

# Notice of Meeting

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## Licensing Committee

**Monday, 8 July, 2024 at 4.30 pm**

**In The Council Chamber, Council Offices,  
Market Street, Newbury**

This meeting will be streamed live here: [Link to Licensing Committee broadcasts.](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings.](#)

Date of despatch of Agenda: Friday, 28 June 2024

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Ben Ryan (Democratic Services Officer) on (01635) 503929

e-mail: [Benjamin.Ryan1@westberks.gov.uk](mailto:Benjamin.Ryan1@westberks.gov.uk)

Further information and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



## Agenda - Licensing Committee to be held on Monday, 8 July 2024 (continued)

To: Councillors Jeremy Cottam (Chairman), Paul Dick (Vice-Chairman), Phil Barnett, Billy Drummond, Nigel Foot, Paul Kander, Jane Langford, David Marsh, Justin Pemberton, Stephanie Steevenson, Clive Taylor and Martha Vickers

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 10  
To approve as a correct record the Minutes of the meetings of this Committee held on 8 January and 9 May 2024.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **West Berkshire Council Licensing Annual Report 2023/24** 11 - 36  
*Purpose:*
  - 1.1 To set out the work of the Licensing Committee, Licensing Sub-Committee and Licensing Service in 2023/24.
  - 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).
  - 1.3 To provide an update on the electric taxi vehicle remittance scheme.



## Agenda - Licensing Committee to be held on Monday, 8 July 2024 (continued)

5. **Draft Statement of Gambling Principles 2025-2028** 37 - 84  
*Purpose:*
- 1.1 To seek comments from the Licensing Committee on the Draft Revised Statement of Gambling Principles (SoGP) prior to it being consulted on.
  - 1.2 The Gambling Act 2005 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.
  - 1.3 The current iteration of the SoGP was adopted on the 31 January 2022.
6. **Update on Hackney Carriage Tariffs 2024** 85 - 90  
*Purpose:* To feedback on the statutory consultation in relation to the hackney carriage table of fares and to note the decisions taken by the Executive on the matter.
7. **Forward Plan** 91 - 94

Sarah Clarke  
Service Director – Strategy and Governance

If you require this information in a different format or translation, please contact Ben Ryan (Democratic Services Officer) on telephone (01635) 503973.



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## 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, 8 JANUARY 2024**

**Councillors Present:** Phil Barnett (Chairman), Paul Dick (Vice-Chairman), Billy Drummond, Owen Jeffery, David Marsh, Stephanie Steevenson, Louise Sturgess, Clive Taylor and Martha Vickers

**Also Present:** Moira Fraser (Principal Officer - Policy & Governance), Sean Murphy (Service Lead - Public Protection), Thomas Radbourne (Zoom Host), Vikki Rigden (Lead Applications Officer), Benjamin Ryan (Clerk) and Riley Timney (Licensing Officer)

**Apologies for inability to attend the meeting:** Councillor Paul Kander and Councillor Jane Langford

**Councillor Absent:** Councillor Nigel Foot

#### **PART I**

##### **1. Minutes**

The Minutes of the meeting held on 6 November 2023 were approved as a true and correct record and signed by the Chairman.

##### **2. Declarations of Interest**

There were no declarations of interest received.

##### **3. Hackney Carriage Tariffs 2024**

The Committee considered a report (Agenda Item 4) concerning Hackney Carriage Tariffs 2024. Ms Moira Fraser introduced the report.

Councillor Stephanie Steevenson raised concerns that the trade had not submitted a business case concerning the tariffs in time to get a decision made so that they could be implemented by the 1 April as had previously been agreed. Ms Fraser confirmed that while it was preferable that they be submitted in time to have them in place by the 1 April to aid the trades financial planning there was no requirement for this to happen.

Councillor Owen Jeffrey was apprehensive that Officers were proposing that a Public Notice only be placed in the Newbury Weekly News, however stated that if it was a substantial saving, he would not press the issue. Ms Fraser added that the Council would save around £1000 by removing the Public Notice from the Reading Chronicle. Previous consultations showed that the public notices did not tend to generate consultation responses albeit that it was a legal requirement to place a public notice in at least one local newspaper.

Councillor Taylor expressed that as he was from the area where the Reading Chronicle would have covered, he felt that another paper could be cheaper and that perhaps Reading Today could be asked for a quote for placing a notice.

## LICENSING COMMITTEE - 8 JANUARY 2024 - MINUTES

Councillor Jeffery queried whether a smaller advertisement could be published, and Ms Fraser explained that the contents of the Public Notice were statutory, therefore it could not be condensed further.

Councillor Paul Dick expressed that the matter of publication of the Public Notice had been discussed in the previous meeting and that other avenues of reaching the trade were being discussed. He therefore supported the officer recommendation to place a single public notice should the Executive be minded going ahead with the consultation.

Councillor Dick proposed the recommendations laid out within the report and this was seconded by Councillor Billy Drummond.

**RESOLVED that** the Licensing Committee

2.1 NOTED the existing tariffs in Appendix A.

2.2 NOTED the proposals set out in the request from the trade at Appendix B.

2.3 Agreed to recommend the consultation process as set out in the report after considering their options.

2.4 RESOLVED to propose to the Executive that publication of the statutory notice appears in only one local newspaper.

#### 4. **Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees**

The Committee considered a report (Agenda Item 5) concerning Variations to Hackney Carriage and Private Hire Vehicles and Private Hire Operator's Fees. Mr Sean Murphy introduced the report.

Councillor Dick noted from the consultation that the trade had expressed, they did not want the fees increasing and even though it was not practical the Committee should consider the lowest figure possible.

The Chairman stated that the future was uncertain with inflation and Officers needed to balance the books and the fees were set on a cost recovery basis.

Councillor Steevenson noted the response regarding the delayed issuing of licenses and stated that this made it difficult to justify price increases. The Chairman expressed that the Committee needed to help make sure the Licensing team were adequately resourced to provide the service, as at the time of speaking the team was understaffed and that they needed to raise prices in line with the inflation of the resources to create the license. Mr Murphy stated that the Licensing Team was looking to fill several vacancies. Mr Murphy added that although inflation fluctuated, the team had to pick an index point.

Councillor Jeffery expressed disappointment as the taxi trade was not present to express their opinion and questioned whether the taxi trade was notified of the meeting. Mr Murphy explained that there were separate meetings with the trade to get their opinions. As this was a public meeting the trade were able to attend should they have wished to do so. They had been made aware of the date of the meeting.

Councillor Taylor queried the maximum number of responses possible, and whether the responses represented groups. Ms Fraser was unsure, but believed the maximum number of responses could be around 300, however the eight received were individual responses and it was four more than the previous year.

Councillor David Marsh asked whether there were still reduced license fees for low emission taxis and Mr Murphy confirmed that the initiative was in the second year of its

## LICENSING COMMITTEE - 8 JANUARY 2024 - MINUTES

three-year term and that there was still a 100% rebate for electric cars and 50% for low emission.

Councillor Dick proposed the recommendations outlined in the report with an alteration to the rise in fees to be 4.68% (hourly rate of £67) across the fee structure. This was seconded by Councillor Jeffery.

**RESOLVED that** the Licensing Committee:

2.1 NOTED the comments received during the statutory consultation on variations to hackney carriage and private hire vehicle and private hire operator's fees as set out in Appendix A to this report.

2.3 That all discretionary fees within the Public Protection Partnership be increased by 4.68%.

### 5. **Minor Changes to the Licensing Policy Arising from Amended S182 Guidance**

The Committee considered a report (Agenda Item 6) concerning the Minor Changes to the Licensing Policy Arising from Amended S182 Guidance. Ms Fraser introduced the Report.

Councillor Steevenson pointed out an error on the Appendix A poster, which was noted by Ms Fraser.

Councillor Dick explained it was an excellent report and he fully supported it.

Councillor Martha Vickers felt that the poster provided important information and that they should be disseminated to all Councillors to distribute within their Wards.

Mr Murphy added that the Licensing Team would need to work with everyone to help minimise the risk of spiking and that it might be worth inviting Thames Valley Police to a future meeting to discuss the matter further.

Councillor Dick proposed the recommendations set out within the report, which was seconded by Councillor Jeffery.

**RESOLVED that** the Licensing Committee:

- 2.1 NOTED the changes to the Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- 2.2 RESOLVED to authorise the Service Lead – Public Protection in consultation with the Monitoring Officer and Chairman and Vice Chairman of the Licensing Committee to amend the West Berkshire Licensing Policy to reflect the changes to the Section 182 Guidance.

### 6. **Briefing Note - Update on the Community Alcohol Partnership**

The Committee considered a report (Agenda Item 7) concerning the Briefing Note - Update on the Community Alcohol Partnership. Mr Murphy introduced the report.

