



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **LICENSING AND APPEALS COMMITTEE** will be held in David Hicks 1 - Civic Offices, Shute End, Wokingham RG40 1BN on **WEDNESDAY 20 OCTOBER 2021 AT 7.00 PM**

Susan Parsonage  
Chief Executive  
Published on 12 October 2021

**Note:** Although 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/BLwUD\\_VaigE](https://youtu.be/BLwUD_VaigE)

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# 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.
9.		<b>APOLOGIES</b> To receive any apologies for absence.	
10.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 23 June 2021.	5 - 8
11.		<b>DECLARATION OF INTEREST</b> To receive any declarations of interest	
12.		<b>PUBLIC QUESTION TIME</b> 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 <a href="http://www.wokingham.gov.uk/publicquestions">www.wokingham.gov.uk/publicquestions</a>	
13.		<b>MEMBER QUESTION TIME</b> To answer any member questions	
14.	None Specific	<b>ADOPTION OF THE STATEMENT OF GAMBLING PRINCIPLES</b> To receive and consider a report in relation to the adoption of the Statement of Gambling Principles.	9 - 56
15.	None Specific	<b>ANNUAL REPORT 2020/21</b> To receive a report setting out the activities carried out by the Licensing Service of the Public Protection	57 - 68

Partnership in the Wokingham area during the period of 1 April 2020 to 31 March 2021.

**16.** None Specific

**TAXI LIAISON MEETING UPDATE**

**69 - 70**

To receive an update on the discussions at the July Taxi Trade Liaison Group meeting.

**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.

**CONTACT OFFICER**

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**MINUTES OF A MEETING OF THE  
LICENSING AND APPEALS COMMITTEE  
HELD ON 23 JUNE 2021 FROM 7.00 PM TO 7.52 PM**

**Committee Members Present**

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

**Committee Members in Attendance**

Councillor: Abdul Loyes

**Officers Present**

Luciane Bowker, Democratic & Electoral Services Specialist  
Moira Fraser, Policy and Governance Officer  
Julia O'Brien, Principle Officer Compliance and Enforcement

**1. APOLOGIES**

There were no apologies for absence.

**2. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 9 March 2021 were confirmed as a correct record and signed by the Chairman.

**3. DECLARATION OF INTEREST**

There were no declarations of interest.

**4. PUBLIC QUESTION TIME**

There were no public questions.

**5. MEMBER QUESTION TIME**

There were no Member questions.

**6. DRAFT STATEMENT OF GAMBLING PRINCIPLES**

The Draft Statement of Gambling Principles report was presented by David Lucas, Legal Consultant.

David Lucas made the following points:

- Appendix A which contained the list of consultees was missing from the report, this would be rectified and inserted in the report;
- Section 1.6 – Interested Parties, was updated, in particular in relation to business interests;
- In relation to 1.9 Local risk assessments, it was recommended that local area profiles are not included as it was not a statutory requirement and it was onerous to keep it up to date;
- Additional information was added to 2.5 Licensing conditions, in particular in relation to door supervisors at gambling premises;
- A description of gambling facilities available for each type of premises was included in the policy;
- It was suggested that the reference of no casino resolution be taken out. There was no possibility of having a casino in the area because the Gambling Act did not allow it.

There were only a total of 16 casinos areas allowed in the whole of the UK, and those casinos areas had already been determined and it did not include Wokingham;

- A section on small society lotteries was included as a new one;
- The scheme of delegation was extended and updated.

