
Buy with confidence.....	18
Primary Authority	18
Support with Confidence.....	18
Weights and Measures.....	18
Other Fees.....	18

LICENCES, REGISTRATIONS AND CONSENTS

Pre Application Advice

We provide chargeable pre-application advice for the following licences and consents:

License/Consents	Published 2021/22 Fee	Proposed 2022/23
Gambling Act	£59ph	£59ph
Licensed Premises Notifications	£59ph	£59ph
Licensing Act 2003	£59ph	£59ph
Scrap Metal	£59ph	£59ph
Sex Establishments	£59ph	£59ph
Skin Piercing & Dermal Treatments	£59ph	£59ph
Street Trading Consents	£59ph	£59ph

Animal Licences

Animal Licences – (Class A – Fee Discretionary)			
*The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits, aborted visits will be charged at an additional fee **Additional vets fee payable		Published 2021/22 Fee	Proposed 2022/23
NEW - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum

NEW - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum
RENEWAL - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£177	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£325 minimum
NEW - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£118	£118
	Granting Fee	£153.85	Minimum 2 hours at £118*
	Total Fee (minimum)	£271.85	£236 minimum
RENEWAL - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£118	£89
	Granting Fee	£123.85	Minimum 2 hours at £118*
	Total Fee (minimum)	£241.85	£207 minimum
NEW - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£147.50	£118
	Granting Fee	£59	Per inspection at hourly rate
	Total Fee (minimum)	£206.50	£118 + host inspection fee
RENEWAL - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£118	£89
	Granting Fee	£59	Per inspection at hourly rate
	Total Fee (minimum)	£177	£89 + host inspection fee
Assessment of hobby host as part of a franchisee licence	Host inspection fee	£118	£118
NEW - Dog Day Care	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Dog Day Care	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum

NEW - Dog Breeding Establishment (**excluding vet fee)	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Dog Breeding Establishment	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum
NEW - Dog Breeding Establishment (in domestic dwelling)(**excluding vet fee)	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum**
RENEWAL - Dog Breeding Establishment (in domestic dwelling)	Application Fee	£118	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum
NEW - Pet Vending / Sale of pets	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum
RENEWAL - Pet Vending / Sale of pets	Application Fee	£118	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum
NEW - Animal for Exhibition	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Animal for Exhibition	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
		£531	£384 minimum

Riding Establishment - Inspections are carried out annually, regardless of the star rating or length of licence, by a qualified Veterinarian Officer. **Vets fees will be recharged separately.			
NEW - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£177	£118
	Renewal Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum**
RENEWAL - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£118	£89
	Renewal Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum**
Fee per horse, for the first 10 horses		£15	£15
Fee per horse, for next 11-50 horses		£10	£10
Fee per horse, for every horse 51 & over		£8	£8
Other Fees			
Additional mid licence visit			£118
Variation to the licence fee (inclusive of one visit)		£224	£177
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£59	£30
Re-evaluation of star rating (inclusive of one visit)		£112	£118
Transfer due to death of licensee	Admin cost	£56	£30

Wild Animals and Zoos

Wild Animals & Zoos	Duration	Published 2021/22 Fee	Bracknell Forest Proposed 2022/23	Published 2021/22 Fee	West Berkshire Proposed 2022/23
Dangerous Wild Animal Consent	2 years	N/A	N/A	£460.00	N/A
Dangerous Wild Animal Consent – New (** excluding vets fee)	2 years	£489.00	£472	N/A	£472
Dangerous Wild Animal Consent - Renewal	2 years	£284.00	£295	N/A	£295
Zoo Licences (new & renewals) Periodical inspections (** excluding Vets Fees)	Up to 6 years	£2,066.00	£2065	£2,066.00	£2,066.00