Councillor Marsh expressed that vaping was a significant issue especially regarding, smoking outside schools, underage consumption, and the environmental impact. The Councillor encouraged the Committee to consider having a wider discussion on the matter at a future meeting.

**LICENSING COMMITTEE - 8 JANUARY 2024 - MINUTES**

Ms Fraser explained that the Licensing Team worked with vendors of vapes to help mitigate sales to minors.

Councillor Billy Drummond asked whether the team struggled to get volunteers for the Challenge 25 checks and Ms Fraser stated that it was not.

Councillor Drummond queried whether the safeguarding of young men had been considered, in Paragraph 4.2 of the Report and Mr Murphy expressed that young men were included.

Councillor Steevenson asked whether the Licensing Team undertook test purchasing for vapes and Mr Murphy confirmed they had been carried out.

The report was for information only.

The Chairman asked the Committee for their opinions on whether introducing site visits for Sub-Committees should be pursued.

Councillors Drummond, Taylor and Sturgess supported the initiative.

Councillor Dick showed concerns over the necessity of all site-visits especially if it consumed a large portion of Officer time.

Councillor Vickers was unsure over the use of site visits, because of the potential use of resources and that Member’s opinions may be considered less valuable if they did not attend the site-visits.

Councillor Steevenson stated that in the most recent Sub-Committee it would have been useful to have seen the actual site and that an actual map of the area would be useful in the agendas. Ms Vikki Rigden stated that the team could investigate adding maps in the future.

It was agreed by the Committee that the next Special Licensing Committee would take place on the 4 March 2024 at 16:30 pm.

*(The meeting commenced at 4.30 pm and closed at 6.05 pm)*

**CHAIRMAN** .....

**Date of Signature** .....



# DRAFT

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

## LICENSING COMMITTEE MINUTES OF THE MEETING HELD ON THURSDAY, 9 MAY 2024

**Councillors Present:** Phil Barnett, Paul Dick (Vice-Chairman), Billy Drummond, Nigel Foot, Paul Kander, Jane Langford, David Marsh, Justin Pemberton, Stephanie Steevenson and Clive Taylor

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Martha Vickers

### PART I

**1. Election of the Chairman**

**RESOLVED that:** Councillor Jeremy Cottam be appointed as Chairman for the 2024/2025 Municipal Year.

**2. Appointment of the Vice-Chairman**

**RESOLVED that:** Councillor Paul Dick be appointed as Vice-Chairman for the 2024/2025 Municipal Year.

*(The meeting commenced at 8.40 pm and closed at 8.45 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

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# West Berkshire Council Licensing Annual Report 2023/24

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	08 July 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	LC4389

## 1 Purpose of the Report

- 1.1 To set out the work of the Licensing Committee, Licensing Sub-Committee and Licensing Service in 2023/24.
- 1.2 To explain the context of providing Licensing functions through the Public Protection Partnership (PPP).
- 1.3 To provide an update on the electric taxi vehicle remittance scheme.

## 2 Recommendations

That the Committee:

- 2.1 Approve the Annual Report 2023/24 as set out in Appendix A.

## 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>For the financial year 2023/24 the shared licensing service saw a shortfall in income of £98K. The shortfall is primarily due to falling licensing income. Addressing the licensing income shortfall was identified as a priority for 2023/24 in the Service Plan which was agreed at the <a href="#">January 2023 Joint Public Protection Committee meeting</a>.</p> <p>The shortfall was mitigated by vacancies in licensing and other areas of the service combined with reduced spend on agency/casual staff.</p> <p>One of the other most significant contributory factors is that the majority of statutory licensing fees have not been uplifted since circa 2011 and since 2005 for the Licensing Act fees.</p>

<b>Human Resource:</b>	There are no staffing implications associated with this report.			
<b>Legal:</b>	<p>These are all statutory functions.</p> <p>Under <a href="#">the Licensing Act 2003</a> and the <a href="#">Gambling Act 2005</a> 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>			
<b>Risk Management:</b>	The most significant risk for the Licensing Team is the failure to meet income targets and the loss of key members of staff.			
<b>Property:</b>	None.			
<b>Policy:</b>	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.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		
<b>Environmental Impact:</b>		✓		

<b>Health Impact:</b>		✓		
<b>ICT Impact:</b>		✓		
<b>Digital Services Impact:</b>		✓		
<b>Council Strategy Priorities:</b>		✓		This report covers the business as usual work of the Licensing Committee, Licensing Sub-Committee and the Licensing functions provided by the PPP.
<b>Core Business:</b>		✓		This report covers the business as usual work of the Licensing Committee and the Licensing functions provided by the PPP.
<b>Data Impact:</b>		✓		All data reported is open data and any addresses detailed are in the public domain following hearings open to the public.
<b>Consultation and Engagement:</b>	It has been requested through previous Committee meetings that an Annual Report is provided to assist Members of the Committee to oversee the activity undertaken in the previous year and to provide direction for future activity. No additional consultation will be undertaken.			

## 4 Supporting Information

- 4.1 The shared Public Protection Partnership (PPP) delivers a range of regulatory functions on behalf of the partner authorities. The environmental health and licensing functions are a shared service between Bracknell Forest and West Berkshire, whilst the trading standards, investigations, intelligence and case management functions are shared between Bracknell Forest, West Berkshire and Wokingham.
- 4.2 Whilst all decisions and oversight relating to environmental health and trading standards are overseen by the Joint Public Protection Committee (JPPC), each partner authority retains its individual Licensing Committee and sets licensing related policy and monitors performance. This requires careful co-ordination and clear governance arrangements have been put in place to ensure that this happens.
- 4.3 The role of the Committee and the licensing service is a major contributor to key Council and PPP priorities including safer communities, the environment and economic development. These are managed through the application of a significant legislative framework enhanced by locally developed policy that meets the needs of the local community. In essence the Committee and Council create and have oversight of policy and the service delivers it at an operational level.

- 4.4 The shared Licensing Service considers and issues 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 as kennels or performances.
- 4.5 It is a fact the good regulation serves a clear purpose. The proper implementation of legislation combined with well thought out policy also provides a clear framework for the licensed sector whilst protecting the interests and safety of individuals and the community and providing a level playing field for legitimate business.
- 4.6 It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies and legislative framework creates consumer confidence which in turn is positive for licence holders. Conversely that lack of consumer confidence can undermine both operators and the sector e.g. taxis and private hire.
- 4.7 The service is acutely 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 through the licensing process. The service therefore has sight of this through the delivery of its functions and is always willing to provide advice.
- 4.8 As the body tasked through the constitution to set direction and have oversight of the licensing functions the Committee receives an annual report at its July meeting. The full Annual Report 2023/24 is set out at Appendix A to the report. This report covers the following areas including data relating to activity:
- Governance
  - Resourcing
  - Licensing Act 2003
  - Gambling Act 2005
  - Licensed Drivers, Operators and Vehicles
  - Other Licences
  - Communication and Engagement
  - Joint Working
  - Horizon Scanning

## **5 Other options considered**

- 5.1 None – this report has been produced at the request of the Committee. It is also considered to be good practice.

## **6 Conclusion**

- 6.1 Members will see from the Annual Report the range of functions overseen by the Committee along with an indication of the volume of work and resource required to deliver this function.

- 6.2 The Service has struggled for some time with recruitment challenges but as can be seen from the report the outlook is significantly more optimistic. The priorities going forward will be to continue policy review activity starting with the Statement of Gambling Policy. Operationally we are looking to embed the new single IT system to allow for a much more user friendly one stop application process along with reviews of all processes and procedures. From an enforcement perspective a comprehensive enforcement programme is being developed that reflects the priorities of the Council with a strong emphasis on community protection, crime reduction and partnership working.
- 6.3 Licensing is arguable one of the purest forms of public protection. The role of the Committee is pivotal to the delivery of these functions. We commend the annual report to the Committee.

## 7 Appendices

### 7.1 Appendix A – Annual Report 2023/24

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#### 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 Officer  
Tel No: 01635 519045  
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# **Licensing Committee Annual Report 2023/2024**

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## Appendix A

### Introduction

The shared Public Protection Partnership (PPP) delivers a range of regulatory functions across Licensing, Trading Standards and Environment Health. Licensing however is distinct in the way that activities are overseen, and policy is set. Whilst all decisions related to the PPP go through the Joint Public Protection Committee (JPPC), each partner authority retains its individual Licensing Committee and sets licensing related policy and monitors performance. This requires careful co-ordination and that clear governance arrangements have been put in place to ensure that this happens.

The Shared Licensing Service considers applications and exercises a range of delegated authorities to issue, suspend, refuse, and revoke licences, consents, notices and permits in the name of the Council.

Many businesses require some form of authority 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 as kennels or performances. Good regulation properly implemented also provides a level playing field for the licensed sector.