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

- Councillor Kerr asked how the consultation was going to be promoted. She also asked for confirmation of who would be consulted, she was concerned that there was no mention of members of the public and elected Members in the consultee's list;
- Councillor Kerr stated that the policy was difficult to find on the website, and asked that this be made more easily accessible for the public;
- Councillor Kerr was of the opinion that the Scheme of Delegations was not very clear and that the previous version was better laid out;
- Councillor Kerr expressed concern in relation to the change in Section 1.6 Interested parties. She stated that elected Members sometimes acted as representatives to interested parties and it was unhelpful that the draft stated that evidence of identity was going to be requested (differing from the current policy which explicitly allowed democratically elected councillors to make representations without evidence of being asked);
- Councillor Kerr expressed concern in relation to 1.7 Information exchange in that it omitted information about people's details being made public;
- David Lucas stated that the Act provided a list of statutory consultees, as listed in the report. However, this could be extended by the local authority;
- Moira Fraser, Policy and Governance Officer stated that she would investigate a way to make the policy more accessible on the website. In relation to the consultation, she stated that this was going to be advertised on the newspaper and the listed consultees would be contacted in writing. There would be a link to the consultation on the PPP and Wokingham's website. She agreed to extend the consultation as directed by the Committee;
- David Lucas agreed to amend appendix C to make it more user friendly;
- In relation to 1.6 Interested parties, David Lucas stated that the wording meant that it was at the discretion of the local authority to ask for evidence or not, it was not mandatory. However, he agreed to amend it at the Committee's request;
- In relation to 1.7 Information exchange, David Lucas agreed to include wording to make it clearer about contact details being made public;
- Councillor Burgess asked if any risks had been identified in the last three years, and she referenced the three core gambling aims;
- David Lucas stated that the gambling aims had not changed and remained the foundation for the drafting of the policy;
- David Lucas stated that the draft policy had been drawn up with the intention of promoting the core aims, within the constraints of the legislation;
- Councillor Fishwick was interested to know what the impact of casinos closure and the lack of a casino resolution was in the policy;
- David Lucas stated that all the designated areas had undergone a complex convoluted bidding process to acquire the casino licence. He stated that a no casino resolution could be taken at any point in the future, however he believed that there was no need to include it in the policy now;
- For clarification, David Lucas stated that not all 16 areas had operational casinos;
- Councillor Patman stated that historically, there had never been any attempt to have a casino in this area, mainly due to its proximity to Reading;

- Councillor Firmager stated that the policy could be reviewed at any point in time if necessary. He was interested to know what was the mechanism for review;
- David Lucas stated that a review process would be exactly the same as the one being undertaken now, it would start with a submission to Licensing and Appeals Committee, a consultation and final approval by Council;
- Councillor Ferris asked what would happen if residents were not happy with the number of bookmakers in a particular area;
- David Lucas stated that the local authority had to operate within the constraints of the Act. Any objections to new premises or variations had to be based on the three objectives, so it was difficult to limit the number of bookmakers based on the Gambling Act. The number of bookmakers on the high street had started to decline as a result of changes introduced a couple of years ago;
- Councillor Younis stated that the consultation process should be improved, both in relation to the communication of it and the list of consultees;
- Moira Fraser stated that the consultation would run for 12 weeks and that every effort would be made to publicise the consultation.

Councillor Kerr proposed to amend the wording of recommendation number three to read:

3. That the parties as set out in paragraph 9 and appendix A of the report, as well as elected Members and the wider public be consulted.

The proposal was seconded by Councillor Fishwick and upon being put to the vote was supported by the Committee.

The Chairman asked that the amendments discussed during the meeting be included in the revised draft.

**RESOLVED** That:

- 1) The amendments proposed by Members during discussions be included in the revised draft;
- 2) The draft revised Statement of Gambling Principles prepared under Section 349 of the Gambling Act 2005 as appended to the report be approved for consultation;
- 3) The Public Protection Manager is authorised to proceed with formal consultation for the 12 week period between 7 July 2021 and 29 September 2021;
- 4) The parties as set out in paragraph 9 and Appendix A of the report, as well as elected Members and the wider public be consulted; and
- 5) 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.

## **7. HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE FEES CONSULTATION RESPONSES REPORT**

Moira Fraser, Policy and Governance Officer presented the Hackney Carriage and Private Hire Licence Fees Consultation Responses report.

Moira Fraser stated that the report was in response to a request at the last meeting to find out what support had already been given to the taxi trade in relation to the pandemic. The Committee had requested this information in order to make an informed decision in respect to any further subsidies.

Councillor Burgess stated that it was now known that 98 taxi drivers had received a Covid related grant. This represented less than a third of total number of taxi drivers. She continued to support the view that there should be no increase in fees this year due to the difficulties that had been faced during the period. She pointed out that this subsidy would not be material to the Council's budget but it would certainly be material to taxi drivers.

Councillor Burgess proposed that fees for private hire vehicles and hackney carriage vehicles be held at 2021 levels. She was seconded by Councillor Kerr.

Councillor Kerr expressed concern that the report lacked the detail requested by the Committee.

Councillor Ferris stated that taxi drivers had seen a significant reduction in their income, and not all taxi drivers had received a grant. He felt it was inappropriate to increase the fees at this time.

Councillor Kerr proposed to refund the fees to those that had already paid them.