Explosives Licences – Statutory

Description	Duration	All Council Areas
New licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£111.00
	2 years	£144.00
	3 years	£177.00
	4 years	£211.00
	5 years	£243.00
Renewal of licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£55.00
	2 years	£88.00
	3 years	£123.00
	4 years	£155.00
	5 years	£189.00
New licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£189.00
	2 years	£248.00
	3 years	£311.00
	4 years	£382.00
	5 years	£432.00
Renewal of licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£88.00
	2 years	£150.00
	3 years	£211.00
	4 years	£272.00
	5 years	£333.00
Varying the name of licensee or address of site		£37.00
Any other kind of variation		Cost Recovery
Transfer of licence		£37.00
Replacement Licence		£37.00
Full year registration for sale of fireworks (capped fee)		£500.00

Gambling Act 2005 – Statutory

Description	Type	All Council Areas
Casinos (regional)	New Application	£15,000
	Provisional Statement	£15,000
	Application with Provisional Statement	£8,000
	Variation	£7,500
	Transfer/Reinstatement	£6,500
	Annual Fee	£15,000
Casinos (large)	New Application	£10,000
	Provisional Statement	£10,000
	Application with Provisional Statement	£5,000
	Variation	£5,000
	Transfer/Reinstatement	£2,150
	Annual Fee	£10,000
Casinos (small)	New Application	£8,000
	Provisional Statement	£8,000

	Application with Provisional Statement	£3,000
	Variation	£4,000
	Transfer/Reinstatement	£1,800
	Annual Fee	£5,000
Bingo Clubs	New Application	£3,500
	Provisional Statement	£3,500
	Application with Provisional Statement	£1,200
	Variation	£1,750
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Betting Premises	New Application	£3,000
	Provisional Statement	£3,000
	Application with Provisional Statement	£1,200
	Variation	£1,500
	Transfer/Reinstatement	£1,200
	Annual Fee	£600
Tracks	New Application	£2,500
	Provisional Statement	£2,500
	Application with Provisional Statement	£950
	Variation	£1,250
	Transfer/Reinstatement	£950
	Annual Fee	£1,000
Family Entertainment Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£950
	Variation	£1,000
	Transfer/Reinstatement	£950
	Annual Fee	£750
Adult Gaming Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£1,200
	Variation	£1,000
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Lotteries & Amusements	New Application	£40
	Annual Fee	£20
All licences	Notification of change	£50
	Copy of licence	£25
Club gaming or machine permit	New Application	£200
	Existing holder	£100
	Renewal	£200
	Annual Fee	£50
	Variation	£100
	Copy of licence	£15
Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)	New Application	£100
	Renewal	£100

Licensed Premises Notifications		All Council Areas
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	Notification of intention	£50
Gaming Machine Permit (more than 2 machines) on-premises which hold on premises alcohol licence	Application (existing holder)	£100
	New Application	£150
	Annual Fee	£50
	First Annual Fee (payable within 30 days of date permit takes effect)	£50
	Variation	£100
	Transfer	£25
	Change of name	£25
	Copy of permit	£15

Hackney Carriage and Private Hire Licences

Vehicle Licences		Bracknell Published 2021/22 Fee	West Berkshire Published 2021/22 Fee	Proposed 2022/23 Fee
Hackney Carriage Vehicle – New		£290	£288	£266
Hackney Carriage Vehicle – Renewal		£290	£288	£236
Private Hire Vehicle – New		£290	£288	£266
Private Hire Vehicle – Renewal				£236
Home to school – New and renewal		£148	N/A	£148
Private Hire Vehicle with Dispensation -New		£290	£288	£266
Private Hire Vehicle with Dispensation - Renewal				£236
Temporary Vehicle Licence	Up to 3 months	£232	£232	£236
Driver Licences				
Driver – New	3 year Now includes initial tests, safeguarding and disability trainings	£271	£271	£301
Driver –Renewal		£271	£271	£272
Home to school – New & Renewal	3 year	£186	N/A	£207

	Now includes initial tests, safeguarding and disability trainings			
Conversion of driver licence to another type	1.5hrs (inc retaking tests)	£80	£80	£89

Private Hire Operators (PHO)

Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee
NEW Per vehicle calculation of 3.5 hours (at £59.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to a maximum of 20 vehicles (2021/22 based on 4 hours initial vehicle)	1	£472.00	£443.00
	2	£545.75	£516.00
	3	£619.50	£590.00
	4	£693.25	£664.00
	5	£767.00	£738.00
	6	£840.75	£811.00
	7	£914.50	£885.00
	8	£988.25	£959.00
	9	£1,062.00	£1,033.00
	10	£1,135.75	£1,106.00
	11	£1,209.50	£1,180.00
	12	£1,283.25	£1,254.00
	13	£1,357.00	£1,328.00
	14	£1,430.75	£1,401.00
	15	£1,504.50	£1,475.00
	16	£1,578.25	£1,549.00
	17	£1,652.00	£1,623.00
	18	£1,725.75	£1,696.00
	19	£1,799.50	£1,770.00
	20	£1,873.25	£1,844.00
20+	£1,873.25	£1,844.00	
Private Hire Operator	Number of Vehicles	Published 2021/22 Fee	Proposed 2022/23 Fee
RENEWAL Per vehicle calculation of 1.5 hours (at £59.00 hourly rate) plus an hour per year (years 2-5) for first vehicle, plus 15 minutes per additional vehicle per years (years 1-5) up to	1	£342.00	£325.00
	2	£413.25	£398.00
	3	£484.50	£472.00
	4	£555.75	£546.00
	5	£627.00	£620.00
	6	£698.25	£693.00
	7	£769.50	£767.00
	8	£840.75	£841.00
	9	£912.00	£915.00
	10	£983.25	£988.00
	11	£1,054.50	£1,062.00
	12	£1,125.75	£1,136.00

a maximum of 20 vehicles (2021/22 based on 2 hours initial vehicle)	13	£1,197.00	£1,210.00
	14	£1,268.25	£1,283.00
	15	£1,339.50	£1,357.00
	16	£1,410.75	£1,431.00
	17	£1,482.00	£1,505.00
	18	£1,553.25	£1,578.00
	19	£1,624.50	£1,652.00
	20	£1,695.75	£1,726.00
	20+	£1,695.75	£1,726.00

Other Private Hire & Hackney Carriage Charges

Other charges		Published 2021/22 Fee	All Council Areas – where applicable
Variation to PHO licence	To include reissue of licence with additional vehicle registration added plus extra fees for these for length of licence	£59	£59
Transfer of vehicle to new owner		£118	£59
Change of vehicle		£74	£74
Replacement Licence		£41	£30
Replacement Badge		£41	£30 + Badge Costs
Replacement Vehicle Licence Plate		£59	£30 + Plate Costs (£26)
Knowledge Test		£74	£74
Missed Appointment		£37	£30
Disclosure and Barring Service Check (DBS)		£67 (Bracknell Forest) £89.50 (West Berks)	£94
Advertising on a Hackney carriage - New	Bracknell Only	£47	£59
Advertising on a Hackney Carriage - Renewal	Bracknell Only	£32	£30
Change of address (PH & HC)		£14	£10.50
Backing Plate		£26	£26 at cost
Medical Exemption		£22	£30
Refund Processing Fee		£59	£30
Change of vehicle registration	Including	£57	£30 + sticker and licence costs
Age of vehicle Inspection – initial & renewal	Bracknell Only	£59	£59
Pre-application advice, hourly rate	Min 1 hour	£59	£59

Disability Awareness Training		POA	Included in driver application fee
Safeguarding Training		POA	Included in driver application fee
First aid Training	Bracknell Only	POA	

Hairdresser Registration (Bracknell Forest Only)

Description	Published 2021/22 Fee	Bracknell Forest Only Proposed 2022/23 Fee
Hairdresser/barber registration	£43	£30

