



WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in Council Chamber - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 23 JUNE 2021** AT **7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', with a long, sweeping flourish at the end.

Susan Parsonage
Chief Executive
Published on 15 June 2021

This meeting may be filmed for inclusion on the Council's website.

Note: Although non-Committee Members and members of the public are entitled to attend the meeting in person, space is very limited due to the ongoing Coronavirus pandemic. You can however participate in this meeting virtually, in line with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams please contact Democratic Services. The meeting can also be watched live using the following link:

<https://youtu.be/68YorNmMIJo>



WOKINGHAM BOROUGH COUNCIL

Our Vision

A great place to live, learn, work and grow and a great place to do business

Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

| | | |
|--------------------------|----------------|-------------------------------|
| Chris Bowring | Parry Batth | Rachel Burgess |
| Peter Dennis | Lindsay Ferris | Michael Firmager |
| Paul Fishwick | Sarah Kerr | Abdul Loyes |
| Barrie Patman (Chairman) | Jackie Rance | Ian Shenton |
| Rachelle Shepherd-DuBey | Bill Soane | Shahid Younis (Vice-Chairman) |

| ITEM NO. | WARD | SUBJECT | PAGE NO. |
|----------|---------------|--|----------|
| 1. | | APOLOGIES To receive any apologies for absence. | |
| 2. | | MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 9 March 2021. | 5 - 8 |
| 3. | | DECLARATION OF INTEREST To receive any declarations of interest | |
| 4. | | PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions | |
| 5. | | MEMBER QUESTION TIME To answer any member questions | |
| 6. | None Specific | DRAFT STATEMENT OF GAMBLING PRINCIPLES To receive and consider a report containing the details of the draft Statement of Gambling Principles. | 9 - 54 |
| 7. | None Specific | HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES CONSULTATION RESPONSES REPORT To receive and consider a report giving details in | 55 - 74 |

relation to Hackney Carriage and Private Hire License Fees.

8. None Specific

FORWARD PLAN

75 - 76

To consider the Committee's Forward Plan report.

Any other items which the Chairman decides are urgent.

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

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MINUTES OF A MEETING OF THE LICENSING AND APPEALS COMMITTEE HELD ON 9 MARCH 2021 FROM 7.00 PM TO 8.25 PM

Committee Members Present

Councillors: Chris Bowring (Chairman), Abdul Loyes (Vice-Chairman), Parry Batth, Rachel Burgess, Lindsay Ferris, Michael Firmager, Emma Hobbs, Sarah Kerr, Barrie Patman, Malcolm Richards and Bill Soane

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Sean Murphy, Public Protection Partnership Manager
Julia O'Brien, Principal Officer Compliance and Enforcement

19. APOLOGIES

Apologies for absence were submitted from Councillors Paul Fishwick and Rachelle Shepherd-DuBey.

20. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 10 November 2020 were confirmed as a correct record and would be signed by the Chairman at a later date.

21. DECLARATION OF INTEREST

There were no declarations of interest.

22. PUBLIC QUESTION TIME

There were no public questions.

23. MEMBER QUESTION TIME

There were no Member questions.

24. TAXI AND PRIVATE HIRE FEE CONSULTATION RESPONSES

Julia O'Brien, Principal Officer Compliance and Enforcement presented the report. She stated that the report contained the consultation responses on the fees which were considered at the November meeting. Three objections to the fee increase were received during the consultation period and were as listed in the report, two from individual representations and one from the Taxis Association (although it was uncertain how many people were represented by the association).

During the discussion of the item the following comments were made:

- Councillor Burgess expressed dissatisfaction that the consultation on the fees had occurred after the fees had been set and approved by Executive and Council, she believed the consultation should have taken place prior to the Budget setting process;
- Sean Murphy, Public Protection Partnership (PPP) Manager stated that although the fees had been set, the Committee had the option to review the fees and to provide subsidy retrospectively;
- Councillor Burgess requested that the timeliness of such consultations be taken into account in the future;
- Councillor Burgess stated that the taxi trade had been struggling as a result of the current pandemic and proposed that their fees should not be increased this year, and should be subsidised;

- Councillor Kerr agreed with the points raised by Councillor Burgess and seconded her proposal; she belied that this was not the right time to increase the fees;
- The Chairman pointed out that the Council had been helping various businesses which were struggling during the pandemic and suggested that there may be a better mechanism to help the trade;
- Sean Murphy clarified that any decisions on the fees at a this stage would consist of a subsidy;
- Councillor Ferris agreed with the points made by Councillors Burgess and Kerr, and he stated that the trade had lost around 80% of its usual business during this period, and many drivers did not qualify for the furlough scheme. He believed that there was a risk that drivers may not carry on operating in the Borough if there was an increase in fees, and this could have an adverse impact on the Council's finances;
- In response to a question Julia O'Brien stated that the reduction in the number of drivers were as follows:
 - Hackney Carriage - 86 before the pandemic now 68
 - Private Hire - 149 before the pandemic now 126
 - Operators - 40 before the pandemic now 36
- Sean Murphy stated that the Council was aware of the importance to the trade and the need to support it through this difficult time. He pointed out that the fees were set on a cost recovery basis. He agreed to review the consultation cycle to make sure it fit in with the Budget setting process in the future;
- Councillor Patman stated that there had been a limited number of responses to the consultation, he was concerned that there were other sectors that had also been struggling as a result of the pandemic and that the Council had been suffering with loss of income too;
- The Chairman pointed out that there were other businesses which had had their licence fees increased too and it was important to take that into account;
- Councillor Burgess stated that although the increase was only the inflation rate, because last year there had been a subsidy, this would feel like a significant increase for the trade;
- Councillor Ferris stated that it was possible that the third letter of objections represented a large number of drivers, as they tended to elect a spokesperson for the trade. He also stated that although the Council had distributed a significant number of grants to help businesses, a lot of self-employed people had not qualified for help, and he believed that this could be the case for many drivers. He agreed that there may be a need to widen the proposal of subsidy to other sectors which were also badly affected by the pandemic;
- Councillor Hobbs stated that she was sympathetic to the struggles faced by taxi drivers, however she wished to know how much support they had already received from the Council;
- Sean Murphy agreed to investigate and find out what grants had already been given out to the trade and other businesses and report back to the Committee;
- In response to a question, Sean Murphy stated that the Committee could postpone a decision to the next meeting, any decision to implement subsidies could be applied retrospectively;
- Sean Murphy stated that the full effect of the pandemic on the taxi trade would not be known for a few months yet;
- In response to a question Julia O'Brien stated that the reduction in the number of drivers were as a result of some licences having expired and not been renewed and other licences which had been returned. When a licence was returned, the driver

received a refund; other licences could have been suspended for the time being (suspended licences were not included in the figures previously mentioned).

Councillor Burgess proposed that taxi and private hire fees for next year are retained at the level charged for the drivers for the current year, including the subsidy provided for this year with no inflationary increase applied. She was seconded by Councillor Kerr.

Upon being put to the vote, Councillor Burgess' proposal was defeated.

The Chairman proposed bringing back a report with details of the help that was given to all licensable businesses in the Borough. He was seconded by Councillor Hobbs.

Members were reminded that the next scheduled meeting would be on 23 June 2021. Councillor Kerr expressed concern that if this decision was postponed to June, this would fall into the next financial and it could potentially be too late for the taxi trade.

Julia O'Brien stated that the service was offering phased payment of licences, and this could be offered to the taxi trade too.