Councillor Bowring was interested to know the cost of this proposal. Julia O'Brien, Principal Officer Compliance and Enforcement state that the figure would be around £9k.

Upon being put the vote Members voted in favour of Councillor Burgess' proposal.

**RESOLVED** That: The fees for private hire vehicles and hackney carriage vehicles will be held at 2021 levels and any fees already paid will be refunded.

## **8. FORWARD PLAN**

The Forward Plan for the Committee was considered and Members were invited to comment.

Members asked to be kept informed on the plans for the exit process from the PPP.

Councillor Bowring stated that the Committee was autonomous from the PPP and that it agreed its own policies independently from the other local authorities.

<b>TITLE</b>	<b>Adoption of the Statement of Gambling Principles</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee on 20 October 2021
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	Sean Murphy (Public Protection Manager)

## **OUTCOME / BENEFITS TO THE COMMUNITY**

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

## **RECOMMENDATION**

That the Licensing Committee

1. **NOTES** the outcome of the consultation
2. **RECOMMENDS** to Full Council that the Statement be adopted.

## **SUMMARY OF REPORT**

This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years. The current Statement is due to expire in January 2022.

The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.

Under the Act, the licensing authority is required to consult a number parties as a minimum before finalising its Statement. The consultation, which was undertaken between the 07 July 2021 and 29 September 2021, has now been concluded and the responses collated and the proposed amendments are set out in the report.

The outcome of the consultation will be considered by the Licensing and Appeals Committee who will then be asked to make a recommendation to Full Council that the revised Statement of Gambling Principles be adopted subject to any additional changes that are requested at the meeting.

## **Background**

- 1.1 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
- 1.2 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.
- 1.3 The Act requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 1.4 The current Gambling Statement of Licensing Policy Principles was adopted at the Full Council meeting on 20 September 2018 and was published and came into effect 31 January 2019. The Statement must therefore be revised and republished by the 31 January 2022.
- 1.5 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 1.6 The Act contains three licensing objectives that underpin the functions that the Licensing Authorities perform and which are central to the regulatory regime. They are:
  - I. preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
  - II. ensuring that gambling is conducted in a fair and open way;
  - III. protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.7 In September 2021 Wokingham had issued one Club Gaming Permit, three Club Gaming Machine Permits, 84 Small Society Lottery Licences, thirteen Alcohol Licenced Premises Gaming Machine Permits, sixty five licences for fewer than two gaming machines and six Gambling Premises Licences.

## **2. REVIEW OF STATEMENT OF PRINCIPLES**

- 2.1 Specialist lawyers on behalf of the Public Protection Service reviewed the existing Statement. Minor changes were proposed when compared to the previous iteration of the report. A section on small society lotteries was added and the policy was amended to bring it in line with the current legislative framework as well as making it consistent with the very recent updates to the

guidance to licensing authorities published by the Gambling Commission. Some additional information was included in order to assist anyone reading the policies to understand the various sections as the general aim of the review was to ensure that the policy was both up-to-date and informative.

- 2.2 The Draft Statement was presented to the Licensing and Appeals Committee at the 23 June 2021 meeting. A number of minor changes were requested at this meeting prior to it being issued for consultation. These changes included some changes to the layout of the Scheme of Delegation, a change to the wording on interested parties and clarification about the fact that contact details would be made public.
- 2.3 The Licensing and Appeals Committee agreed that the statutory consultation on the Draft Statement would last for 12 weeks between 07 July 2021 and 29th September 2021. A public notice was placed in the Wokingham Today newspaper on the 08 July 2021. Information was also placed on the Wokingham Borough and Public Protection Partnership website.
- 2.4 Letters or email were also sent to:
- Association of Licensed Multiple Retailers
  - Association of British Bookmakers
  - Bingo Association
  - Building Control
  - British Amusement Catering Trade Association
  - British Beer and Pub Association
  - British Institute of Inn Keeping
  - Environmental Health
  - Gambling Commission
  - Gamblers Anonymous
  - GAMCARE
  - Health and Safety Executive
  - Health and Wellbeing Board
  - HM Revenue and Customs Public Health
  - Holders of existing gambling licences / permits
  - National Association of Bookmakers
  - Parish and Town Councils
  - Royal Berkshire Fire and Rescue Service
  - Thames Valley Police
  - Wokingham Safeguarding Children Board
  - Wokingham Safeguarding Adults Board
  - Wokingham Borough Citizens Panel
  - Wokingham Borough Council Planning
  - Wokingham Borough Council Environmental Health
  - Wokingham Safeguarding Children Board
  - Elected Members
- 2,5 Responses to the consultation received are set out in Appendix B to the report . The number of responses was very low which would indicate that those consulted were in agreement with the content.