It is acknowledged by the licensed sector that an effective licensing regime, soundly administered and founded on sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods. Every effort is therefore made to assist businesses to understand and progress through the licensing process. The service delivers a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

The Licensing Service covers a wide range of statutory licensing, registration and enforcement functions. These functions cover premises which sell and supply alcohol or provide regulated entertainment or late-night refreshment under the Licensing Act 2003. The service also issues licences for gambling premises, gaming machines and lotteries under the Gambling Act 2005. In addition, licences, consents and permissions are also issued for a number of other activities including taxi and private hire drivers, vehicle and operator licences, animal breeding, boarding, performance and zoo licences, street trading, charitable collections, dermal licence for cosmetic piercing and scrap metal dealers.:

## Appendix A

### Governance

#### Licensing Committee

The [Licensing Committee](#) is responsible for setting the policy direction that forms the basis of licensing activity in the District. 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. There is also a requirement for the Council to have a Licensing Committee of between 12 and 15 Members.

The Licensing Committee comprises 12 Members and the 2023/24 membership is set out below:

Liberal Democrat Group (7 Members)	<b>Phil Barnett</b> (Chairman), Billy Drummond, Nigel Foot, , Stephanie Steevenson, Jeremy Cottam, Justin Pemberton, Martha Vickers,
Conservative Group (3 Members)	<b>Paul Dick</b> (Vice Chairman), Paul Kander, Jane Langford
Minority Group (2 Members)	Clive Taylor, David Marsh

Following the annual Council meeting on the 09 May 2024 the 2024/25 membership of the Committee is as follows:

Liberal Democrat Group (7 Members)	Phil Barnett, <b>Jeremy Cottam</b> (Chairman), Billy Drummond, Nigel Foot, Justin Pemberton, Stephanie Steevenson, Martha Vickers
Conservative Group (3 Members)	<b>Paul Dick</b> (Vice Chairman), Paul Kander, Jane Langford
Minority Group (2 Members)	Clive Taylor, David Marsh

Over the 2023/24 period the Licensing Committee met on:

- the 25 May 2023 (Annual Meeting),
- the 10 July 2023,

## Appendix A

- 06 November 2023 and the
- 08 January 2024.

The Committee considered several matters including:

- the annual consultation and review of fees and charges,
- an update on the Community Alcohol Partnership (CAP),
- an update on the National Register of Taxi Licence Revocation, Refusals and Suspensions (NR3S),
- a review of the Statement of Licensing Policy,
- a review of Hackney Carriage Tariffs.

In terms of forward planning, in addition to the annual fees and charges and tariffs cycle, a number of policies and decisions including the following are scheduled for consideration during the 2024/25 cycle:

- Review of the Statement of Gambling Principles,
- Revision of the Draft Hackney Carriage and Private Hire Licensing Policy,
- Consideration of implementing site visits for Licensing Sub-Committees,
- Adoption of a Street Trading Policy.

The Forward Plan for the Licensing Committee will be discussed with the Chairman and Vice Chairman throughout the year and a copy can be found here: [Governance - PPP \(publicprotectionpartnership.org.uk\)](https://www.publicprotectionpartnership.org.uk). The Forward Plan is also a standing item on all Licensing Committee agendas.

### Licensing Sub-Committee

While the Licensing Committee carries out functions relating to policy formulation the Licensing Sub Committee determines certain licensing applications in line with the Scheme of Delegation agreed under the Licensing Act 2003 and the Gambling Act 2005.

For the purpose of determining applications under the Licensing Act 2003 and Gambling Act 2005 the legislation requires the membership of each Licensing Sub-Committee to be three Members of the Licensing Committee.

Regardless of the regime, all licences are processed in a similar manner. The application is received, checked and where required a consultation held. As a rule, any new application that attracts relevant adverse representation during the consultation period will be heard before a Licensing Sub-Committee. Applications made under the Licensing and Gambling Acts must be granted in the absence of representations.

Applications for taxi licences are currently determined by officers and any appeals have to be taken to the Magistrates' Court. The Hackney Carriage and Private Hire Licensing

## Appendix A

Policy, once adopted, will revise the way appeals are dealt with.

The Licensing Act 2003 and Gambling Act 2005 prescribe responsible authorities that must be consulted and who may submit representations against a licence application. Responsible authorities include the police, fire service, trading standards, environmental health, planning, public health, safeguarding board relating to the protection of children from harm and the licensing authority itself. There is a requirement for applicants to place notices on site and advertise the application in a local newspaper.

During the 2023/24 financial year the Licensing Sub Committee met on seven occasions and a further five meetings were cancelled (due to successful mediation or applications being withdrawn) or adjourned after agenda publication.

Type of Application	Premise	Outcome
Premises licence	Bite Express Ltd, 63A Bartholomew Street, Newbury, RG14 7BE	Approved with Conditions
Premises licence	Racecourse Food & Wine, 4a Hambridge Road, Newbury, RG14 5SS	Approved with Conditions
Premises licence	Awberry Barn, Awberry Farm, The Green, Beenham, Berkshire, RG7 5NX	Approved with Conditions
Premises licence	The Boxford, Roodhill, Boxford RG20 8DD	Approved with Conditions
Premises licence	Newbury Premier, 3 Monument Close, Essex Street, Newbury RG14 6QW	Approved with Conditions
Premises licence	Coriander Club, 98 Royal Avenue, Calcot, Reading, West Berkshire, RG31 4UT	Approved with Conditions
Premises licence	Reloaded Nightclub, 7 Wharf Street, Newbury, RG14 5AN	Approved with Conditions

By way of comparison in 2022/23 the Sub-Committee was not required to meet, in 2021/22 six meetings were held, in 2020/21 the LSC met on two occasions, in 2019/20 six applications were heard, three hearings were held in 2018/19 and three in 2017/18.

## Appendix A

Parties to the hearings have a right of appeal to the magistrates' court. There were no appeals against decisions submitted in 2023/24.

### **Taxi and Private Hire Liaison Group Meetings**

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, 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.

The Group comprises the Chairman and Vice Chairman of the Licensing Committee, Members of the Licensing Committee, the Licensing Manager, Licensing Officers and representatives from the Hackney Carriage and Private Hire Trade. The number of attendees from the Trade remains relatively low albeit that there has been a slight improvement in attendance at the meetings throughout the year. Officers continue to encourage trade representatives to attend the meetings and the notes are circulated to the trade and Licensing Committee to keep them abreast of discussions that have taken place.

During the 2023/24 financial year the Group met on the 23 October 2023. A range of issues were discussed although the main discussion item during these sessions was the Draft Hackney Carriage and Private Hire Licensing Policy. Ongoing cyclical discussions on fees and tariffs also take place at these meetings.

### **Training**

As this was the first year of the electoral cycle Induction training for Licensing Committee Members took place on the 31 May 2023.

The 2024/25 Annual Training Session took place on the 21 May 2024. All Members that were unable to attend the training will have the opportunity to review the training video and ask any questions of officers arising from it. In accordance with the Constitution all Members will need to attend the annual training before sitting on a Licensing Sub-Committee.

### **Resourcing**

The Licensing Service comprises both the Applications and Enforcement functions. The Team establishment comprises around 10 FTE (11 posts). Although the Team has been carrying a number of vacancies during 2023/24 by the end of July 2024 it will be fully staffed. The Service has recently successfully recruited: two Licensing Applications Officers, two Licensing Officers (one of who has recently completed his Level 4 Apprenticeship) and a Lead Licensing Officer who will be joining the Team soon.

## Appendix A

Additional support has also been provided to the Team by the Strategic Manager for the Case Management Unit and there is also around 0.25FTE in terms of policy and governance work to support the Committee and assist with policy development. The current staffing structure is attached at Appendix A to this report.

For the financial year 2023/24 the shared licensing service saw a shortfall in income of £98K. The shortfall is primarily due to falling licensing income. Addressing the licensing income shortfall was identified as a priority for 2023/24 in the Service Plan which was agreed at the January 2023 Joint Public Protection Committee meeting. The shortfall was mitigated by vacancies in licensing and other areas of the service combined with reduced spend on agency/casual staff in year.

One of the other most significant contributory factors to income shortfall is that the majority of statutory licensing fees have not been uplifted since circa 2011 and since 2005 for the Licensing Act fees.

The service will undertake a fundamental review in 2024/25 of the discretionary fees in the context of the reduced cohort of licence holders that provide the income base to deliver the service.

### Licensing Act 2003

This Act governs licensable activities which include the sale or supply of alcohol, regulated entertainment, and late-night refreshment provision in premises and at outdoor events including public houses, registered members clubs, late night bars, and night clubs, off licences, late night takeaways and restaurants.