Councillor Ferris recognised the issues raised about considering the impact of the current situation on other areas, however he was concerned about the negative impact of postponing a decision until the next meeting. Councillor Hobbs felt anxious about the potential perception that the Council may be favouring the taxi trade for subsidies, she was of the opinion that this issue should be considered conjointly with other affected licences.

Upon being put to the vote the Chairman's proposal was carried.

RESOLVED That:

- 1) The Committee will receive a report containing details of the grants which were given by the Council to help out licensable businesses during the pandemic period;
- 2) The Committee postponed a decision in relation to possible subsidies to licence fees to its next meeting in June.

25. WHEELCHAIR ACCESSIBLE VEHICLE DIMENSIONS BRIEFING PAPER

Sean Murphy presented the Wheelchair Accessible Vehicle Dimensions Briefing Paper.

Sean Murphy stated that the hackney carriage trade had asked for a review of the height condition in relation to wheelchair accessibility. The report outlined details of the findings of the review and the recommendation was to maintain the existing condition.

During the discussion of the item the following comments were made:

- Councillor Soane stated that the trade wanted some clarity as to which vehicles were suitable as hackney carriages in order to make informed decisions when deciding to buy a vehicle. A Task and Finish Group had already considered the issue he believed that the current conditions should be maintained;
- Councillor Burgess asked if there was a wide variety of vehicles available with 54 inches height from floor to ceiling; she also asked if 54 inches, which had been proposed by a disabled persons transport advisory committee a long time ago, was still the current recommendation, she believed this had now changed to 58 inches;

- Councillor Burgess proposed to extend the period to comply with the current conditions by one year;
- Sean Murphy stated that the report contained examples of cars that were compliant with the current conditions. He also stated that the current conditions would be considered later in the year and the issue of 58 inches could be reviewed then.

Councillor Kerr seconded Councillor Burgess' proposal to extend the period of 5 years to 6 years to comply with the conditions.

Councillor Loyes was interested to know if there were electrical vehicles that were suitable and compliant with the conditions. Sean Murphy stated that the report mentioned one model of electric vehicle which was suitable, this was the Nissan model; the range of electric vehicles was limited at the moment.

Members debated Councillor Burgess' proposal to extend the period of time to comply with the wheelchair height condition, and upon being put to the vote the proposal was defeated. Councillor Hobbs wished it to be recorded that she abstained from the vote.

Upon being put to the vote Members voted in favour of the recommendations contained in the report.

RESOLVED That the Committee decides to maintain the existing condition for entry and internal space requirements for wheelchair accessible vehicles as agreed at the meeting of this Committee on 4 September 2018.

26. FORWARD PLAN

The Committee considered its Forward Plan as per the report in the agenda pack.

A review of the grants given by the Council as a result of the pandemic to licensable businesses was added to the June meeting.

Sean Murphy stated that an offer of a Taxis Liaison meeting would be made to the trade, to consider issues such as a recovery plan.

| | |
|-----------------------------|---|
| TITLE | Draft Statement of Gambling Principles |
| FOR CONSIDERATION BY | Licensing and Appeals Committee 23 June 2021 |
| WARD | None Specific |
| LEAD OFFICER | Sean Murphy, Public Protection Manager |

OUTCOME / BENEFITS TO THE COMMUNITY

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

The Council is required to undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.

The report will therefore ensure that the views of the local community are considered in the preparation of this document.

RECOMMENDATION

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. That the Public Protection Manager is authorised to proceed with formal consultation for the twelve week period between the 07 July 2021 and 29 September 2021.
3. That the parties as set out in paragraph 9 of the report and any identified at the meeting be consulted.
4. That any comments on the revised Statement be brought to the 20 October 2021 Licensing and Appeals Committee meeting for discussion prior to the report being formally presented for adoption at the 18 November 2021 Council meeting.

SUMMARY OF REPORT

Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement lasts for a maximum of three years and can be reviewed and revised by the authority at any time.

The present Statement was published on 31 January 2019 and therefore must undergo a review and be republished on or before 31 January 2022. The Council is required to undertake a consultation exercise in respect of any revisions to the policy.

Once published, the revised Statement shall be valid between 31 January 2022 and 31 January 2025.

This report seeks comments from the Licensing and Appeals 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.

Background

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 introduced the Gambling Commission, which, with alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
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.
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.
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 2022.
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.
6. The statement must be particular to the local authority and be formulated to achieve the government's three core aims 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.
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
7. The Council must undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.
8. The public consultation period will last for twelve weeks between 07 July 2021 and 29th September 2021.

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
 - Wokingham Safeguarding Children Board
 - Wokingham Safeguarding Adults Board
 - Public Health
 - Health and Wellbeing Board
 - Building Control
 - and other interested bodies.
10. The comments received during the consultation will be fed back to the Licensing and Appeals Committee at the 20 October 2021 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.

Analysis of Issues

11. There has been very little change when compared to the previous iteration of this policy. A section on small society lotteries has been added and the policy has been amended to make it compliant with the current legislation and regulations as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission.
12. The opportunity has also been taken to provide some additional information in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the policy is both up-to-date and informative.

Proposals

13. That the Licensing and Appeals Committee approves the draft revised Statement at Appendix A for consultation.

Conclusion

14. 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.

Other options considered

To run the consultation period for six weeks.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

| | How much will it Cost/ (Save) | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|-------------------------------|---|---------------------|
| Current Financial Year (Year 1) | N/a | N/a | N/a |
| Next Financial Year (Year 2) | N/a | N/a | N/a |
| Following Financial Year (Year 3) | N/a | N/a | N/a |

Other financial information relevant to the Recommendation/Decision

There are no financial implications associated with this report. The compilation of the documents and the ensuing consultation will be met from within the existing budgets.

Cross-Council Implications

It is a statutory obligation to have a Policy in place.

Public Sector Equality Duty

Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.

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.

List of Background Papers

The Gambling Act 2005

[Guidance to licensing authorities - Gambling Commission](#)

| | |
|--|--|
| Contact Julia O'Brien & Sean Murphy | Service Public Protection Service |
| Telephone No 01635 519849 | Email Sean.murphy@westberks.gov.uk Julia.obrien@westberks.gov.uk |



**WOKINGHAM
BOROUGH COUNCIL**

Statement of Gambling Principles

January 2022 – January 2025

Contents

| | |
|--|-----------|
| Part A - General | 4 |
| 1.1 Introduction | 4 |
| 1.2 The Borough of Wokingham | 4 |
| 1.3 The Licensing Objectives | 5 |
| 1.4 Licensable Activities | 5 |
| 1.6 Interested Parties | 7 |
| 1.7 Information Exchange | 8 |
| 1.8 Enforcement | 8 |
| 1.9 Local Risk Assessments | 9 |
| 2.1 General Principles | 10 |
| 2.3 Ensuring gambling is conducted in a fair and open way | 13 |
| 2.4 Protecting children and other vulnerable people from gambling | 13 |
| 2.5 Licence Conditions | 14 |
| 2.6 Licensed Family Entertainment Centres | 15 |
| 2.7 Casinos | 16 |
| 2.8 Bingo Premises | 16 |
| 2.9 Betting Premises | 17 |
| 2.10 Adult Gaming Centres | 18 |
| 2.11 Tracks | 19 |
| 2.12 Travelling Fairs | 21 |
| 2.13 Provisional Statements | 22 |
| 2.14 Licence Reviews | 22 |
| 3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits .. | 24 |
| 3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits | 25 |
| 3.3 Prize Gaming Permits | 26 |
| 3.5 Temporary Use Notices | 29 |
| 3.6 Occasional Use Notices | 30 |
| 4.1 Delegations and process | 31 |
| 4.2 Appeals | 32 |
| 5.1 Contact for Wokingham Licensing Team | 32 |
| 5.2 Contact for Gambling Commission | 32 |
| Appendix B | 34 |
| Map of Wokingham Borough | 34 |
| Appendix C | 35 |

| | |
|--|----|
| Appendix D Gambling Act Glossary | 40 |
|--|----|

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 Wokingham Borough 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, 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 to Licensing Authorities issued by the Gambling Commission, 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 of Principles was considered can be viewed on the Council website at www.wokingham.gov.uk.