### **3. KEY CHANGES TO THE DRAFT STATEMENT FOLLOWING THE CONSULTATION**

3.1 As a result of the consultation it is proposed that the Licensing and Appeals Committee considers if further changes to the Statement of Licensing Policy Principles Under S.349 Of The Gambling Act 2005 are needed:

- Should the phrase ‘vulnerable adult centres’ (Page 11) be amended and if so what to?
- On page 12 should the term “to prevent under-age gambling” be revised to “to prevent under-age gambling, or gambling by vulnerable persons” or similar?
- On Page 13 should the term “and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs” be amended to read “and people who may in accordance with the MCA 2005 (or any subsequent legislation), lack mental capacity to make informed decisions about gambling (for example, due to a mental impairment, alcohol or drugs)” or similar?

#### **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)	Nil	Yes	
Next Financial Year (Year 2)	Nil	Yes	
Following Financial Year (Year 3)	Nil	Yes	

<b>Other financial information relevant to the Recommendation/Decision</b>
All costs associated with the consultation were met from within the existing PPP budget

<b>Public Sector Equality Duty</b>
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.
Due regard to the Public Sector Equality Duty has been taken

#### **Appendices:**

Appendix A – Draft Statement of Gambling Principles

Appendix B – Responses to the Consultation

<b>Contact</b> Sean Murphy	<b>Public Protection Partnership</b>
<b>01635 519840</b>	Sean.Murphy@westberks.gov.uk

## Wokingham Responses to the SoGP

Respondent	Comment	Response
<p>Head of Adult Safeguarding, Care Governance and ASC Covid-19 Taskforce Wokingham Borough Council</p>	<p>1. Page 11 – <i>“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”</i>. I don’t think the phrase ‘vulnerable adult centres’ really means anything – may want to consider rewording along the lines of e.g., <b>“buildings which house services for vulnerable adults”</b>?</p> <p>2. Page 12 – <i>“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”</i>. Would you wish to consider rewording to reflect; <b>“to prevent under-age gambling, or gambling by those people who lack mental capacity to make informed decisions in that respect”</b>?</p> <p>3. Page 13 – <i>“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</i></p>	<p>It is obviously subjective. The phrase “vulnerable adult centres” is used by the Gambling Commission in the Guidance to Licensing Authorities. The SoGP is therefore consistent with the Guidance. Having said that, a different form of words can be used provided that the meaning is clear.</p> <p>If it is considered to be appropriate, in view of the reference at the outset to vulnerable people, I would not have any objection to rewording to say “to prevent under-age gambling, or gambling by vulnerable persons”.</p> <p>If it is considered to be appropriate, I would not have any objection to rewording to say “and people who may in accordance with the MCA 2005 (or any subsequent</p>

	<p>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”. Would it be preferable to re-word this to bring it in line with the Mental Capacity Act 2005, e.g., “and people who may in accordance with the MCA 2005, lack mental capacity to make informed decisions about gambling”.</p>	<p>legislation), lack mental capacity to make informed decisions about gambling (for example, due to a mental impairment, alcohol or drugs)”. </p>
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**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 .....	4
1.4 Licensable Activities .....	5
1.5 Responsible Authorities .....	6
1.6 Interested Parties .....	7
1.7 Information Exchange.....	8
1.8 Enforcement .....	8
1.9 Local Risk Assessments.....	9
Part B - Premises Licences.....	10
2.1 General Principles .....	10
2.2 Preventing gambling from being a source of crime and disorder.....	12
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.....	21
2.14 Licence Reviews.....	22
Part C - Permits, Temporary and Occasional Use Notices .....	23
3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits ....	23
3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits .....	25
3.3 Prize Gaming Permits.....	26
3.4 Club Gaming and Club Machine Permits.....	27
3.5 Temporary Use Notices .....	29
3.6 Occasional Use Notices .....	30
3.7 Small Society Lotteries .....	30
Part D - Decision Making .....	31

4.1 Delegations and process .....	31
4.2 Appeals .....	31
Part E - Further Information .....	32
5.1 Contact for Wokingham Licensing Team.....	32
5.2 Contact for Gambling Commission .....	32
Appendix A List of Consultees .....	33
Appendix B.....	34
Map of Wokingham Borough .....	34
Appendix C – Scheme of Delegations.....	35
Appendix D Gambling Act Glossary .....	39

## **Part A - General**

### **1.1 Introduction**

The Gambling Act 2005 (referred to in this document as ‘the Act’) requires the Council to prepare and publish a Statement of Gambling Principles (‘Statement’) that sets out the policies and principles that 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](http://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 six Unitary Councils in total. The area has a population of 167,979 (2018 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, and
- Premises licences.