Licensing Act 2003 - Statutory

Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)	PPP Areas
Band A – RV up to 4,300	£100
Band B – RV 4,300 to 33,000	£190
Band C – RV 33,001 to 87,000	£315
Band D – RV 87,001 to 125,000	£450
Band E – RV 125,001 and above	£635
Pre-application advice, hourly rate	£59
Premises Licence – Annual Fee (Class B – Statutory Fee)	
Band A	£70
Band B	£180
Band C	£295
Band D	£320
Band E	£350
Personal Licence - (Class B – Statutory Fee)	£37
Temporary Event Notices (TENS) - (Class B – Statutory Fee)	£21
Application for copy licence	£10.50
Application to vary DPS/transfer licence/interim notice	£23
Application for making a provisional statement	£315
Minor variation	£89
Application to disapply mandatory DPS condition	£23
Pre-application work, hourly rate	£59

Petroleum Licences - Statutory

Petroleum Licences	All Council Areas
Not exceeding 2,500 litres	£45
Not exceeding 50,000 litres	£61
Exceeding 50,000 litres	£128

Scrap Metal

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Scrap Metal site –New	3 Years	£501	£472
Scrap Metal site - Renewal	3 Years	£501	£443
Scrap Metal mobile collector - new	3 Years	£267	£236
Scrap Metal mobile collector - renewal	3 Years	£267	£207
Scrap Metal - Variation of Licence		£368	£236
Scrap Metal - change of site manager		£68	£59
Scrap Metal - copy of licence		£11	£11
Scrap Metal - Change of Name		£36	£30

Sex Establishments - Statutory

Description	Type	All Council Areas
Sex Establishments - (Class A – Fee Discretionary)	Cinema	min £3,100 to max £5,150
	Shop	min £3,100 to max £5,150
	Entertainment Venue	min £3,100 to max £5,150

Skin Piercing & Dermal Treatments

Description	Type	Published 2021/22 Fee	Proposed 2022/23 Fee
Skin piercing Registrations (one off registration) - (Class A – Fee Discretionary)	Individual (4hrs)	£180	£236
	Premises (5hrs)	£282	£295
	Joint application (7hrs)	£451	£423
Pre-application work, hourly rate	Min. 1 hour	£59	£59

Street Trading Consents

Description	Type	Published 2021/22 Fee	Bracknell Forest Proposed 2022/23	Published 2021/22 Fee	West Berkshire Proposed 2022/23
Street Trading Consents - (Class A – Fee Discretionary)	1 Week	£139	£144	N/A	£144
	Monthly Rate	£372	£241	£228	£241
	3 months	£876	£642	N/A	£642
	6 months	£1,433	£803	£805	£803
	Annual Fee	N/A	£1365	£1,378	£1365
	6 months max. 2 trading days a week incl. Fri, Sat & Sun	£859	£642	N/A	N/A

	6 months max. 2 trading days a week Mon-Thurs only	£572	£482	N/A	N/A
	Ice cream van (per van) 6 month	£717	£717	N/A	N/A
	Ice cream van (per van) 1 month	£186	£186	N/A	N/A
Variation fee		£91	£89	£91	£89
Refund for Street Traders	In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund. If the application is refused by a Panel, no refund of the application fee is payable.				
Pre-application work, hourly rate	Min. 1 hour	£59	£59	£59	£59

ENVIRONMENTAL PROTECTION

Abandoned vehicles – Statutory

Description		Bracknell Forrest Only
Removal (prescribed fee)	Less than 3.5 tonnes	£150
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20
Enforcement Disposal costs (prescribed fee)	Less than 3.5 tonnes	£75
Fixed Penalty Notice	Reduced to £120.00 if paid within 7 days	£200
Enforcement invoice costs		£77

Anti-Social Behaviour Act

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Anti-Social Behaviour Act	High Hedges Fee (Class A – Fee Discretionary)	£1,206	£1,206

Dog Warden Services

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Stray Dogs – not taken to kennel	£73	£73
Stray Dogs – taken to kennel	Fees based on charges & cost recovery. Vet fees separate as applicable	£73 plus Cost recovery and Vets fees separate.
Kennels cost	Recharge based on cost	Recharge based on cost
Dog fouling fixed penalty charge	£75	£75
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping	Cost recovery charged at £59	Cost recovery charged at £59