The Statement will come into effect on the 31 January 2022 and will be reviewed as necessary, and at least every 3 years from the date of adoption.

1.2 The Borough of Wokingham

Wokingham Borough is situated in the county of Berkshire, which contains 6 Unitary Councils in total. The area has a population of 154,380 (2011 Census). The borough covers 17,892 hectares of mixed rural and urban areas.

A map of the borough is attached at Appendix B.

1.3 The Licensing Objectives

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

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

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

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

1.4 Licensable Activities

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

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

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

The Gambling Commission is responsible for remote (online) and non-remote (land-based) gambling, for which it issues operating licences and personal licences.

The Licensing Authority is responsible for issuing premises licences and provisional statements for the following types of premises:

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

Additional functions of the Licensing Authority are to:

- issue permits for gambling and gaming machines in clubs
- receive notifications from alcohol licensed premises of the use of up to 2 gaming machines and issue licensed premises gaming machine permits where there are more than 2 machines
- issue permits to family entertainment centres
- issue permits for prize gaming
- receive and endorse temporary use notices
- receive occasional use notices for betting at tracks
- register small society lotteries
- undertake compliance and enforcement responsibilities
- provide details of licences issued, to the Gambling Commission
- maintain registers of permits and licences that are issued under the Act.

1.5 Responsible Authorities

Responsible authorities must be notified of all premises licence applications and are entitled to make representations if they are relevant to the licensing objectives. Section 157 of the Act defines those authorities as:

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

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

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

The Licensing Authority designates the Wokingham 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.wokingham.gov.uk.

1.6 Interested Parties

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

An interested party is someone who:

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

In determining whether someone lives sufficiently close to particular premises so as to be affected, the Licensing Authority may take into account, amongst other things:

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

In determining whether a person has a business interest which could be affected, the Licensing Authority may consider, amongst other things:

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

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

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

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Licensing

Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

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

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts, then please contact the licensing team by email to licensing@wokingham.gov.uk or telephone 01189 746359.

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 Gambling Commission’s Guidance to Licensing Authorities and will endeavour to be:

- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised,
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny,
- consistent: rules and standards must be joined up and implemented fairly,
- transparent: regulators should be open, and keep regulations simple and user friendly, and
- targeted: regulation should be focused on the problem and minimise side effects.

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

- the Licensing Objectives
- relevant Codes of Practice
- Guidance issued by the Gambling Commission
- the principles set out in this Statement of Licensing Policy
- location of the premises and their impact on the surrounding area,

- enforcement history of the premises,
- nature of the licensed or permitted operation,
- management record.

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

The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Licensing Authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

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

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request to the licensing team by email to licensing@wokingham.gov.uk or telephone 01189 746359. 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 (LCCP) attached to operating licences issued by the Gambling Commission impose a need for operators to consider local risks.

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

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

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement

- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

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

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

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

The Licensing Authority does not intend to specify a format or mandatory content for these local risk assessments, as these will be decisions for the operator to take, and they will be dependent upon the location, size, and operational nature of the premises in question. However, it is expected that operators will have considered the individual circumstances of each of their premises when compiling the risk assessments.

A single generic risk assessment covering every premises in an operator's estate will not be considered by the Licensing Authority to be suitable or sufficient. It is also expected that operators will take full account of the local area when compiling their risk assessments, and to reflect this in the control measures which they will implement. For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school.

Completion of a local area profile is not a requirement on licensing authorities. Any local area profile prepared by the Licensing Authority will be separate from this Statement, so that it can be reviewed and updated without the need for full consultation. Details of any local area profile will be available upon request to the licensing team by email to licensing@wokingham.gov.uk or telephone 01189 746359.

Part B - Premises Licences

2.1 General Principles

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

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the licensing objectives (subject to the previous two points), and
- in accordance with the Licensing Authority's statement of licensing policy (subject the previous 3 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 Gambling Commission's 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 Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as 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 Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children. The Licensing Authority will therefore consider 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 Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.

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

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

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

2.5 Licence Conditions

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

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

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

- relevant to the aim to permit the use of the premises for gambling,
- necessary to promote the licensing objectives,
- directly related to the premises and the type of licence applied for,
- fairly and reasonably related to the scale and type of premises,
- within the control of the licensee, and
- reasonable in all other respects.

When considering any conditions to be attached to licences, the licensing authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Licensing Authority will consider utilising should there be an evidence-based need, such as the use of supervisors, appropriate signage for adult only areas or CCTV. There are specific comments made in this regard under some of the licence types below. The Licensing Authority will also expect the licence applicant to offer their own suggestions as to the way in which the licensing objectives can be met effectively.

The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming

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

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which are:

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

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

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

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

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

2.6 Licensed Family Entertainment Centres

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

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

The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient

measures to ensure that under 18 year olds do not have access to the adult-only gaming machine areas.

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

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

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

2.7 Casinos

There are currently no casinos operating within the Wokingham Borough 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. Wokingham 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. Wokingham is not one of those regions.

2.8 Bingo Premises

Cash bingo is the main type of bingo played in commercial bingo premises. They can also offer prize bingo, largely as games played in the intervals between main stage games. Premises with a bingo premises licence will be able to offer bingo in all its forms.

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

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20%

of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

An operator may allow children and young people into licensed bingo premises. However, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

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

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

- CCTV
- Proof of age schemes
- Supervision of entrances/machine areas
- Physical separation of areas (if not adult-only)
- Entry control system (if not adult-only)
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare
- Measures/training for staff on how to deal with children on the premises (if not adult-only)

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

2.9 Betting Premises

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

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

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

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (SSBTs) are not 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
- an athletics stadium
- a golf course
- venues hosting darts, bowls, or snooker tournaments
- premises staging boxing matches
- a section of river hosting a fishing competition
- a motor racing event

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

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

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

The exemption allowing children access to betting areas on tracks does not extend to areas within a track where category C or above machines are

provided, or other premises to which under 18 year olds are specifically not permitted access. For example, where betting facilities are provided through a self-contained betting office on a track which has a separate betting premises licence, the betting operator of the self-contained premises is required to exclude under-18s from their premises.

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

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

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

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

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

The Licensing Authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting operators may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet with a member of staff. These self-service betting terminals (SSBTs) are not gaming machines; they automate the process that can be conducted in person and therefore are not regulated as gaming machines. There is no restriction on the number of SSBTs that may be in use but operators must, by virtue of their operating licence

conditions, supervise such terminals to prevent them being used by persons under 18 years of age.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

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

It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans due to the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pin-pointing exact locations for some types of track. The Licensing Authority will need to be satisfied that the plan provides sufficient information to enable it to assess an application.

2.12 Travelling Fairs

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

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

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

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

The Licensing Authority will also determine whether any specific fair falls within the statutory definition of a travelling fair.

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

2.13 Provisional Statements

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

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

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

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

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

The holder of a provisional statement may then apply for a premises licence and the normal statutory process will apply subject to one exception. No representations from relevant authorities or interested parties can be taken into account unless:

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

The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage,
- which in the authority's opinion reflect a change in the operator's circumstances, or
- where the premises have not been constructed in accordance with the plan and information submitted with the application.