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

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

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

Additional functions of the Licensing Authority are to:

- Issue permits for gambling and gaming machines in clubs;
- Receive notifications from alcohol licensed premises of the use of up to two gaming machines and issue licensed premises gaming machine permits where there are more than two machines ;
- Issue permits to family entertainment centres;
- Issue permits for prize gaming;
- Receive and endorse temporary use notices;
- Receive occasional use notices for betting at tracks;
- Register small society lotteries;
- Undertake compliance and enforcement responsibilities;
- Provide details of licences issued, to the Gambling Commission;
- Maintain registers of permits and licences that are issued under the Act.

### **1.5 Responsible Authorities**

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

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

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

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

The Licensing Authority designates the 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](http://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. No specific evidence of being asked to represent an interested person will be required provided that the Councillor or Member of Parliament represents the ward likely to be affected.

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, please contact the licensing team by email to [licensing@wokingham.gov.uk](mailto: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.

Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document.

### **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](mailto: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 (the "LCCP") attached to operating licences issued by the Gambling Commission impose a need for operators to consider local risks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2.10 Adult Gaming Centres**

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

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

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

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

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

## **2.11 Tracks**

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

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

- A point-to-point horserace meeting.
- Football, cricket and rugby grounds.
- An athletics stadium.
- A golf course.
- Venues hosting darts, bowls, or snooker tournaments.
- Premises staging boxing matches.
- A section of river hosting a fishing competition.
- A motor racing event.

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

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

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

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

The Act creates offences relating to gambling by children and young people and operating licence conditions require operators to have policies and procedures in place to prevent betting from persons who are under 18 years old. As under-

18s are permitted to enter betting areas on tracks on event days, this needs to include policies and procedures to mitigate the likelihood of underage betting occurring. The track premises licence holder is also required to display a notice in a prominent place at every public entrance stating that no person under the age of 18 is permitted to bet on the premises.

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

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

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

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

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

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

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

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

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

## **2.12 Travelling Fairs**

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

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

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

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

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

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

## **2.13 Provisional Statements**

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

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

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

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

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

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

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

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

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

## **2.14 Licence Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities at any time. It is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to one or more of the matters listed below:

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

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

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

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

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

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

- add, remove or amend a licence condition imposed by the Licensing Authority,
- exclude a default condition imposed by the Secretary of State (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 ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

### **3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits**

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

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

The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives,
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (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 ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act.

### **3.4 Club Gaming and Club Machine Permits**

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

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

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

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

A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. The Act states that members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming unless the gaming is restricted to that of a prescribed kind (currently bridge or whist). Members' clubs must be permanent in nature but there is no need for a club to have an alcohol licence. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

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

Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises

regulated by a charitable trust which has received funds from one of a number of mining organisations.

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

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

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

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

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

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

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

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

A permit will normally remain in force for ten years. A renewal application must be made prior to the expiry date in accordance with the procedure contained in the Act. However, a permit granted under the "fast track" process does not

require renewal, but it will lapse if the club premises certificate ceases to have effect.

### **3.5 Temporary Use Notices**

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

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

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

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

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

### **3.7 Small Society Lotteries**

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

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

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

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

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

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

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

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

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

## **Part D - Decision Making**

### **4.1 Delegations and process**

The Licensing Authority will carry out its responsibilities under the Gambling Act 2005 efficiently and cost-effectively. To do this, functions are delegated from the Licensing Committee to either Sub-Committees or officers as appropriate. 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](mailto:licensing@wokingham.gov.uk)

Website: [www.wokingham.gov.uk](http://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](mailto:info@gamblingcommission.gov.uk)