Environmental Permitting Regulations 2016 - Statutory

Scheduled Processes – (Class B – statutory Fee)		All Council Areas
Standard Process		£1,650
Service Stations (PVI & PVII)		£257
Dry Cleaners		£155
Vehicle Refinishers		£362
Mobile Screening & Crushing Plant		£1,650
Mobile Screening & Crushing Plant for the 3 rd to 7 th applications		£985
Mobile Screening & Crushing Plant for the 8 th and subsequent applications		£498
Substantial changes		
Standard Process		£1,050
Reduced Activities		£102
Annual Subsistence Charge (Statutory)		

Standard Process	Low	£772
	Medium	£1,161
	High	£1,747
Service stations PVR2	Low	£113
	Medium	£226
	High	£341
VR and other reduced fees	Low	£228
	Medium	£365
	High	£548
Dry cleaners/PVR1	Low	£79
	Medium	£158
	High	£237
Mobile Screening & Crushing Plant	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 2 nd permit	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 3 rd to 7 th permit	Low	£385
	Medium	£617
	High	£924
Mobile Screening & Crushing Plant for the 8 th and subsequent permits	Low	£198
	Medium	£316
	High	£473
Late payment charge	If invoice issued & not paid within 8 weeks	£52
Transfer and Surrender		
Transfer		£169
Partial Transfer		£497
Surrender		£0
Transfer Reduced fees		£0
Partial Transfer Reduced Fees		£47

Private Sector Housing

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)	£402	£404
Enforcement Notices served under Housing Act 2004	£116	£118
HMO Licence NEW - assisted application	£1,204	£1180
HMO Licence RENEWAL	£805	£797
Caravan Site Licences		
Site licence new (plus additional fee per pitch)	£440	£443
New licence additional fee per pitch	£14	£16
Transfer of licence	£186	£187
Alteration of conditions	£341	£59.00/hour
Annual inspection fee	£14 per pitch	£14 per pitch
Enforcement action -per hour	£59	£59.00/hour
Deposit, vary or deleting site rules	£117	£118
Mobile Homes Regulations 2020		
Application Fee – Fit and Proper Test (any application taking more than two hours to process will be charged at an additional hourly rate of £59/ph or part thereof)	£118	£118
Annual Check Fee – Fit and Proper Test	£59.00/hour	£59.00/hour
Where the authority has to assist with appointing a site manager the costs will be specified in the agreement between the parties		

Private Water Supplies (Statutory Cap)

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Risk assessment	Every 5 years. Min. charge 1 hour, simple risk assessment and report typically 5 hours	£59/hour	£59 hourly rate
Sampling	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	£59/hour	£59 hourly rate
Private water and pool samples	Includes cost of testing	£60	£59
Investigation	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.	£109	£118
Analysis – Regulation 10	Where a supply provides <10m ³ /day or serves <50	£28	£28

	people and is used for domestic purposes		
Analysis of Group A Parameters		Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.	Hourly Rate + Laboratory Costs
Analysis of Group B Parameters		Additional parameters sampled less often to ensure the water complies with all safety standards - Hourly rate applies	Hourly Rate + Laboratory Costs
Hourly charge		£59	

Other Fees

	Hourly rate applies minimum of 2 hours	Published 2021/22 Fee	Proposed 2022/23 Fee
Environmental Information Request - Individual, Non-Commercial	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Environmental Information Request - Commercial and Government	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Civil Actions (Class A – Fee Discretionary)		£118	£118 minimum
Safety Certification and administration	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Pre-Application Advice, hourly charge		£59	£59