2.14 Licence Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities at any time. It is for the Licensing Authority to decide

whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to one or more of the matters listed below:

- any relevant Code of Practice issued by the Gambling Commission,
- any relevant Guidance issued by the Gambling Commission,
- reasonable consistency with the licensing objectives, or
- in accordance with the Licensing Authority's statement of principles.

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

- frivolous,
- vexatious,
- certainly not going to cause the Licensing Authority to take any action allowed by the Act, or
- substantially the same as previous representations or requests for review.

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence in the following circumstances:

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

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

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

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

In particular, the Licensing Authority may take action on the grounds that a premises licence holder has not used the licence.

Part C - Permits, Temporary and Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

A proprietor of a family entertainment centre (FEC), who wishes to make only category D gaming machines available for use in those premises, can do so in reliance upon a family entertainment centre gaming machine permit.

This category of permit provides an alternative to the family entertainment centre premises licence available under the Act (which allows the operation of higher-value gaming machines (Category C) but is subject to more rigorous application procedures).

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

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection matters, including adequate levels of staff supervision.

The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises,
- measures / training covering how staff would deal with children causing perceived problems on / around the premises.

The Licensing Authority will also expect applicants to demonstrate:

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

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

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

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

A permit will remain in force for 10 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 (i.e., that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with),
- the premises are mainly used for gaming, or
- an offence under the Act has been committed on the premises

If relevant alcohol licensed premises wish to provide more than two gaming machines, they must apply to the Licensing Authority for a “licensed premises gaming machine permit” for any number of category C and/or D machines. This would replace any automatic entitlement under the Act.

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

The Licensing Authority considers that “such other matters” will be decided on a case by case basis, but generally there will be regard to:

- the need to protect children and vulnerable persons from harm or being exploited by gambling, and

- measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which may satisfy the licensing authority that there will be no access may include:

- the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18.
- notices and signage.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

3.3 Prize Gaming Permits

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

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

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

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

- they understand the limits to stakes and prizes that are set out in regulations,
- that the gaming offered is within the law, and
- that appropriate measures will be taken to ensure that children are protected from being harmed or exploited by gambling.

In making its decision on an application for this permit, the Licensing Authority does not need to (but may) have regard to the licensing objectives, but must have regard to any relevant Gambling Commission guidance.

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

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

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

A permit will remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

3.4 Club Gaming and Club Machine Permits

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

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

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

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines (a maximum of three gaming machines of category B, C or D).

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is restricted to that

of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

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

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

The Licensing Authority may only refuse an application for a permit on the grounds that:

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

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

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

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

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12,
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

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

A permit will normally remain in force for 10 years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the “fast track” process does not require renewal, but it will lapse if the club premises certificate ceases to have effect.

3.5 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues.

A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (i.e., 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 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by the Licensing Authority.

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

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

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

3.7 Small Society Lotteries

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

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

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

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

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

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

- the applicant is not a non-commercial society,
- a person who is or may be connected with the promotion of the lottery has been convicted of a relevant offence (listed in Schedule 7 of the Act) or
- information provided in or with the application for registration is false or misleading.

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

Part D - Decision Making

4.1 Delegations and process

The Licensing Authority will carry out its responsibilities under the Gambling Act 2005 efficiently and cost-effectively. To do this, functions are delegated from the Licensing Committee to either Sub-Committees or officers as appropriate. The table shown at Appendix C sets out the agreed delegation of decisions and functions. This form of delegation is 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 a sub-committee, as will any application for the review of a licence.

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

Licensing Team
Wokingham Borough Council
PO Box 155
Shute End
Wokingham RG40
1BN

Tel: 01189 746359

Email: licensing@wokingham.gov.uk

Website: www.wokingham.gov.uk

5.2 Contact for Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666

Email: info@gamblingcommission.gov.uk

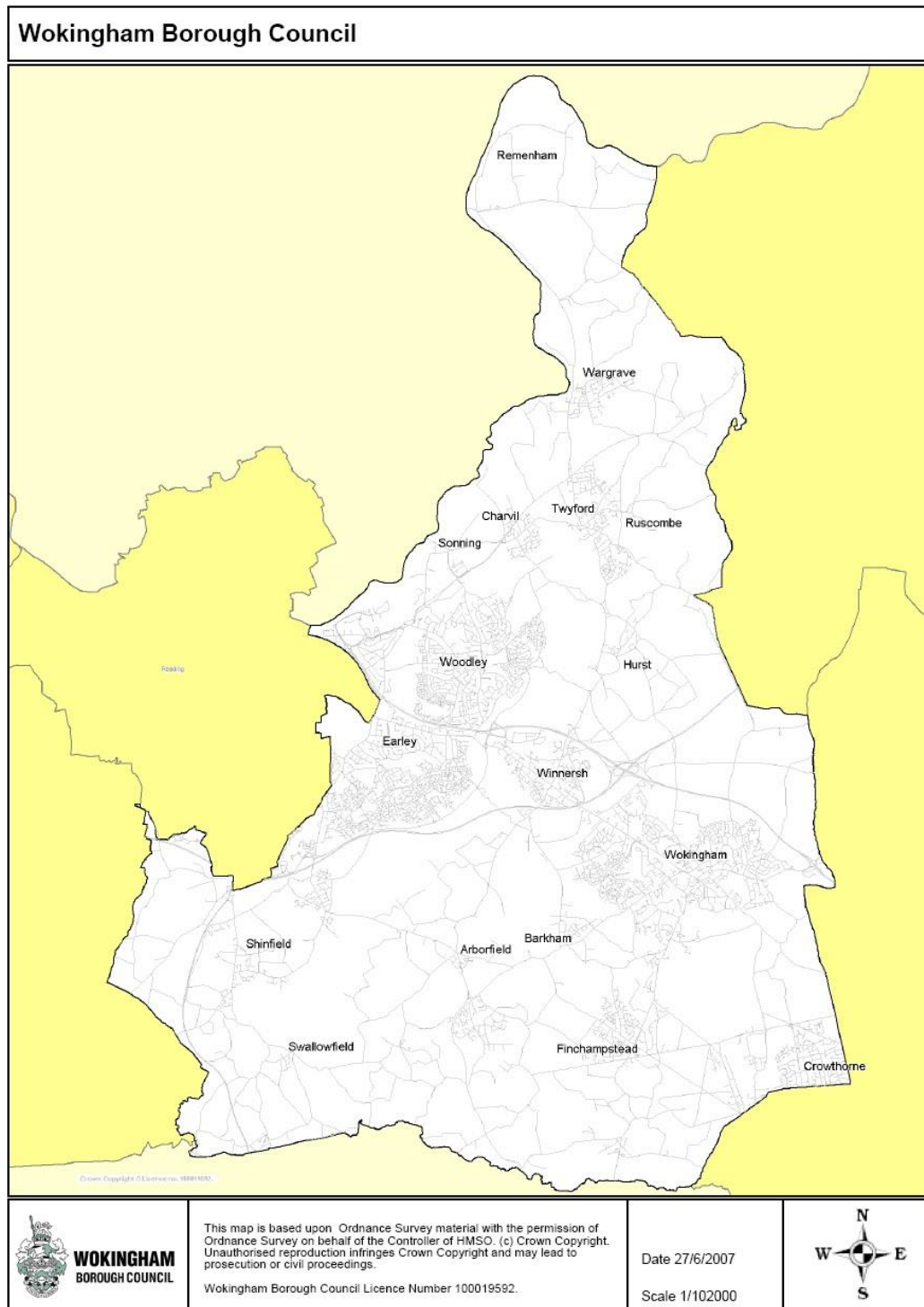
Website: www.gamblingcommission.gov.uk

Appendix A List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Gamblers Anonymous
- GAMCARE
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- National Association of Bookmakers
- Parish and Town Councils
- Royal Berkshire Fire and Rescue
- Thames Valley Police / Community Safety Partnership
- Wokingham Borough Citizens Panel
- Wokingham Borough Council Planning
- Wokingham Borough Council Environmental Health
- Wokingham Safeguarding Children Board