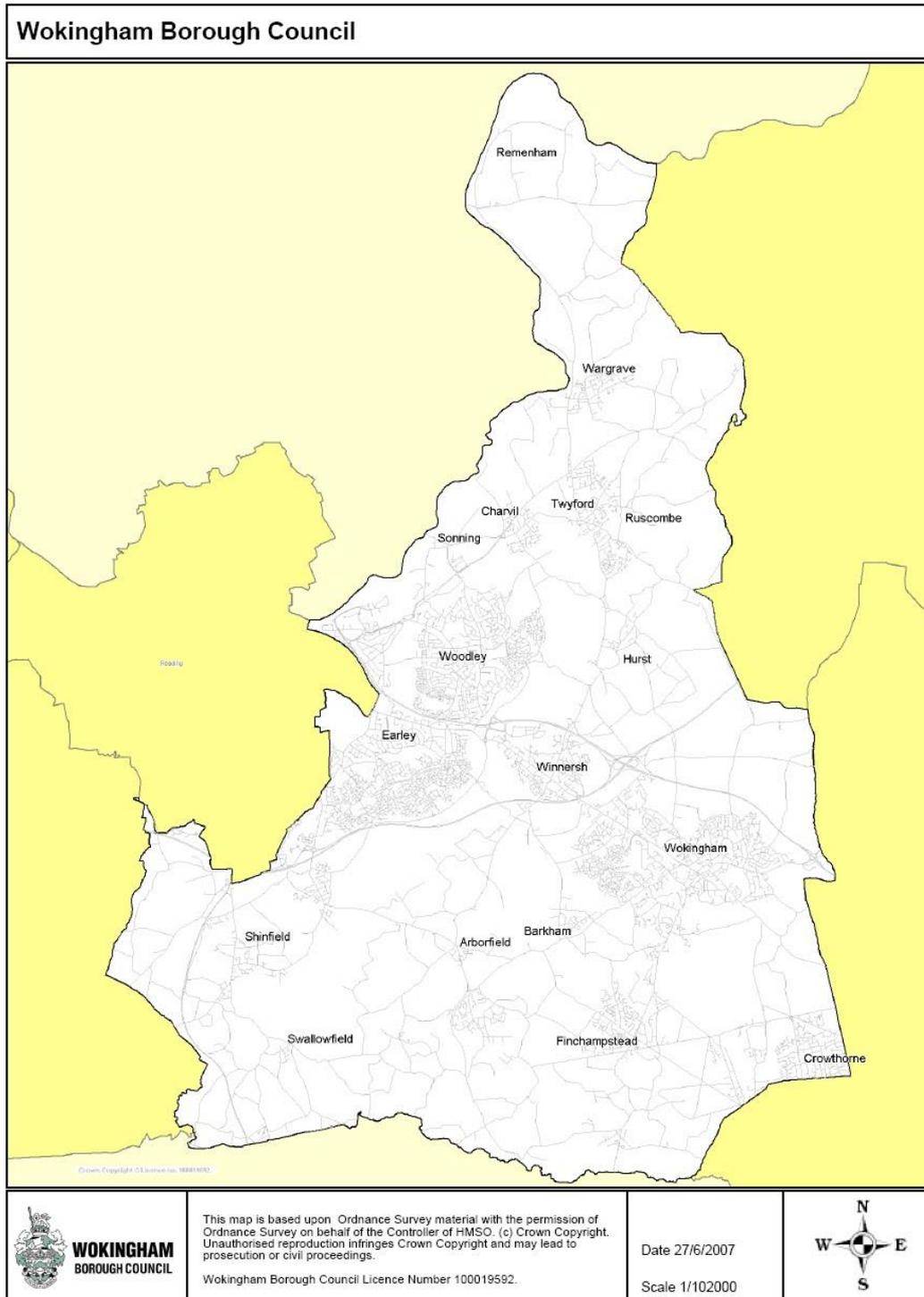
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## Appendix A List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- 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 – Scheme of Delegations

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

\* 3 functions are not the responsibility of the Licensing Committee and remain with full Council. For completeness and reference they are included in this table but are not part of the Scheme of Delegations.