TRADING STANDARDS

Buy with confidence

Description	Employee numbers	Published 2021/22 Fee	Proposed 2022/23 Fee
Application Fee (set nationally by Buy with Confidence scheme)	1-5 employees	£125	£125
	6-20 employees	£167	£167
	21-49 employees	£208	£208
	50+ employees	POA	POA
Annual fee (set nationally by Buy with Confidence scheme)	1-5 employees	£250	£250
	6-20 employees	£375	£375
	21-49 employees	£500	£500
	50+ employees	POA	POA
Members before 2017/18 Annual Fee (Bracknell Forest legacy members only)	1-5 employees	£125	£125
	6-20 employees	£189	£189
	21-49 employees	£252	£252

* West Berkshire & Wokingham schemes administered by Hampshire County Council

Primary Authority

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Primary Authority Work hourly chargeable rate	£59	£59 Hrly Rate
Annual charge - previous year usage 10 hours or less	£516	£531
Annual charge - previous year usage 20 hours	£1031	£1062
Anything likely to be in excess of 20 hours	Full recovery of costs - Individually assessed	Individually assessed

Support with Confidence

Description	Employee numbers	Published 2021/22 Fee	Proposed 2022/23 Fee
Application fee	1-5 employees	£59	£59
	6-20 employees	£120	£120
	21+ employees	£300	£300

Weights and Measures

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Weights and Measures Fees	Includes the cost of maintaining calibration of equipment annually (Based on ACTSO guidance)	£64	£64

Other Fees

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
-------------	--	-----------------------	----------------------

Food export certificates	Full cost recovery based on hourly rate	£59	£59 minimum
Food Hygiene Rating Scheme rescore	2 hours	£118	£118
General Business Advice (Non-Primary Authority)	Hourly rate (first 30 minutes free)	£57	£59
Resident Request for Advice	Hourly rate	£57	£59

This page is intentionally left blank

Update Following Discussions at the Taxi and Private Hire West Berkshire Council Liaison Group

Committee considering report:	Licensing Committee
Date of Committee:	08 November 2021
Portfolio Member:	Councillor Hilary Cole
Report Author:	Moira Fraser
Forward Plan Ref:	N/a

1 Purpose of the Report

- 1.1 To provide the Committee with an update and raise any issues emanating from the Liaison Group meetings.

2 Recommendation

- 2.1 That the Committee notes the report.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	There are no specific financial implications arising from this report. Any follow up actions will be met from within existing resources.
Human Resource:	Attendance at these taxi trade meetings and any follow up actions will be met from within existing resources.
Legal:	There are no legal implications associated with these meetings. The trade meetings are not a legal requirement but are seen as good practice and allow a meaningful dialogue with the trade in an attempt to reach agreement on a wide number manner of topics affecting them.

Risk Management:	There are no risk management issues associated with this report. A good working relationship with the trade can assist with minimising reputational harm to the Council.			
Property:	None			
Policy:	The trade meetings are an opportunity to discuss policy issues but it is not a decision making forum. Any policy changes would be taken to the Licensing Committee, Joint Public Protection Partnership Committee or Council in accordance with the Scheme of Delegation.			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The forum is a platform to discuss any policy changes. Equalities Impact Assessments would be undertaken where changes to policies and or procedures were proposed.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		The trade meetings are not a decision making forum.
Environmental Impact:		X		The trade meetings are not a decision making forum.

Health Impact:		X		The trade meetings are an opportunity to discuss issues of mutual interest and an opportunity for the trade to raise matters directly with the decision makers. It is therefore hoped that they would have a positive outcome for the wellbeing of members of the trade.
ICT Impact:		X		There is no ICT impact albeit that some of the meetings will be conducted via Zoom.
Digital Services Impact:		X		None
Council Strategy Priorities:	X			The provision of a viable taxi trade in the district will support a number of the priorities in the Council Strategy. These meetings in particular are associated with supporting businesses to start, develop and thrive in West Berkshire.
Core Business:		X		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
Data Impact:				The report does not have a significant impact on the rights of data subjects.
Consultation and Engagement:	All Members of the West Berkshire Taxi Trade are invited to attend these meetings. While only a few have opted to attend the notes from the meetings are circulated to all members of the trade. The meeting is also attended by Members of the Licensing Committee.			