Appendix B

Map of Wokingham Borough



Appendix C

Gambling Act 2005 – Scheme of Delegations

| Gambling Act 2005 | Functions | Delegation |
|--------------------------|--|--|
| Section 163 | Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application for Premises Licence where no relevant representations received | Licensing Sub-Committee Officers |
| Section 162 | Attachment of condition to Premises Licence or exclusion of default condition | Licensing Sub-Committee |
| Section 162 | Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application | Officers in consultation with Chairman or Vice-Chairman at the Licensing Committee |
| Section 187 | Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) Determination of application to vary Premises Licence in respect of which no representation received | Licensing Sub-Committee Officers |
| Section 188 | Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) Determination of application for transfer of Premises Licence where no representations received | Licensing Sub-Committee Officers |
| Section 193 | Revocation of Premises Licence for failure to pay annual fee | Officers |
| Section 194 | Determination that a Premises Licence has lapsed | Officers |

Appendix C

Gambling Act 2005 – Scheme of Delegations

| Gambling Act 2005 | Functions | Delegation |
|--------------------------|--|--|
| Section 195 | Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) Reinstatement of lapsed Premises Licence where no representation is received | Licensing Sub-Committee Officers |
| Section 198 | Rejection of application for review of Premises Licence on various grounds | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Section 200 | Initiation of review of Premises Licence | Officers |
| Section 201 | Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Section 202 | Determination of action following review of Premises Licence | Licensing Sub-Committee |
| Section 204 | Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) Determination of application for provisional statement in respect of which no representations received | Licensing Sub-Committee Officers |
| Section 205 | Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Section 218 | Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded | Officers |
| Section 221 | Objection to Temporary Use Notice | Officers |
| Section 222 | Issue of counter notice in response to Temporary Use Notice | Licensing Sub-Committee |

Appendix C

Gambling Act 2005 – Scheme of Delegations

| Gambling Act 2005 | Functions | Delegation |
|---|---|---|
| Section 284 | Making of Order to remove exemptions from specified premises | Licensing Sub-Committee |
| Section 346 | Institution of criminal proceedings in respect of an offence under the provisions of the Act | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Schedule 10 Paragraph 8 | Determination of application for Family Entertainment Centre Gaming Machine Permit | Head of Administration (or in his absence the Central Services Manager) (Refusal to be exercised only in consultation with Chairman or Vice-Chairman of the Licensing Committee) |
| Paragraphs 14 and 15 | Notification of lapse of Family Entertainment Centre Gaming Permit | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Schedule 11 Paragraph 44 Paragraph 48 | Registration of society for small society lottery Refusal of application for registration of society for small society lottery | Officers Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Paragraph 50 | Revocation of registration of society for small society lottery | Officers in consultation with the Chairman or Vice-Chairman of the Licensing Committee |
| Paragraph 54 | Cancellation of registration of society for small society lottery for non-payment of annual fee | Officers |

Appendix C

Gambling Act 2005 – Scheme of Delegations

| Gambling Act 2005 | Functions | Delegation |
|---|---|--|
| Schedule 12 Paragraphs 5 and 10 and 24 | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) | Licensing Committee Sub- |
| Paragraph 15 | Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received | Officers |
| Paragraph 21 | Determination of application for variation of Club Gaming Permit and in respect of which Club Registration Permit and cancellation of permit representations have been made (and not withdrawn) | Licensing Committee Sub- |
| Paragraph 22 | Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received | Officers |
| | Cancellation of Club Gaming Permit and Club Registration Permit | Licensing Committee Sub- |
| | Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee | Officers |
| Schedule 13 Paragraphs 4, 15 and 19 | Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit | Officers (Refusal and limitation on number of machines only in consultation with Chairman or Vice-Chairman of the Licensing Committee) |
| Paragraph 16 | Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) | Licensing Committee Sub- |

Appendix C

Gambling Act 2005 – Scheme of Delegations

| Gambling Act 2005 | Functions | Delegation |
|------------------------------------|--|---|
| Paragraph 17 | Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee | Officers Officers |
| Schedule 14 Paragraphs 9 and 18 | Determination of application for Prize Gaming Permit and application for renewal of Permit | Officers (Refusal only in consultation with Chairman or Vice-Chairman of Licensing Committee) |
| Paragraph 15 | Determination that Prize Gaming Permit has lapsed | Officers |

Appendix D Gambling Act Glossary

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

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

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Agenda Item 7.

TITLE Hackney Carriage and Private Hire Licence Fees Consultation Responses Report

FOR CONSIDERATION BY Licensing and Appeals Committee 23 June 2021

WARD Non-Specific

LEAD OFFICER Sean Murphy, Public Protection Manager

OUTCOME / BENEFITS TO THE COMMUNITY

To allow Members to continue the discussion on fees and potential subsidies following the 28 day consultation in relation to hackney carriage and private hire licensing fees in light of the information relating to grants received by the trade requested at the 09 March 2021 meeting.

RECOMMENDATION

The information presented to the previous Committee in relation to fee setting be considered alongside information pertaining to grants awarded and Members to determine if they wish to recommend a fee subsidy for 2021/22

SUMMARY OF REPORT

A new set of fees was presented to the Committee at the meeting in November 2020, where it was agreed to proceed with the statutory consultation process, with any objections or observations received to be brought back before the Committee for further consideration. This information was presented to Members at the 09 March 2021 meeting.

Members agreed at the March meeting that they would postpone a decision in relation to possible subsidies to licence fees until they would consider details of any grants which were given by the Council to help out licensable businesses during the pandemic period;

Background

A new set of fees were presented to the Committee in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections (of which there were three, two from individual drivers and one purporting to be from the remainder of the trade) received to be brought back to the March 2021 meeting for further consideration. The report discussed at the March 2021 meeting is attached at Appendix 1 and details the responses received during this consultation period.

The Executive and Council agreed these fees as part of the fee setting process however Members wished to see the responses to the consultation so they may consider them.

It was noted that the 2020 fees (set out in Appendix A) were subject to a £40 subsidy on the agreed fee agreed by Members as part of a 2 year support subsidy to the trade on fees.

At the March 2021 meeting Members raised concerns about the impact that the Covid pandemic had had on the trade. Anecdotal information suggested that they had lost around 75% of their income during the previous financial year. There was still some uncertainty about when the trade would start to recover and how much of the trade would return.

Any assistance to the trade in terms of their fees had to be balanced against the decision made by the Joint Public Protection Committee to set the fees in the context of a full cost recovery model. Members stated that before they could make any decisions about support being offered to the trade in terms of their fees they needed know how much support they had already received from the Council in the form of grants.

The Income Payments and Recovery Team have confirmed that 98 out of the 546 businesses Wokingham Borough Council have paid grants to are from the taxi trade. The payments they would have received related to discretionary grants (Additional Restrictions Grant (ARG)) and were paid in accordance with the Council's agreed policy. The ARG grant was funded by Central Government but administered by WBC. The ARG funding had to be used across Financial Years 2020/21 and 2021/22. Wokingham Borough Council was originally awarded £3.4m and has since been awarded a further £1.5m as an additional ARG top up. The criteria, timescales and level of payments received are set out in Appendix 2 to this report.