The Act also governs licensable activities that take place in village halls, community centres, school halls and outdoor events where licensable activities are held.

Late night refreshment provision is the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am.

The provision of regulated entertainment can include activities such as the performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling entertainment, performance of live music, any playing of recorded music, a performance of dance, performance of live music and any playing of recorded music.

The Licensing Act 2003 is governed by four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety



## Appendix A

- Protection of children from harm

Temporary Event Notices (TENs) are a facility under the Licensing Act 2003 where people can serve a notice on the council that states that they will be serving alcohol and/or providing regulated entertainment and/or late-night refreshment at a specified time.

As it is not an application or permit, no permission is sought. It is merely a notice served upon the licensing authority, the police and environmental health.

However, there are strict limits to the number of temporary event notices someone can serve, for how long the event can run and the number of people that can attend. There is the ability for either the Police or Environmental Health to serve an objection notice which would then lead to a hearing to determine if licensable activities at the event can take place.

The notice period required under the law is ten working days, not including the day the notice is received or the day of the event, and the objection window for the police and environmental health is just three working days. It therefore follows that these hearings would need to be set up and take place in a very short space of time.

There is the ability to serve a limited number of late temporary event notices. If these are objected to a counter notice is automatically served without recourse to the licensing sub-committee.

No hearings in respect of TENS took place during 2023/24.

The Licensing Act 2003 provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives.

The Licensing Team did not receive any requests to review a licence in 2023/24.

The number of licensed premises under the Act are in the table below with a comparison to previous years.

Type	At 31/03/2024	At 31/03/2023	At 31/03/2022	At 31/03/2021	At 31/03/2020
Personal Licence	2424	2336	2269	2207	2157
Premises Licence	520	N/a	509	465	458
TENs (total issued)*	421	352	379	71	610

## Appendix A

Club Premises Certificate	40	41	38	40	40
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Note: for TENs the figure given is the total number of notices / applications received within the calendar year

The Act places a responsibility on licensing authorities to adopt a [Statement of Licensing Policy](#) which sets out how the authority intends to promote the licensing objectives. The Statement of Licensing Policy (SoLP) must be reviewed at least every five years. The previous iteration of the policy was published in December 2018 and therefore had to be reviewed, adopted and published by December 2023. The new policy came into effect on the 01 December 2023. At the time of adoption, it was noted that the Act provides that during each five year period a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. Revised S182 Guidance was issued on the 18 December 2023 and following the January 2024 Licensing Committee meeting a few further minor amendments were made to the SoLP.

There were 33 reports relating to premises licenses in 2023. 21 relating to locations in Bracknell Forest, 11 relating to premises in West Berkshire and 1 relating to a premises in Wokingham. 24% were concerning complaints (8), the other 76% related to requests for information or advice.

### Gambling Act 2005

Gambling facilities include bookmakers, bingo halls, amusement arcades, casinos and permits and permissions such as lotteries. There are three types of licences issued under this legislation premises licences, operators' licences and personal licences.

There are three licensing objectives that underpin this Act:

- 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, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

No hearings were conducted under this legislation in 2023/24.

Current permissions in force under this Act are:

Type	At 31/03/2024	At 31/03/2023	At 31/03/2022	At 31/03/2021	At 31/03/2020
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## Appendix A

Small Society Lottery	97	129	116	108	108
Licensed Premises Gaming Machine Permit	8	8	8	9	10
Licensed Premises Gaming Machine Notice	81	83	83	83	84
Club Machine Permits	6	7	7	6	8
Club Gaming Permits	0	0	0	0	0
Gambling Premises	11	12	13	12	14

The Act places a responsibility on licensing authorities to adopt a [Statement of Gambling Principles](#) which sets out how the council will carry out its duties under the Gambling Act 2005. The Statement of Gambling Principles must be reviewed and published every three years. The current iteration of the policy was published in January 2022 and therefore must be reviewed, adopted and published by January 2025.

In 2023, the PPP received three new licensing applications relating to gambling and betting for premises in West Berkshire.

In 2023 the PPP received 37 licensing applications relating to small society lotteries in West Berkshire.

All recipients of permissions are required to complete a return to the authority. A significant number of small society lotteries relate to schools / Parent Teacher Friends Associations (PTFAs).

### Licensed Drivers, Operators and Vehicles

Legislation places a duty on the council for the licensing of Hackney Carriages ('taxis') and private hire vehicles, drivers of those vehicles and operators of those vehicles. The council understands the importance and responsibility it has, to ensure that licensed vehicles in the district are safe, comfortable, properly insured, and available where and when required, and that those involved in the trade are "fit and proper" to undertake the role.

Officers are seeking to finalise a second draft of the Hackney Carriage and Private Hire Licensing Policy within the 2024/25 Municipal Year. The Draft Policy will be subject to a further consultation period prior to being recommended to full Council for adoption.

Officers and Members continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place via the Taxi Trade Meetings.

Current data about number of licences issued is set out below:

Type	At	At	At	At	At
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## Appendix A

	31/03/2024	31/03/2023	31/03/2022	31/03/2021	31/03/2020
Private Hire Operator	59	62	51	56	61
Private Hire Vehicle Licence	181	154	138	127	163
Private Hire Driver	155	107	100	106	130
Dual (HC & PH) Driver	177	178	184	193	247
Hackney Carriage Vehicle	181	118	123	133	153

In 2023, the PPP received 657 applications that related to the licensing of taxi / private hire drivers, vehicles. and operators 288 for Bracknell Forest and 369 for West Berkshire. This type of licensing accounted for 31% of all licensing applications received in 2023.

There were 147 reports relating to taxi drivers in 2023, 72 in Bracknell Forest and 75 in West Berkshire. 32% of reports related to complaints and 2% related to safeguarding concerns. The other 66% were regarding advice or information.

### Helping that Taxi Trade 'Go Greener'

It was agreed at the June 2022 Licensing Committee meeting that we would continue to report annually on initiatives adopted to help the taxi trade go greener. At the September 2022 Executive meeting Members agreed to introduce a fee based incentive scheme to help all forms of vehicles licensed by West Berkshire for public transport to go green.

The Executive agreed to a 100% remittance for electric private hire and hackney carriage vehicle fees and a 50% remittance for hybrid vehicles. It was agreed that the number of vehicles should not be limited but that the scheme should be subject to an annual review and be in place for a maximum of three years commencing 1st April 2023.

At the time of writing, since April 2023 when the subsidy came into effect, we have had 1 new electric private hire vehicle and 29 new hybrid private hire vehicles licensed and 5 electric and 8 hybrid private hire renewal applied for.

The Licensing Team continues to work closely with colleagues in the Environment Delivery Team to identify any further opportunities to support the trade to reduce their carbon emissions.

## Appendix A

The Council has contracts in place to deliver charge points in 'on street' locations and in other suitable locations such as car parks, community areas, taxi ranks etc. These contracts will enable the delivery of a range of charge points from slow to rapid in appropriate areas across West Berkshire. The trade is encouraged to submit requests for these charging points at locations that will best support them and their endeavours to decarbonise their activities. Feasibility studies, where appropriate, can then be commissioned. The team can be contacted via [ev@westberks.gov.uk](mailto:ev@westberks.gov.uk)

### Other Licences

As well as the main functions outlined above the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below:

Type	At 31/03/2024	At 31/03/2023	At 31/03/2022	At 31/03/2021	At 31/03/2020
Animal Boarding Establishment and Dog Breeding	12	16	20	11	20
Home Boarding of Dogs Licence	39	34	33	26	31
Riding Establishment Licence	7	7	6	5	6
Pet Shop Licence	2	4	3	4	3
Keep or Train Animals for Exhibition	4	N/a	N/a	N/a	N/a
Dangerous Animals	2	4	1	-	-
Zoo Licence	2	2	1	-	-
Scrap Metal Dealer Site	3	3	5	5	5
Scrap Metal Dealer - Mobile	1	3	3	5	4
Dermal Personal and Premises Registration	397	371	357	334	242
Hairdresser Registration	42	38	36	-	-
Street Trading Consent	17	26	25	20	24
Street Collections*	36	N/a	29	10	82
House to House Collections*	25	N/a	21	17	39
Caravan Licence	33	37	31	-	-
Licensable HMO	38	39	30	-	-

Note: for street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year.

### Street Collections

Street collections only cover the collections of cash. The regulation of other forms of collection such as direct debits is a matter for the Fundraising Regulator. All those that are issued permits to collect are required to file a return to the Council.

There were 36 applications received regarding street collections in 2023 in West Berkshire. All were granted.

## Appendix A

### **Scrap Metal Dealers**

There were 5 applications for scrap metal sites and collectors in 2023, 4 related to renewals and 1 was a new collector. There were 4 reports relating to scrap metal dealers in 2023, 2 in Bracknell Forest and 2 in West Berkshire.