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
* No Casino resolution <i>Section 166</i>	X		
* Setting licence fees <i>Section 212</i>	X but can be delegated by Full Council to the Licensing Committee		
* Adopting Statement of Licensing Policy <i>Section 349</i>	X		
Determination of application for Premises Licence in respect of which representations have been made (and not withdrawn) <i>Section 163</i>		X	
Determination of application for Premises Licence where no relevant representations received <i>Section 163</i>			X
Attachment of condition to Premises Licence or exclusion of default condition <i>Section 162</i>		X	
Decision as to whether representation is vexatious, frivolous, or would certainly not influence the authority's determination of application <i>Section 162</i>			X In consultation with Chairman or Vice-Chairman of the Licensing Committee
Determination of application to vary Premises Licence in respect of which representations have been made (and not withdrawn) <i>Section 187</i>		X	
Determination of application to vary Premises Licence in respect of which no representation received <i>Section 187</i>			X

Determination of application for transfer of Premises Licence in respect of which representations have been made (not withdrawn) <i>Section 188</i>		<b>X</b>	
Determination of application for transfer of Premises Licence where no representations received <i>Section 188</i>			<b>X</b>
Revocation of Premises Licence for failure to pay annual fee <i>Section 193</i>			<b>X</b>
Determination that a Premises Licence has lapsed <i>Section 194</i>			<b>X</b>
Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) <i>Section 195</i>		<b>X</b>	
Reinstatement of lapsed Premises Licence where no representation is received <i>Section 195</i>			<b>X</b>
Rejection of application for review of Premises Licence on various grounds <i>Section 198</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Initiation of review of Premises Licence <i>Section 200</i>			<b>X</b>
Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence <i>Section 201</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Determination of action following review of Premises Licence <i>Section 202</i>		<b>X</b>	
Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) <i>Section 204</i>		<b>X</b>	
Determination of application for provisional statement in respect of which no representations received <i>Section 204</i>			<b>X</b>
Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement <i>Section 205</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded			<b>X</b>

<i>Section 218</i>			
Objection to Temporary Use Notice <i>Section 221</i>			<b>X</b>
Issue of counter notice in response to Temporary Use Notice <i>Section 224</i>		<b>X</b>	
Making of Order to remove exemptions from specified premises <i>Section 284</i>		<b>X</b>	
Institution of criminal proceedings in respect of an offence under the provisions of the Act <i>Section 346</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Determination of application for Family Entertainment Centre Gaming Machine Permit <i>Schedule 10</i> <i>Paragraph 8</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Notification of lapse of Family Entertainment Centre Gaming Permit <i>Schedule 10</i> <i>Paragraphs 14 and 15</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 44</i>			<b>X</b>
Refusal of application for registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 48</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Revocation of registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 50</i>			<b>X</b> In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Cancellation of registration of society for small society lottery for non-payment of annual fee <i>Schedule 11</i> <i>Paragraph 54</i>			<b>X</b>
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) <i>Schedule 12</i> <i>Paragraphs 5 and 10 and 24</i>		<b>X</b>	
Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received <i>Schedule 12</i>			<b>X</b>

<i>Paragraphs 5 and 10 and 24</i>			
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) <i>Schedule 12</i> <i>Paragraph 15</i>		<b>X</b>	
Determination of application for variation of Club Gaming Permit and Club Registration Permit and cancellation of permit where no representations received <i>Schedule 12</i> <i>Paragraph 15</i>			<b>X</b>
Cancellation of Club Gaming Permit and Club Registration Permit <i>Schedule 12</i> <i>Paragraph 21</i>		<b>X</b>	
Cancellation of Club Gaming Permit and Club Registration Permit for failure to pay annual fee <i>Schedule 12</i> <i>Paragraph 22</i>			<b>X</b>
Determination of application for grant, variation or transfer of Licensed Premises Gaming Machine Permit <i>Schedule 13</i> <i>Paragraphs 4, 15 and 19</i>			<b>X</b> (Refusal and limitation on number of machines only) in consultation with Chairman or Vice-Chairman of the Licensing Committee
Cancellation of Licensed Premises Gaming Machine Permit or variation of number or category of machines in respect of which representations received (and not withdrawn) <i>Schedule 13</i> <i>Paragraph 16</i>		<b>X</b>	
Cancellation of Licensing Premises Gaming Machine Permit and variation of number or category of machine where no representations received <i>Schedule 13</i> <i>Paragraph 16</i>			<b>X</b>
Cancellation of Licensed Premises Gaming Machine Permit for failure to pay annual fee <i>Schedule 13</i> <i>Paragraph 17</i>			<b>X</b>
Determination of application for Prize Gaming Permit and application for renewal of Permit <i>Schedule 14</i> <i>Paragraphs 9 and 18</i>			<b>X</b> (Refusal only) in consultation with Chairman or Vice-Chairman of Licensing Committee
Determination that Prize Gaming Permit has lapsed			<b>X</b>

## Appendix D Gambling Act Glossary

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

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

<b>Unlicensed Family Entertainment Centres</b>	Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits.
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<b>TITLE</b>	<b>Annual Report 2020/2021</b>
<b>FOR CONSIDERATION BY</b>	<b>Licensing and Appeals Committee 20<sup>th</sup> October 2021</b>
<b>WARD</b>	Non-Specific
<b>LEAD OFFICER</b>	Sean Murphy (Public Protection Manager)

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The Licensing functions carried out by the PPP can be broadly described as the consideration and issue of a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Wokingham. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such a kennels or performances.