Members are also asked to note that the Public Protection Service also engaged, on a temporary basis, two Licensing Liaison Officers to act as conduit between the trade and PPP and they will be providing additional support to the trade during the period of restriction easing. Covid related work will be funded from grant funding. This service was put in place effective from the 1st June 2021.

Looking Ahead

With the decision of Wokingham Borough Council to leave the shared service the fee setting process for 2022/23 will be overseen by the Wokingham directly rather than through the Joint Committee process.

Analysis of Issues

Members will need to consider what subsidies, if any, they are willing to grant to the trade in light of grant funding awarded to them. The ARG grant funding scheme is now closed.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

| | How much will it Cost/ (Save) | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|---------------------------------------|---|---------------------|
| Current Financial Year (Year 1) | To be determined dependant on subsidy | N/A | N/A |
| Next Financial Year (Year 2) | No impact | N/A | N/A |
| Following Financial Year (Year 3) | No impact | N/A | N/A |

Other financial information relevant to the Recommendation/Decision

There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Wokingham area as a result of the requirement to achieve cost recovery for the licensing function. If Members are minded to introduce a subsidy this would have to be met from within existing corporate budgets.

Cross-Council Implications

There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Wokingham area as a result of the requirement to achieve cost recovery for the licensing function

Public Sector Equality Duty

Please confirm that due regard to the Public Sector Equality Duty has been taken and if an equalities assessment has been completed or explain why an equalities assessment is not required.

None

List of Background Papers

Section 70 of the Local Government (Miscellaneous Provisions) Act 1976.

| | |
|--|--|
| Contact Julia O'Brien & Sean Murphy | Service Public Protection Service |
| Telephone No 01635 519849 | Email Sean.murphy@westberks.gov.uk Julia.obrien@westberks.gov.uk |

| | |
|--------------------------|----------------------|
| Date 14 June 2021 | Version No. 2 |
|--------------------------|----------------------|

| | |
|-----------------------------|---|
| TITLE | Hackney Carriage and Private Hire Licence Fees Consultation Responses Report |
| FOR CONSIDERATION BY | Licensing and Appeals Committee 9 March 2021 |
| WARD | Non-specific |
| DIRECTOR | Sean Murphy - Public Protection Manager |

OUTCOME / BENEFITS TO THE COMMUNITY

To allow Members to consider the responses received during the 28 day statutory consultation period concerning the agreed fees in relation to hackney carriage and private hire licensing. The consultation period ended on 25th February 2021 and the report contains all responses received during this period.

RECOMMENDATION

The consultation responses as set out in Appendix B be considered and the Licensing Committee determine any further actions.

SUMMARY OF REPORT

A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with any Objections or observations received to be brought back before the Committee for further consideration.

Background

A new set of fees were presented to the Committee at their last meeting, in November 2020, where it was agreed to proceed with the statutory consultation process, with the objections received to be brought back before the Committee for further consideration. This report details the responses received during this consultation period.

The Executive and Council agreed these fees as part of the fee setting process however Members wished to see the responses to the consultation so they may consider them.

The existing and proposed fees can be found at **Appendix A**. it should be noted that the 2020 fees were subject to a £40 subsidy on the agreed fee agreed by Members as part of a 2 year support subsidy to the trade on fees.

The legal requirements in relation to amending fees are set out at section 70 of the Local Government (Miscellaneous Provisions) Act 1976. A public notice was published in the Wokingham Paper on 28th January 2021. The consultation period ended on 25th February 2021. In addition a letter was sent to all licensed vehicle owners and private hire operators, comprising 68 Hackney Carriage proprietors, 126 private hire vehicle proprietors and 34 private hire operators advising them of the consultation. A notice was also placed on the main entrance to Shute End Offices and a consultation document on the Public Protection Partnership website inviting comments.

During the period available for making objections (28 January-25th February), 3 responses were received, all of which were objections to a fee increase. Two of these responses were from individual drivers and the other was said to be on behalf of the remaining Hackney Carriage drivers but did not state who these were, as no names or signatures of agreement were provided, or how many drivers this was made up of. These objections raise points such as how the increases can be justified, especially with the impact of Covid on the trade and lack of any work.

The result of the feedback is that people do not want any increase at all. The full list of objections are detailed in **Appendix B** (summary table)

The impact of Covid on the trade cannot be underestimated. The breadth covers health implications, concern about future trade as well as financial impacts. The Public Protection Service have taken an approach with all fees that as a service these will be charged in accordance with the Councils overall approach to Covid. For Wokingham Council fees have been charged as set and those businesses affected have the ability to apply for grants and other funding streams as well as requests for payment plans or temporary suspensions.

The fees as agreed at the November 2020 meeting were those being put forward to Executive as part of the Councils budget setting process. Officers recommend that the objections are considered, however given the small limited increase (due to the change in the hourly officer rate) and the other support available to the trade to continue operating, that these are not modified. If the Licensing Committee agree to a modification of what was previously agreed then that will need to be offered as some form of subsidy by the Council.

Analysis of Issues

There are no implications arising from the recommendation in this report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.

| | How much will it Cost/ (Save) | Is there sufficient funding – if not quantify the Shortfall | Revenue or Capital? |
|-----------------------------------|-------------------------------|---|---------------------|
| Current Financial Year (Year 1) | No impact | N/A | N/A |
| Next Financial Year (Year 2) | No impact | N/A | N/A |
| Following Financial Year (Year 3) | No impact | N/A | N/A |

Other financial information relevant to the Recommendation/Decision

There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Wokingham area as a result of the requirement to achieve cost recovery for the licensing function.

Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)

There will be a financial implication if Members resolve to change the proposed fees. If fees as proposed are not introduced, this will impact the level of service provided in the Wokingham area as a result of the requirement to achieve cost recovery for the licensing function

Reasons for considering the report in Part 2

None

List of Background Papers

None

| | |
|--|--|
| Contact Julia O'Brien & Sean Murphy | Service Public Protection Service |
| Telephone No 01635 519849 | Email Sean.murphy@westberks.gov.uk Julia.obrien@westberks.gov.uk |
| Date 23 February 2021 | Version No. 1 |

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Existing and Proposed Licence Fees

Existing

Hackney Carriage Vehicle Licence: £248.00 (subsidy of £40 in 2020)
 Private Hire Vehicle Licence: £248.00 (subsidy of £40 in 2020)
 Private Hire Vehicle Licence with Dispensation £228.00 (subsidy of £40 in 2020)

| Private Hire Operator Licence (5 Year) | | |
|--|-----------|-----------|
| Number of Vehicles | New | Renewal |
| 1 | £456.00 | £342.00 |
| 2 | £527.25 | £413.25 |
| 3 | £598.50 | £484.50 |
| 4 | £669.75 | £555.75 |
| 5 | £741.00 | £627.00 |
| 6 | £812.25 | £698.25 |
| 7 | £883.50 | £769.50 |
| 8 | £954.75 | £840.75 |
| 9 | £1,026.00 | £912.00 |
| 10 | £1,097.25 | £983.25 |
| 11 | £1,168.50 | £1,054.50 |
| 12 | £1,239.75 | £1,125.75 |
| 13 | £1,311.00 | £1,197.00 |
| 14 | £1,382.25 | £1,268.25 |
| 15 | £1,453.50 | £1,339.50 |
| 16 | £1,524.75 | £1,410.75 |
| 17 | £1,596.00 | £1,482.00 |
| 18 | £1,667.25 | £1,553.25 |
| 19 | £1,738.50 | £1,624.50 |
| 20 | £1,809.75 | £1,695.75 |
| 20+ | £1,809.75 | £1,695.75 |
| Variation to licence | | £57 |