This is a priority area for enforcement and joint visits take place with Thames Valley Police (TVP) to ensure the provisions of the legislation and licence conditions are being complied with, with particular focus on traceability, identification checks and cash payments.

### **House to House Collections**

The majority of House-to-House collections relate to charity bags. There have been issues identified previously around unauthorised collections. The larger charities have national exemptions from the need for local permissions.

In 2023 the PPP received 21 licensing applications relating to House-to-House collections in West Berkshire.

### **Street Trading**

Street trading consents are largely in place to ensure that the location is suitable and that controls are in place to manage a range of potential nuisance issues. In 2023 the PPP received 51 street trading consent applications. Of these 24 related to street trading consents in Bracknell Forest and 27 related to street trading consents in West Berkshire.

There were 19 reports in relation to street trading in 2023. 26% of reports were complaints (5), the other 74% related to requests for information or advice (14).

### **Dermal Personal and Premises Registration**

Operation Banba was a PPP project to ensure compliance, from businesses across our area, with The Botulinum Toxin and Cosmetic Fillers (Children) Act 2021. 53 test purchases were made via a phone call to businesses across Bracknell Forest, West Berkshire and Wokingham authorities, with an attempt to book an appointment for a child aged 16. Of the businesses contacted 43 confirmed they undertook the procedure. There were with 3 failures. All businesses were written to with advice.

### **Animal Breeding and Boarding**

There are a range of controls falling to the PPP around licensable activities involving the sale and keeping of animals. These include pet shops (sales normally conducted from home), regulated pet breeding, boarding and home boarding, kennels and catteries, riding establishments, zoos and animals involved in performance and display.

In 2023 there were 35 licensing applications in relation to animal boarding and day care

## Appendix A

facilities for West Berkshire.

There was 1 licensing application in relation selling animals as pets, for West Berkshire. There were also 1 licensing applications in relation to hiring and training animals for exhibitions in West Berkshire.

There were 9 reports relating to animal breeding in 2023 across both partner authorities, 4 were complaints and 5 were in relation to Information or advice.

### Service Requests

PPP Licensing data shows that it dealt with 345 (200 in Bracknell Forest and 145 in West Berkshire) service requests in 2023/24 which is a 27% increase when compared to the 312 service requests in 2022/23. For additional context there were 260 in 2021/22, 272 were received in 2020/21, 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18. These are primarily requests for advice etc. This figure does not include licensing applications. A breakdown of Service Requests Data for West Berkshire is set out below:

Request Description	West Berks
Taxi/private Hire Driver	47
Premises Licence - Alcohol And Entertainment	11
Taxi/hackney Carriage Vehicle	28
Street Trading	8
Animals/birds	0
Taxi/hackney Carriage Operator	12
Animal Breeding	6
Animal Boarding	6
Special Treatments (dermal)	1
Pre Application Advice Request	2
Scrap Metal	2
Animal - Zoo	1
Temporary Event Notice	1
Animal - Pet Shop	0
Personal Licence	1
CD Referral to TS Department	0
Gambling Act	0
Club Premises Certificate	1
Animal - Riding Establishment	2
Hairdressers Registration	1
Animal - Dangerous Wild Animals	0
Lotteries	1
HMO	8
Caravans	6
<b>Total</b>	<b>145</b>

### Licensing Challenges for 2024/25 and Horizon Scanning

There continue to be regular changes to legislation and guidance affecting the licensing arena.

#### **On-line Sales of Alcohol**

The rapid growth of on-line sales of alcohol is nationally becoming a hot topic, because of remote age verification. New technology is evolving to ensure that the person buying and receiving alcohol is 18 or older. The Service will continue to test and challenge this area of sales, to help prevent young persons' purchasing alcohol.

#### **The Licensing of Non-Surgical Cosmetic Procedures in England**

The world of cosmetic treatments is rapidly changing, and the present legislation does not provide adequate protection for the public. Local authorities lack adequate powers to regulate these emerging treatments. The Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 made it an offence for a person to administer botox and fillers to under 18s and the Service undertook a series of underage sales test purchases.

Under the proposed new licensing scheme practitioners will need to be licensed to perform specific non-surgical cosmetic procedures and the premises from which they operate will also need to be licensed. The licensing scheme will ensure that those who offer specified procedures; are suitably knowledgeable, trained and qualified, hold appropriate indemnity cover and operate from premises which meet the necessary standards of hygiene, infection control and cleanliness. This area of work will have significant impact on resourcing within the Licensing Team when it comes into effect.

#### **The Terrorism (Protection of Premises) Bill, known as Martyn's Law**

Following the Manchester Arena terrorist attack and the development of Martyn's Law, all business settings will have a duty to protect the public. The consultation of this Bill concluded in March 2024. It is anticipated that the 'Protect Duty' will be implemented imminently albeit that it is still yet to be determined who the Regulator will be.

#### **Bird Keepers Registration Requirement**

In England and Wales, keepers are being encouraged to register their birds ahead of the legal deadline on 1 October 2024. Bird keepers will need to provide information, including their contact details, the location where birds are kept and details of the birds (species, number and what they are kept for). The government said the changes would help manage potential disease outbreaks, such as avian influenza and Newcastle disease, and limit any spread.

#### **Animals (Penalty Notices) Act 2022**

As of the 01 January 2024 penalty notices of up to £5000 can be issued for animal health and welfare offences. Offences includes keeping animals in a poor living environment,



## Appendix A

overdue TB testing or animal breeders operating without a licence. New legislation adds to existing enforcement measures to protect animals– including criminal prosecution for most serious offences.

### **Single-use Plastics**

The Environmental Protection (Plates, Cutlery, Balloon Sticks and Expanded and Extruded Polystyrene Food and Beverage Containers) (England) Regulations 2023 came into force last year and pro-active work was undertaken within the food sector to highlight the new rules. Going forward regular monitoring will be undertaken as part of the licensing and other inspection regimes and all complaints made to the Service will be considered and responded to.

## **Multi-agency Liaison and Joint Operations**

### **Safety Advisory Group (SAG)**

Licensing Officers are attendees at SAG meetings. The SAG comprises of representatives from West Berkshire Council, emergency services and other relevant bodies. The SAG meets at regular intervals, or when necessary to review event applications and advise on public safety. The role of the SAG is to provide advice to individuals and organisations planning a public event.

In 2023/24 the West Berkshire SAG considered documentation for 195 events.

### **Reducing Violence Against Women and Girls**

The PPP Licensing Service is part of a wider Thames Valley Police initiative looking at reducing incidence of harm affecting women and girls. The Team's specific area of input is with licensed premises and the management of risk within those premises.

### **Pubwatch**

Officers from the PPP regularly attend Pubwatch meetings alongside colleagues from Thames Valley Police and local businesses. The objectives of the groups are to tackle and prevent anti-social behaviour and criminal activity, promote safe drinking environments for customers and secure working environments for staff and improve communication and sharing information between licensee.

### **Institute of Licensing (IoL)**

The IoL is the professional body for licensing matters and is instrumental in providing access to case law and legislation updates, training, and information sharing. Licensing Officers regularly attend the quarterly regional meetings.

### **Joint Operations**

Joint operations with colleagues from Thames Valley Police and neighbouring authorities are regularly undertaken.

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### Community Alcohol Partnership

A new district wide Community Alcohol Partnership (CAP) was launched on the on 6th July 2023. The aim of the CAP, is to bring together and support local partnerships of councils, police, retailers, schools, health providers and community groups to reduce alcohol harm among young people, improve their health and wellbeing and enhance their communities. The CAP brings together organisations including West Berkshire Council, Thames Valley Police, schools, alcohol services and local retailers to reduce the crime, anti-social behaviour and harm caused by underage drinking.

### Communication and Engagement

The Service provides a range of advice and information sheets via the website. The West Berkshire website has appropriate links to relevant pages on the PPP website. The PPP has also expanded its social media presence with active Facebook and Twitter pages.

**Facebook:** [@PublicProtectionPartnershipUK](https://www.facebook.com/PublicProtectionPartnershipUK)

**Twitter:** [@PublicPP\\_UK](https://twitter.com/PublicPP_UK)

Protecting the public is at the heart of all work completed by the Licensing Team. The Team focuses on the four E's when working with licence holders:

- Engage,
- Educate,
- Encourage and
- if this fails we will then Enforce.

Officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade. Additionally, Officers regularly meet with applicants or licence holders to ensure licence compliance and educate and encourage licence holders if they are found to be non-compliant. For example completing annual private hire operator inspections at their offices and taxi drivers at the ranks.

During the 2023/24 Municipal Year the following consultations were undertake:

- Consultation on the fees and charges
- Consultation on the Tariffs 2024
- Consultation on the Statement of Licensing Policy.