4 Supporting Information

Background

- 4.1 Since the June 2021 Licensing Committee meeting one meeting of the Taxi Trade Liaison Group has been held. The meeting took place on the 26 October 2021.
- 4.2 The Taxi and Private Hire West Berkshire Council Liaison Group (TTLG) has been set up to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest.

- 4.3 The meeting is attended by five Members of the Licensing Committee, representatives of the hackney carriage and private hire trade and relevant Officers and is chaired by the Licensing Committee Chairman. Discussions are ongoing with the trade as to whether they would prefer future meetings to be face to face or if they should continue to be held remotely.
- 4.4 It is the intention that going forward we will hold two scheduled meetings a year. One in January to discuss, amongst other things, the outcome of the annual fees and charges consultation and to hold initial discussions about any changes to the tariff scheme. Tariff scheme proposed variations would then need to be consulted on and if appropriate implemented during that year. The Chairman requested that consideration be given to finding a simplified methodology to ascertain the views of the trade on any variations.
- 4.5 The second meeting, which will usually be held in October would include a discussion on the fees and charges pertaining to the trade before the formal consultation process is started. Ad hoc meetings can be arranged to discuss any matters of concern or interest during the year.
- 4.6 The 26 October 2021 was attended by Councillors Rick Jones and the trade were represented by Graham Cox, Peter Chemaly, Walter O'Brien and Richard Brown. The Group all commented that it would be of great benefit to the trade if more attendees were able to come along to the meetings. Any other trade representatives wishing to attend the meetings are asked to notify moira.fraser@westberks.gov.uk and they will be sent the attendance details.
- 4.7 Jenny Graham, the Council's Environment Delivery Manager, attended the meeting to provide feedback on the survey of the Private Hire and Taxi Driver members which sought to understand driver work routines and interest in ultra-low emission vehicles undertaken in April 2021. Officers had been very pleased to received 72 responses to the questionnaire which had provided some really useful information to help inform future projects.
- 4.8 Some of the key highlights of the survey were that:
- Over 83% of the drivers owned their vehicles, with the remaining drivers leasing. Nearly all drivers have diesel vehicles (nearly 95%), there were no electric vehicles and just one non plug-in hybrid respondent. Around 60% of respondents were intending to change vehicles within the next 3 years.
 - Over 80% of journeys were less than 50 miles and over 80% of drivers drove less than 200 miles a day.
 - Over 50% would consider an electric vehicle for personal use, of those who would consider an electric vehicle for work, 30% thought they may purchase/lease one within the next 6 years, of those 20% within the next 3 years.
- 4.9 The trade commented that while they applauded the principle of using these vehicles there were barriers in place that prevented them from doing so including the cost of the vehicles, the range they could cover and the lack of infrastructure both locally and nationally to support their use. Officers stated that this was the start of the dialogue and

that they would welcome feedback on issues such as the location of charging points etc.