Proposed

Hackney Carriage Licence: £290.00

Private Hire Vehicle Licence: £290.00

Private hire Vehicle with dispensation £290.00

| Private hire operator licence | | |
|-------------------------------|-----------|-----------|
| Number of vehicles | New | Renewal |
| 1 | £472.00 | £354.00 |
| 2 | £545.00 | £427.75 |
| 3 | £619.50 | £501.50 |
| 4 | £693.25 | £575.25 |
| 5 | £767.00 | £649.00 |
| 6 | £840.75 | £722.25 |
| 7 | £914.50 | £796.50 |
| 8 | £988.25 | £870.25 |
| 9 | £1,062.00 | £944.00 |
| 10 | £1,135.75 | £1,017.75 |
| 11 | £1,209.50 | £1,091.50 |
| 12 | £1,283.25 | £1,165.25 |
| 13 | £1,357.00 | £1,239.00 |
| 14 | £1,430.75 | £1,312.75 |
| 15 | £1,504.50 | £1,386.50 |
| 16 | £1,578.25 | £1,460.25 |
| 17 | £1,652.00 | £1,534.00 |
| 18 | £1,725.75 | £1,607.75 |
| 19 | £1,799.50 | £1,681.50 |
| 20 | £1,873.25 | £1,755.25 |
| 20+ | £1,873.25 | £1,755.25 |
| Variation to licence | | £59.00 |

| Name | Vehicle/Driver/PHO License Number | Summary of Comments |
|--|-----------------------------------|--|
| Driver 1 | Not provided | Mr Bashir comments on the increase in fees, in contrast with the drop in incomes, which he states generally have dropped by at least 80%, and his in particular by 90% in the past 11 months. Mr Bashir would have preferred a notification that fees have been reduced by at least 10% instead of increased, and expresses his lack of faith that his comments will make a difference, as to him it seems that the rules are set in stone. |
| Driver 2 | PHD License Holder | Mr Taghinejad states how business has been declining, and for the previous 10 months, all cab drivers' incomes have been reduced by 90% or more. He elaborates on this point by saying how many drivers have left the business, some are only surviving by help from friends or family, and he personally uses his credit cards to pay for most of his expenses. Mr Taghinejad was expecting a letter setting out the Council will reduce all charges by half, or remove all charges for 2021, instead of a letter about price increases. Mr Taghinejad does not think that this is fair nor justified, and calls for all charges to be removed for existing drivers for 2021. |
| On behalf of all remaining Wokingham Taxi drivers – no name provided | Not provided | The Writer states that the cost proposal for a new or renewal licence is a 17% increase on last year's fee, and a 44% increase on the year before that's fee. They suggest that consultations are a waste of time, and are used to enforce unreasonable opinions and proposals by Council members with no experience in the trade, but also acknowledge the need to recuperate expenditures from grants and loans, suggesting that increasing licencing fees is the easiest way to do this. The Writer states that Covid-19 has destroyed taxi trade in Wokingham, as roads are quiet, trains and town centres are empty and traders are struggling to make ends meet. The Writer would like to know if it is the right time to make |

| | | |
|--|--|---|
| | | <p>the increase with the on/off lockdown situations. They also state that as there has been no explanation of how the new figure has been achieved, and knowing that rates have been put on hold and not reviewed for the past 10 years, would the Council also increase meter rates with the same percentage automatically to justify driver expenses increases.</p> |
|--|--|---|



WOKINGHAM BOROUGH COUNCIL

COVID-19 Business Support
Additional Restrictions Grant

Discretionary Grant Scheme
Phase 2

Version Control

| Version | Date | Author | Comments |
|---------|------------|--------------------|--|
| 1 | 23.11.2020 | Andrew Kupusarevic | draft |
| 2 | 02.12.20 | Andrew Kupusarevic | Approved by Special Executive |
| 3 | 13.01.21 | Andrew Kupusarevic | Policy updated via delegated powers – Phase 2 |
| 4 | 22.01.21 | Andrew Kupusarevic | Policy updated to reflect additional funding being made available. |
| | | | |
| | | | |

1.0 Background

1.1 On 31 October 2020, the Government announced the introduction of additional support for Local Authorities under National and Local Covid Alert Level 3 restrictions. There are two parts to the grants scheme package, the Local Restrictions Support Grant (Closed) Addendum and the Additional Restrictions Grant (ARG). Both grant schemes are fully funded by Central Government and the funds will be administered by Wokingham Borough Council in accordance with the guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS). The guidance makes it clear that no further funding will be made available to local authorities for business support regardless of whether further lockdowns are imposed.

1.2 On 5 November 2020, when new national restrictions were imposed by Government, all Local Authorities triggered the start of the ARG. Under the ARG, Local Authorities are able to support local businesses through discretionary grant schemes as well as through other wider support measures. The focus of any support must be on businesses significantly impacted by any restrictions put in place to control the spread of Covid-19.

1.3 The ARG funding is to be used across Financial Years 2020/21 and 2021/22. Wokingham Borough Council was originally awarded £3.4m and has since been awarded a further £1.5m as an additional ARG top up.

1.4 The funding will be administered via a phased approach until March 2022 with an additional £1,100,000 being made available to fund Phase 2 of the Discretionary Grant Scheme - this is on top of the £400,000 funding that was available for Phase 1.

1.5 Discretionary Grant Scheme Phase 2 covers those businesses which have been severely impacted by the national lockdown restrictions put in place from 3 December 2020. Phase 2 will cover those businesses up until the 2 April 2021. Applications must be received within this period.

1.6 The grants will be administered in monthly cycles of £1,500 in line with the criteria below.

1.78 In order to continue to support those businesses further there will also be a one-off discretionary grant of £2,000.

1.9 If you would like further advice on this scheme and how it will be applied, please visit: <https://www.wokingham.gov.uk/business-and-licensing/business-and-growth/coronavirus-announcements/>

2.0 Which businesses will be eligible for the Discretionary Grant Scheme Phase 2?

2.1 Wokingham Borough Council will not be providing additional financial support to businesses that are already receiving grant funding via the 'Mandatory' Local Restrictions Support Grant schemes.

2.2 This policy is not designed to provide financial support to individuals IE: wage support. The Self-Employed Income Support Scheme and Coronavirus Job Retention Scheme are in place to provide those who are self-employed and employees with income support.

2.3 Those businesses that are in administration, insolvent or where a striking off notice has been made, are not eligible for funding under this scheme.

2.4 Only businesses which were trading on/up to 4 November 2020 are eligible for this scheme.

2.5 The Additional Restrictions Grant is there primarily to financially support those businesses forced to close or significantly impacted by the national restrictions announced on 31 October 2020 and thereafter.

The following eligibility criteria applies:

- i. Your business is not registered for business rates (commercial premises) and has been instructed to close by the restrictions announced on 31 October 2020 and thereafter.
- ii. Your business is registered for business rates (commercial premises), has not been instructed to close but is significantly impacted* by the restrictions announced on 31 October 2020 and thereafter.
- iii. Your business is not registered for business rates (commercial premises), has not been instructed to close but is significantly impacted* by the restrictions announced on 31 October 2020 and thereafter.