In addition, officers attended a number of events to promote the service and engage with our residents including:

- The Family Fun Day in Victoria Park on the 21 May 2023
- The Pangbourne Fete on the 10 June 2023
- The Thatcham Family Day on 25 June 2023

## Appendix A

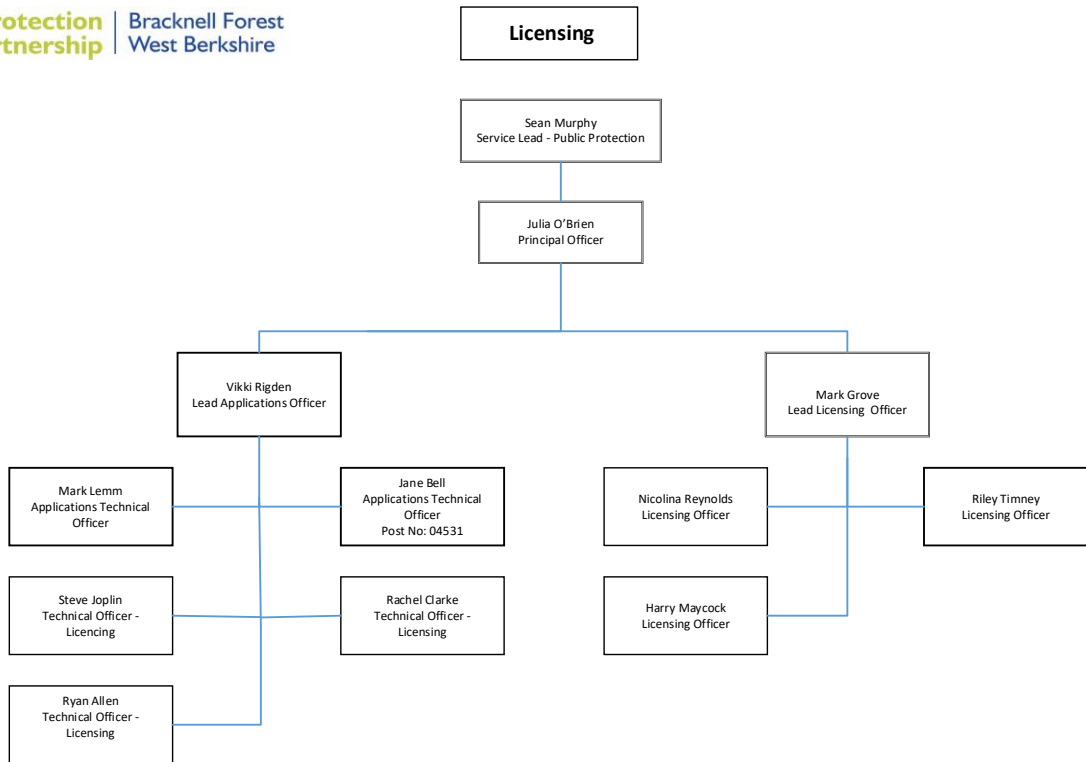
- Hungerford Event on the 24 January 2024
- Lambourn Market Place on the 13 January 2024.

## Conclusion

It is good practice to provide an overview of information to Committee members, which enables them to be informed about licence applications, decisions made by the Licensing Committee and the Licensing Sub-Committee, automatic grants, enforcement action and future work planned by the licensing area. This information enables Members to be informed and to aid decision making in the future.

### Service Structure Chart

**Public Protection Partnership** | Bracknell Forest  
West Berkshire



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# Draft Statement of Gambling Principles 2025-2028

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	Licensing Committee 08 July 2024 (Pre-consultation) Council 28 November 2024 (Post Consultation)
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Date Service Lead agreed report:</b>	30 May 2024
<b>Date Portfolio Member agreed report:</b>	20 June 2024
<b>Report Author:</b>	Julia O'Brien
<b>Forward Plan Ref:</b>	C4519

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## 1 Purpose of the Report

- 1.1 To seek comments from the Licensing Committee on the Draft Revised Statement of Gambling Principles (SoGP) prior to it being consulted on.
- 1.2 The Gambling Act 2005 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.
- 1.3 The current iteration of the SoGP was adopted on the 31 January 2022.

## 2 Recommendations

- 2.1 That the draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to this report be approved for consultation.
- 2.2 That the Service Lead: Public Protection is authorised to proceed with formal consultation for an 8 week period between the 18 July 2024 and the 12 September 2024 and that the parties as set out in paragraph 5.9 of the report be consulted.
- 2.3 That any comments on the revised Draft Statement be brought to the 04 November 2024 Licensing Committee meeting for discussion prior to the report being formally presented for adoption at the 28 November 2024 Council meeting.

### 3 Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	The costs of producing this report and running the consultation exercise will be met from within the existing Public Protection Partnership budgets.			
<b>Human Resource:</b>	None			
<b>Legal:</b>	<p>Pursuant to Section 349 of the Gambling Act 2005 the Licensing is required to publish a Statement of Principles setting 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> <p>The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 SI 2006/636 made pursuant to section 349 (4) set out the requirements for the form of the statement of principles or revision and the procedure to be followed in preparing this document.</p> <p>Legal Services have been consulted on the Draft Revised Statement of Gambling Principles.</p>			
<b>Risk Management:</b>	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.			
<b>Property:</b>	None			
<b>Policy:</b>	The licensing authority must publish its Statement of Principles at least every three years. The previously adopted iteration is due to expire in January 2025. The Council is required to consult on any changes being proposed.			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>

<b>Equalities Impact:</b>				
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		✓		<p>This report relates only to the requirement for consultation on the Gambling Statement of Principles. Should consultees or elected members require documents in alternative format, this will be provided on request.</p> <p>Any equalities issued identified and raised during the consultation will be considered prior to the revised SoGP being adopted.</p>
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		✓		As above
<b>Environmental Impact:</b>		✓		None
<b>Health Impact:</b>		✓		This report relates only to the requirement for consultation on the Gambling Statement of Principles. The Policy is designed to try and protect residents from harm.
<b>ICT Impact:</b>		✓		None
<b>Digital Services Impact:</b>		✓		The consultation will be published on the West Berkshire Council consultation portal and on the Public Protection Partnership website.
<b>Council Strategy Priorities:</b>		✓		<p>Thriving communities with a strong local voice.</p> <p>A prosperous and resilient West Berkshire.</p> <p>Services we are proud of.</p>

<b>Core Business:</b>		✓		<p>Protecting our children</p> <p>Ensuring the wellbeing of older people and vulnerable adults</p> <p>Economic Development</p>
<b>Data Impact:</b>		✓		<p>The consultation will be undertaken in accordance with the <a href="#">PPP's privacy statement</a>.</p>
<b>Consultation and Engagement:</b>	<p>Under the Gambling Act 2005, the licensing authority is required to consult the following parties:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police;</li> <li>• One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and</li> <li>• One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.</li> </ul> <p>The Council will therefore consult the parties as set out in paragraph 5.9 of this report.</p>			

## 4 Executive Summary

4.1 The Gambling Act 2005 came fully into effect on 1 September 2007. It created a revised system of licensing and regulation for commercial gambling. This Act gives the 'Licensing Authority' a number of important regulatory functions in relation to gambling. The main functions are to:

- licence premises for gambling activities.
- consider notices given for the temporary use of premises for gambling.
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes.
- regulate gaming and gaming machines in alcohol licensed premises.
- grant permits to family entertainment centres for the use of certain lower stake gaming machines.
- grant permits for prize gaming.
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.



- 4.2 In addition, section 349 of the Gambling Act 2005 requires that the Council prepares and publishes a Statement of Gambling Principles (SoGP) that it proposes to apply in exercising its function under the Act, before each successive period of three years.
- 4.3 The SoGP must be formulated in accordance with, and reflect, the guidance issued by the Gambling Commission and the Government Codes of Practice. The principles essentially inform the processes that the Council would normally follow in conducting its duties as the Licensing Authority.
- 4.4 The present Statement was published on 31 January 2022 and therefore must undergo a review and be published on or before 31 January 2025. The Council is required to undertake a consultation exercise in respect of any revisions to the policy.
- 4.5 Once published, the revised Statement shall be valid between 31 January 2025 and 31 January 2028.
- 4.6 This report seeks comments from the Licensing Committee on the revised draft Statement prior to consultation and also confirmation of the organisations to be consulted and the timescales to be applied to the consultation.