- 4.10 As part of this work Officers had arranged for the Energy Saving Trust (EST) to deliver an Electric Vehicle demonstration day for approximately 15–20 drivers on the 17 November 2021. The day would comprise an hour long webinar to try and dispel myths and discuss issues experienced by the drivers. A taxi driver who already used an electric vehicle would be present to discuss how it worked from the trade's point of view. It will also be an opportunity to learn more about electric vehicles, models currently available, purchase and running costs, and ask questions of experts.
- 4.11 Attendees will also have an opportunity to test drive a number of electric vehicles suitable for taxi &/or private hire work, during which they will be able to drive different electric vehicles for about 20 minutes each.
- 4.12 The meeting was used as an opportunity to start engaging the trade in the Air Quality and Anti-Idling Campaign. It was noted that the issue of air quality was a high priority on the Government agenda as well as for the Council. The PPP had recently been awarded a grant of £259k to be spent across the three authorities on this area of work. The funding would be used to set up a project which aimed to change the behaviour of the 448,000 residents who drove in the three boroughs by launching an anti-idling campaign.
- 4.13 A lot of the campaign would be based around schools. Officers had selected 42 schools (fourteen from each of the authorities) to focus the project on. The schools were selected based on their proximity to the Air Quality Management Areas in each of the Districts. The project would focus on an education programme in the schools as well as PM_{2.5} and NO₂ monitoring. The monitoring equipment would be rotated around the schools in order to collect data and inform future proposals.
- 4.14 The project would also involve increased presence of anti-idling signage across the boroughs, including at taxi ranks and the trade would be able to assist us as there would be an opportunity for taxis to display anti-idling signage through the acceptance of a bumper sticker. It was explained that the Council would be seeking to educate rather than enforce and there would be an increased officer presence at idling 'hotspots', for example outside schools and at busy taxi rank. Officers will be provided with an anti-idling tool-kit and guidance in order to be able to support drivers.
- 4.15 Taxi drivers, couriers and waste removal drivers are amongst those professional drivers who are exposed to the highest level of air pollution throughout the day. Exposure to air pollution over the long term is linked to various health defects, most often respiratory conditions. The trade noted the comments and stated that they would be supportive of the campaign. There were however practical considerations such as how they would keep their vehicles warm when waiting on the ranks in the winter that would have to be taken into consideration.
- 4.16 A report was presented to the meeting setting out the proposed licensing fees that had been recommended by the Joint Public Protection Committee when they had met on the 13 September 2021. A discussion about the fees is already included on this agenda and Members will have been asked to agree consultation periods etc. It was explained that Officers would be recommending that the 28 day statutory consultation period run

from the 18 November 2021 to 16 December 2021 and the trade would be written to in order to seek their views on the proposals. The comments received during the consultation would then be brought back to the January Trade meeting, before being discussed again by the Licensing Committee and then being agreed by Full Council in March 2022.

- 4.17 It was explained that the vehicle fees being put forward would be around 20% lower than in previous years based on the efficiency gains from the new IT system that is being implemented. The report also proposed that the safeguarding and disability awareness training would be delivered in-house and that this cost be absorbed into the drivers licence fee.
- 4.18 It was noted that the Draft Hackney Carriage and Private Hire Licensing Policy would be discussed at the 17 January 2022 trade meeting and would then be presented to the Licensing and Safety Committee at the 31 January 2022 meeting. While each policy would be localised it was envisaged that the wish to standardise the reports across the PPP authorities would be adopted in respect of this policy. A formal consultation process would be put in place before the authority was asked to adopt it.
- 4.19 Feedback was also provided on the recent hackney carriage tariff survey as set out in a report on this agenda. The trade were concerned that one member of the trade had submitted an objection and that this would delay the implementation of the variation. They had been subjected to significant rising costs since 2013 and it was difficult for the businesses to remain profitable. They noted that those drivers that did not want to increase tariffs would not have to do so.
- 4.20 It was noted that in future years the discussion on tariffs would be started in January each year. The trade would be canvassed on an annual basis as to whether or not fares should be increased. It was hoped that the process could be streamlined albeit that any variations would have to be subjected to the statutory consultation requirements.

5 Conclusion

- 5.1 The TTLG meetings appear to be a valued opportunity for dialogue between elected Members and the trade. It is therefore proposed that at least two meetings will continue to be arranged every year. The next meeting would take place on the 17 January 2022.
- 5.2 The 17 January 2022 meeting would afford an opportunity to comment on the fees as part of the consultation process before the final proposals were presented to the 31 January 2022 Licensing Committee meeting. Variations to tariffs would also be included on this agenda as well as a discussion on the new taxi policy.

6 Appendices

None

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 Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

Wards affected: All

Officer details:

Name: Moira Fraser
Job Title: Policy and Governance Principal Officer
Tel No: 01635 519045
E-mail: moira.fraser@westberks.gov.uk

This page is intentionally left blank