*Businesses that have chosen to close but not been required to will not be eligible for this grant, unless they can demonstrate significant impact on their trading through cancelled orders for products and services to closed businesses in the retail, hospitality, leisure or events sectors.

2.5 Only one grant will be paid to the business irrespective of the number of hereditaments they may have.

2.6 A business that has been instructed to close and has commercial property on the local valuations list would need to apply via the Local Restrictions Support Grant (Closed) scheme. <https://www.wokingham.gov.uk/business-and-licensing/business-and-growth/coronavirus-announcements/>

2.7 Market Traders who have been prevented from trading because of the national lockdown restrictions or can demonstrate significant loss of income as a result of these restrictions may be eligible. Market Traders eligible for a grant will be paid by the Local Authority where their home address is (i.e. Wokingham Borough Council will only pay grant to market traders' resident in the Borough). The location of the markets they attend will not be considered as part of this grant scheme unless exceptional circumstances apply and can be demonstrated.

3.0 Funding Levels

3.1 This will follow in line with the lower Local Restrictions Support Grant (Closed) Addendum band.

3.2 All payments made under phase 2 will receive a grant of £1,500 per monthly cycle subject to state aid limits.

3.3 In order to continue to support those businesses further there will also be a one-off discretionary grant of £2,000.

4.0 How do I apply?

4.1 There will be an online application form published on the Council's website - <https://www.wokingham.gov.uk/business-and-licensing/business-and-growth/coronavirus-announcements/>.

4.2 In deciding whether to make an ARG payment we will have regard to the Businesses circumstances. In order to do this each Business must supply (where possible) reasonable supporting evidence to support their request for the ARG payment. This will include, but is not limited to:

- Lease documents / Licencing agreement
- Summary of your monthly fixed outgoings
- Your business must evidence ongoing fixed building-related costs
- Number of staff
- Bank statements, for the last 3 months
- What support have you already received
- What steps have you taken to minimise your outgoings – agreed rent reductions etc
- Have you seen a reduction in your operating costs – if so please clarify

NB: Applicants will also be required to submit evidence to demonstrate actual loss of demand and income due to restrictions. As a minimum, a statement of circumstances will be required and ideally supported by additional documentation including details of contracts lost or cancelled booking diaries/work schedules or cancelled customer bookings.

4.3 Eligibility checks will also be carried out including an independent security and fraud check by an external company as required by Government.

4.4 If an application is received from a business that does not meet all the required criteria, they will be informed as soon as possible of this and the reason(s) they are not eligible.

4.5 The Council will not accept deliberate manipulation and fraud. Any business caught falsifying their records to gain additional grant money may face prosecution and any funding issued will be subject to claw back.

4.6 It is anticipated payments to successful businesses will be made as soon as is reasonably practical after a decision has been made.

4.7 No grants will be awarded without an application being made.

5.0 Decision Making and Appeals

5.1 Applications received will be reviewed by the NNDR Grants Team and a recommendation on award will be made by this team. The NNDR Grants Team will ensure that the decision outcome is notified by email as soon as is reasonably practical after the application review date.

5.2 There are no rights of appeal.

6.0 State Aid

6.1 State aid applies to these schemes, and all recipients are required to comply with the maximum permitted funding under the relevant State aid rules – EUR 200,000 over three years under the De Minimis Regulation, or EUR 800,000 under the COVID-19 Temporary Framework for UK Authorities (lower thresholds apply to agriculture, fisheries and aquaculture business). The De Minimis aid and the Temporary Framework can be combined to bring the aid per company to up to €1 million. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

6.2 Excluding small and micro undertakings (fewer than 50 employees and less than EUR 10 million of annual turnover and/or annual balance sheet), a business receiving grant paid under the Temporary Framework must also confirm that they were not an undertaking in difficulty on 31 December 2019. This exemption for small and micro undertakings does not apply if the undertaking is subject to collective insolvency proceedings under national law, has received rescue aid that has not been repaid, or is subject to a restructuring plan under State aid rules.

6.3 Grants provided under the Local Restrictions Support Grant scheme can be made under either the De Minimis Regulation (where the relevant conditions are met), or under the COVID-19 Temporary Framework for UK Authorities¹ where for example, the De Minimis threshold has been reached. Local Authorities must ensure all relevant State aid law requirements are complied with, including any relevant reporting requirements to the EU Commission under State aid rules.

6.4 Businesses will be required to confirm that they comply with the scheme conditions, for example that they did not fall within the definition of an undertaking in difficulty on 31 December 2019 (excluding small and micro businesses), and have not received more than the maximum permitted funding for State aid. Local Authorities will write to businesses to ask for confirmation of this.

7.0 Payments of a Discretionary Grant Payment

7.1 All payments will be made by Business Services via a bank transfer payment into the businesses account.

8.0 Overpayments

8.1 If the Council becomes aware that the information contained in an application for a Discretionary Grant was incorrect or that relevant information was not declared, either intentionally or otherwise, the Council will seek to recover the value of any Discretionary Grant paid made as a result of that application.

9.0 Fraud

9.1 The Council is committed to the fight against fraud in all its forms. Any Business who tries to fraudulently claim a Discretionary Grant might have committed an offence under the Fraud Act 2006.

9.2 If the Council suspects that fraud may have occurred, the matter will be investigated as appropriate and this could lead to criminal proceedings.

9.3 The government will not accept deliberate manipulation and fraud - and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.

10.0 Publicity

10.1 In addition to details being contained on the Council's website, the scheme will be advertised via social media and support from the Business Growth Hub.

11.0 Monitoring

11.1 The Business Rates Team and The Senior Finance Specialist will monitor the amount and types of award made. This monitoring information will be available for management and members at any time, and any other relevant persons or organisations with whom data can be shared within appropriate legislation and guidance.

11.2 In addition, the Investigations Team carries out monitoring on the amount of awards made to each funding stream.

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Licensing and Appeals Committee Forward Plan October 2021 to June 2022

| No. | Ref No | Item | Purpose | Lead Officer | Lead Member |
|----------------------------|--------|---|---|----------------|------------------------|
| WBC 20 October 2021 | | | | | |
| 1. | | Statutory Taxi and Private Hire Vehicle Standards | Draft amendments to Policy including the annual review of the Convictions Policy which is incorporated into this policy for member comments before consultation | Julia O' Brien | |
| 2. | | Statement of Gambling Principles | To review the statement of Gambling Principles by January 2022 when the current document is due for renewal and make a recommendation to Full Council. | Sean Murphy | Councillor Parry Batth |
| 3. | 75 | Annual Report 2020/21 | To set out the activities carried out by the Licensing Service of the Public Protection Partnership in the Wokingham Borough Council area during the period 01 April 2020 to 31 March 2021. | Sean Murphy | |
| 4. | | Taxi Liaison Meeting Update | To provide an update in the discussion at the July Taxi Trade Liaison meeting | Maira Fraser | |
| 5. | | Fees for Taxi and Private Hire Vehicles | To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval. | Julia O Brien | |
| WBC 26 January 2022 | | | | | |
| 6. | | No items to date | | | |
| 7. | | Fees for Private Hire 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. | Julia O Brien | |
| 8. | | Hackney Carriage Tariffs | To consider any proposals for adjustments to tariffs which would then be the subject of a consultation exercise | Julia O' Brien | |

| No. | Ref No | Item | Purpose | Lead Officer | Lead Member |
|---------------|--------|------------------|---------|--------------|-------------|
| 02 March 2022 | | | | | |
| 9. | | No items to date | | | |
| June 2022 | | | | | |
| 10. | | No items to date | | | |