## **5 Supporting Information**

### **Introduction**

- 5.1 [The Gambling Act 2005](#) (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It established the Gambling Commission, which, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 5.2 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.
- 5.3 Licensing authorities licence gambling premises and issue a range of permits to authorise other gambling facilities in their area. In exercising their functions generally under the Act, Licensing authorities must have regards to the guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
- 5.4 Section 349 of the Act requires Councils on or before each successive period of three years, to prepare a statement of the principles that they propose to apply in the exercise of their functions under the Act (the "Policy Statement") and to publish that policy statement. The current Statement of Principles expires in January 2025.
- 5.5 In formulating the statement, the Authority must have regard to the Gambling Act guidance issued by the Gambling Commission and the responses from those consulted on the policy. The statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.

- 5.6 The Statement must be particular to the local authority and be formulated to achieve the government's three Licensing Objectives under this Act of:
- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.7 The Council must undergo a period of consultation on the draft SoGP to establish local issues of concern and to address those concerns as far as appropriate within the statement.
- 5.8 The public consultation period will last for 8 weeks between 18 July 2024 and the 12 September 2024.
- 5.9 A wide range of stakeholders will be contacted as part of the consultation, including:
- Thames Valley Police
  - Royal Berkshire Fire and Rescue Service
  - Environmental Health
  - Health and Safety Executive
  - Gambling Commission
  - Berkshire West Safeguarding Children's Partnership
  - West of Berkshire Safeguarding Adults Board
  - Public Health
  - Health and Wellbeing Board
  - Berkshire Healthcare NHS Foundation Trust
  - Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System
  - and other interested bodies (see Appendix A to the SoGP)
- 5.10 The consultation will be published on the West Berkshire Council and PPP websites and a notice will be placed in the reception at market Street and at least one public library. A press release and social media posts will also be issued to promote the consultation.
- 5.11 The comments received during the consultation will be fed back to the Licensing Committee at the 04 November 2024 meeting. Members will be asked to identify any changes that they would like to make to the policy arising from the consultation. They will then recommend a policy to full Council for approval.

## **Background**

- 5.12 The [current SoGP](#) was comprehensively reviewed in 2022 to reflect the updated Guidance published by the Gambling Commission. The only change to the proposed Statement is an update to the district's population data. The current SoGP has not been the subject of any legal challenge or complaint. It is therefore considered that the current Statement of Gambling Principles remains fit for purpose.

- 5.13 In April 2023 the Government published a '[white paper](#)' consultation setting out its plans for reviewing and modernising the regulation of gambling in Great Britain. This included a number of measures to adjust outdated regulatory restrictions applying to the land-based gambling sector.
- 5.14 Since publishing the white paper, the Government has run three consultations on key proposals in the white paper; these relate to land-based gambling measures (consulted on July 2023 to October 2023), the statutory levy on gambling operators (consulted on October 2023 to December 2023) and stake limits for online slots (consulted on July 2023 to September 2023). The results are awaited.
- 5.15 Following the conclusion of these consultations, new guidance will be released by the Gambling Commission (expected later this year) and a further review of the SoGP will be conducted in light of any changes set out in this guidance.

### **Proposals**

- 5.16 That the Licensing Committee approve the draft revised SoGP at Appendix A for consultation with a view to undertaking a full review of the policy once the revised guidance is made public.

## **6 Other options considered**

- 6.1 None this is a statutory requirement.

## **7 Conclusion**

- 7.1 There is a mandatory duty on the Council to consult on and publish a revised statement and the substantive policy objectives being proposed are considered to be in the best interests of the Community, the Council and the trade. A public consultation will be undertaken to inform the process.

## **8 Appendices**

- 8.1 Appendix A – Draft Statement of Gambling Principles 2025- 2028

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### **Background Papers:**

[The Gambling Act 2005](#)

[The current Statement of Gambling Principles](#)

[The Government White Paper : High stakes: gambling reform for the digital age](#)

[Guidance to licensing authorities \(gamblingcommission.gov.uk\)](https://www.gamblingcommission.gov.uk)

### **Subject to Call-In:**

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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 Scrutiny Commission or associated Committees, Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Wards affected:** All

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# Statement of Gambling Principles

## January 2025 - January 2028

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## 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](http://www.westberks.gov.uk).

The Statement will come into effect on the 31 January 2025 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. West Berkshire has an estimated resident population of 162,215 according to the Office of National Statistics at mid-year 2022 (data released on 23 November 2023).

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;

## Appendix A

- 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;

## Appendix A

- 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](http://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:

## Appendix A

- 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.

## Appendix A

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.

## Appendix A

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

## Appendix A

- 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.

## Appendix A

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

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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

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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 gaming 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;



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- 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.

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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.

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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;

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- 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.

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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.



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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:

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- 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;

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- 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.

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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

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- 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  
Theale Library  
Church Street

## Appendix A

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### **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](mailto:info@gamblingcommission.gov.uk)

Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **Appendix A List of Consultees**

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Berkshire Healthcare NHS Foundation Trust
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Innkeeping
- British Beer and Pub Association
- Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- 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
- Berkshire West Safeguarding Children's Partnership
- West of Berkshire Safeguarding Adults Board



## Appendix B Gambling Act Glossary

<b>Adult Gaming Centres</b>	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.
<b>Betting Premises</b>	The Act contains a single class of licence for betting premises, which includes track and non-track.
<b>Bingo</b>	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.
<b>Casinos</b>	The Act defines casino games as games of chance which are not equal chance gaming.
<b>Customer Lottery</b>	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).
<b>Exempt Lottery</b>	Incidental non-commercial lotteries Private lotteries Customer lotteries Small Society lotteries
<b>Gambling Act 2005</b>	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.
<b>Gambling Commission</b>	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.
<b>Gaming Machines</b>	Category of machine and where they can be situated are contained at the end of this glossary.
<b>Incidental Non-Commercial Lottery</b>	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.
<b>Licensed Family Entertainment Centres</b>	The Act creates two classes of family entertainment centres (FEC). Licensed FECs provide category C and D machines and require a premises licence.

<b>Lotteries</b>	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.
<b>Non-track betting</b>	Betting that takes place other than at a racetrack.
<b>Occasional Use Notices</b>	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.
<b>Private Lottery</b>	Lottery that requires membership of a society, place of work or single residential unit (eg raffle at a student hall of residence).
<b>Small Society Lottery</b>	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.
<b>Temporary Use Notices</b>	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.
<b>Track betting</b>	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.
<b>Travelling Fairs</b>	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.
<b>Unlicensed Family Entertainment Centres</b>	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.

## Appendix A

### Document Control

<b>Document Ref:</b>	SoGP	<b>Date Created:</b>	21 June 2021
<b>Version:</b>	V3	<b>Date Modified:</b>	13 May 2024
<b>Revision due</b>	May 2025		
<b>Author:</b>	Licensing	<b>Sign &amp; Date:</b>	
<b>Owning Service</b>	Public Protection Service		

### Change History

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Change ID</b>
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.	



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## Update on Hackney Carriage Tariffs 2024

<b>Committee considering report:</b>	Licensing Committee
<b>Date of Committee:</b>	08 July 2024
<b>Portfolio Member:</b>	Councillor Lee Dillon
<b>Date Portfolio Member agreed report:</b>	20 June 2024
<b>Report Author:</b>	Moira Fraser
<b>Forward Plan Ref:</b>	EX4367

### 1 Purpose of the Report

- 1.1 To feedback on the statutory consultation in relation to the hackney carriage table of fares and to note the decisions taken by the Executive on the matter.

### 2 Recommendations

The Licensing Committee is asked to:

- 2.1 **NOTE** the outcome of the statutory consultation to increase the table of fares by circa 3.02 % undertaken between the 21 March and 11 April 2024.
- 2.2 **NOTE** that as objections to the varied table of fares were received and not withdrawn the Executive considered the matter at the 23 May 2024 meeting where they determined not to modify the existing tariffs from the rates agreed in 2023.but did resolve to modify the maximum fouling charges.

### 3 Implications and Impact Assessment

Implication	Commentary
<b>Financial:</b>	<p>The cost of placing the public notices was around £460 which was met from within existing budgets. There are no other specific financial implications arising from this report.</p> <p>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. This will be monitored and managed through the Joint Management Board.</p>

<p><b>Human Resource:</b></p>	<p>There are no HR implications associated with the production of this report.</p> <p>Any actions will be met from within existing resources.</p>			
<p><b>Legal:</b></p>	<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 procedure is prescriptive and requires that a decision to make/vary a table of fares is made first. Following this, there is a statutory consultation requirement, to allow for any objections to the new/varied table to be made. The remainder of the process is dependent on whether any objections are received (and not withdrawn) or not.</p> <p>There is no right of appeal so any legal challenge to the decision(s) made in relation to a new/varied table of fares would be by way of judicial review.</p> <p>As objections were received and not withdrawn the Executive was required to determine whether or not any modifications should be made to the table of fares.</p>			
<p><b>Risk Management:</b></p>	<p>There would be a risk of challenge to the decision should the statutory process not be followed.</p>			
<p><b>Property:</b></p>	<p>There are no property implications associated with this report.</p>			
<p><b>Policy:</b></p>	<p>There are no policy implications associated with this report.</p>			
	<p><b>Positive</b></p>	<p><b>Neutral</b></p>	<p><b>Negative</b></p>	<p><b>Commentary</b></p>
<p><b>Equalities Impact:</b></p>				

<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		Report is to note only
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		Report is to note only
<b>Environmental Impact:</b>		x		None
<b>Health Impact:</b>		x		There are no health implications associated with this report.
<b>ICT Impact:</b>		x		There are no ICT implications associated with this report.
<b>Digital Services Impact:</b>		x		The outcome of the consultation was published on both the PPP website and the Council's Engagement Hub.
<b>Council Strategy Priorities:</b>		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 a prosperous and resilient West Berkshire and thriving communities with a strong local voice.
<b>Core Business:</b>		x		Providing support to the taxi trade forms part of the business as usual for the Public Protection Partnership.
<b>Data Impact:</b>				All data obtained during the consultation will be dealt with in accordance with the <a href="#">PPP - Privacy Notice</a>

<b>Consultation and Engagement:</b>	The procedure for setting fares and public notice requirements are stipulated within section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
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## 4 Executive Summary

- 4.1 The existing tariff scale was confirmed by the [Executive on the 08 June 2023](#) and came into effect on the 19 June 2023.
- 4.2 As part of the annual review process we received a request from a member of the trade in December 2023 to modify the fares for 2024. It is considered best practice to review the fares on an annual basis.

### Modifications Requested by the Trade for the 2024 Table of Fares

- 4.3 In summary, for 2024, the submission from a member of the trade suggested that:
- they would like to see an uplift of the maximum tariffs by about 3.02%.
  - the initial flag rate remain as is, and the increase to the tariffs be achieved by reducing the yardage (mileage per unit) for tariffs 1, 2 and 3.
  - separate tariffs for saloon and multi seater vehicles carrying five or more passengers be retained i.e. tariffs 4 (1B), 5 (2B) and 6 (3B).
  - no increases be included for multi seater vehicles carrying five or more passengers (tariffs 4 (1B), 5 (2B) and 6 3(B)).
  - the maximum fouling charges be revisited and a variable fouling charge in line with the tariff to be introduced. This proposal is designed to take into consideration that it may be more difficult to get vehicles cleaned at certain times of the day and that fouling could result in greater loss of earnings to the owner and driver. The proposal is set out in the table below:

	Tariff 1	Tariff 4	Tariff 2	Tariff 5	Tariff 3	Tariff 6
Interior	£150	£150	£225	£225	£300	£300
Exterior	£50	£50	£75	£75	£100	£100

- 4.4 A report was taken to the [March Executive](#) meeting where Members agreed to undertake a statutory consultation on the proposal. The consultation ran from the 21 March to the 11 April 2024.

### Statutory Consultation

- 4.5 The following consultation took place:
- A notice was placed in the Newbury Weekly News on the 21 March 2024
  - It was also posted on the Council’s Consultation Hub on the 21 March 2024 and on the Public Protection Partnership’s website on the same day.



## Update on Hackney Carriage Tariffs 2024

- A copy of the notice was also placed in the Market Place Reception
  - An email was sent to all licensed Hackney Carriage Proprietors to alert them to the consultation.
  - A notification was also sent out to the 2440 people on the Community Panel.
  - A Facebook message was posted on the 21 March 2024.
  - A press release was issued on the 22 March 2024
  - A tweet was sent out from the PPP X Account on the 22 March 2024.
- 4.6 The Council received 35 individual [responses to the statutory consultation](#). Fourteen responses were from drivers, three from operators, eight from residents, nine from members of the Community Panel and one from an officer in the Home to School Transport Team. Some responses were a mixture of support or objections and additional comments. We also received a separate response signed by 78 drivers from Cabco with 77 of those drivers indicating that they were not in favour of increasing the tariffs.
- 4.7 Some of the respondents indicated that they did not want to see the tariffs increase but would like to see the fouling charges increased.
- 4.8 In total 19 objections to the proposals were received (18 individual responses and the joint response from Cabco). Thirteen of these were from drivers, two from operators, one from an officer in the Home to School Transport Team and three from residents.
- 4.9 Nine respondents supported the proposals, five of these were from members of the Community Panel, one from a resident, two from drivers and one from an operator.
- 4.10 We received six comments specifically about the fouling charges (three from drivers, two from operators and one from a member of the Community Panel). Some supportive of the sliding scales and others not.
- 4.11 Eight of the respondents provided more general comments which were neither supportive of nor objected to the proposed tariff changes. Responses covered a range of topics, which fell outside of the tariff setting process, including comments about wheelchair accessible vehicles, Uber and other ride share operators, presentation of the table of fares, waiting times and options for supporting the trade to 'go greener'.
- 4.12 As objections were received and not withdrawn the Executive was required to make a decision as to whether or not to modify the fares and set a revised implementation date.
- 4.13 The Executive noted that if the comments on the consultation (eight responses) were discounted 68% of the respondents (19/28) objected to the increase in tariffs in 2024. Thirteen of the fifteen drivers and two of the three operators that responded to the consultation objected to the proposed increase in the tariffs. The Executive therefore determined not to modify the tariffs on this occasion. The Executive did however determine to increase the fouling charges as set out below.

	Tariff 1	Tariff 4	Tariff 2	Tariff 5	Tariff 3	Tariff 6
Interior	£100	£100	£150	£150	£200	£200
Exterior	£25	£25	£50	£50	£75	£75

4.14 The decision was communicated to the trade and meter agents following the Executive meeting. Officers have subsequently been contacted by a few members of the trade who have voiced their disappointment with the decision. An updated table of fares which sets out the revised fouling charges has been posted on the PPP website. The revised table came into effect on the 27 May 2024.

## 5 Other options considered

5.1 None. The Executive agreed that a report should be brought to this Committee.

## 6 Appendices

None

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### Background Papers:

Reports and minutes of the 08 January 2024 Licensing Committee

Reports and minutes of the 14 March 2024 Executive meeting

Reports and minutes of the 23 May 2024 Executive meeting

### Subject to Call-In:

Yes:  No:

Report is to note only

**Wards affected:** All

### Officer details:

Name: Moira Fraser  
Job Title: Principal Officer: Policy and Governance  
Tel No: 01635 519045  
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## Licensing Committee Forward Plan November 2024 to November 2025

No.	Ref No	Item	Purpose	Lead Officer	Comments
LC 04 November 2024					
1.		Fees and Charges 2025/26	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee at the October 2024 meeting and agree the methodology for consultation for the fees the council has a statutory duty to consult on.	Moira Fraser	
2.		Hackney Carriage Tariffs - 2025	To consider proposals for adjustments to the tariffs and the proposed consultation process.	Moira Fraser	
3.	C4519	Statement of Gambling Principles 2025-2028	To consider the comments received during the consultation, consider any proposed modifications to the SOGP and recommend its adoption to full Council.	Julia O'Brien	
4.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider the draft policy and agree the consultation process.	Vikki Rigden	
5.		Site Visits for Licensing Hearings	To consider the constitutional, resource and legal implications of introducing site visits for licensing hearings.	Moira Fraser	
LC 20 January 2025					
6.		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	This report will only be submitted if there are objections to the fees subjected to the statutory consultation
7.		Street Trading Policy	To consider changes to the policy and agree a way forward.	Julia O'Brien	
8.	C4273	Hackney Carriage and Private Hire Licensing Policy	To consider the comments received during the consultation, consider any proposed modifications to the policy and recommend its adoption to full Council.	Julia O'Brien	

No.	Ref No	Item	Purpose	Lead Officer	Comments
<b>LC July 2025 (Date TBC)</b>					
9.		Hackney Carriage Tariffs - 2025	To provide feedback on the 2024 process and any decisions made by the Executive.	Moira Fraser	
10.	LC4389	Annual Report 2024/25	To set out the work of the Licensing Committee in 2024/25 as well as the work of the Licensing Service as delivered through the Public Protection Partnership.	Moira Fraser	
11.		Scrap Metal Licensing Policy	To consider changes to the policy and agree a way forward.	Julia O'Brien	
<b>LC November 2025 (Date TBC)</b>					
12.		Fees and Charges 2026/27	To set out the Fees and Charges which have been proposed by the Joint Public Protection Committee at the October 2025 meeting and agree the methodology for consultation for the fees the council has a statutory duty to consult on.	Moira Fraser	
13.		Hackney Carriage Tariffs - 2026	To consider proposals for adjustments to the tariffs and the proposed consultation process.	Moira Fraser	
14.		Charity Collections Policy	To consider the draft policy and agree a way forward.	Julia O'Brien	



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