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

## **RECOMMENDATION**

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

## **SUMMARY OF REPORT**

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

## Licensing and Appeals Committee

The Licensing and Appeals Committee is responsible for setting the policy direction that forms the basis of licensing activity in the Borough. Under the Licensing Act 2003 and the Gambling Act 2005 there is a legal obligation for the Council to set key policies. In other areas the Council has a range of powers to set licence conditions and adopt sector specific policy positions.

The Licensing and Appeals Committee comprises 15 Members and the 2020/21 membership is set out below:

Conservative Group (nine Members)	Parry Batth, Chris Bowring (Chairman), Michael Firmager, Emma Hobbs, Abdul Loyes (Vice Chairmn), Barrie Patman, Bill Soane, Graham Howe, Malcolm Richards
Liberal Democrat Group (four Members)	Paul Fishwick, Rachele Shepherd-Dubey, Lindsay Ferris, Sarah Kerr
Labour (one Member)	Rachel Burgess
Independent (one Member)	Richard Dolinski

The 2021/22 Membership was amended to reflect that Councillors Jackie Rance, Shahid Younis, Ian Shelton and Peter Dennis joined the Committee and Councillors Emma Hobbs, Malcolm Richard, Graham Howe and Richard Dolinski left the Committee

Over the 2020/21 period the Licensing and Appeals Committee met on 06<sup>th</sup> October 2020, 10<sup>th</sup> November 2020 and the 09<sup>th</sup> March 2021. The Committee considered a number of matters including: a review of the height condition in relation to wheelchair accessibility, hackney carriage and private hire vehicle and operator fees as well as considering the implications the Statutory Taxi and Private Hire Vehicle Standards issued by the Department for Transport would have on local policies.

In terms of forward planning, in addition to the annual fees and charges cycle, a number of policies including the following are scheduled for consideration during the 2021/22 cycle:

- The Statement of Gambling Principles (October 2021)
- The Hackney Carriage and Private Hire Policy (January 2022)
- Street Trading Policy (March 2022)

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

## Licensing and Appeals Sub-Committees

While the Licensing and Appeals Committee carries out functions relating to licensing and registration the Licensing and Appeals Hearings Sub Committee deals with appeals against licensing decisions and registration issues such as street trading and taxi

licences where objections are raised. Each Sub-Committee comprises three Members drawn from the membership of the Licensing and Appeals Committee.

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

Type of Application	Premise	Outcome
Appeal Against Refusal of Street Trading Consent Renewal	BBQ King Street Trader	Not to grant the street trading consent
New Premise Licence	Our Lady of Peace - Earley	Granted

Two further meetings for Miah’s Restaurant in Spencers Wood and Jars Cider LTD were cancelled.

The number of sub-committee meetings held each year remains relatively low. In 2019/20 one application was heard, five sub-committees took place in 2018/19 and three in 2017/18.

### **Taxi Trade Liaison Group Meetings**

The Taxi Liaison Group was set up to facilitate dialogue between the taxi trade (hackney carriage and private hire) Members and Officers. The Group met in September 2020 and the main areas of concern raised by the trade were around Age of Vehicles (the trade were seeking a temporary suspension in light of the Covid pandemic), Height of Vehicles, Ranks and the impact Uber was having on their businesses. The queries raised were discussed at the October 2020 Licensing and Appeals Committee

Officers have been trying to get more Members of the trade to engage with these meetings and a few additional trade representatives attended the meeting held in July 2021. The notes from these meetings are circulated to all members of the trade, whether they attend the meeting or not, and it is hoped that this might also assist with increasing attendance.

### **Impact of COVID- 19 on the PPP Licensing functions**

The PPP, including officers from Licensing, has had a significant role to play in investigating, managing and preventing outbreaks during the 2020/21 financial year. The team provided support monitoring outbreaks all on an ongoing basis which included weekend contact tracing for Wokingham. The Team also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with Wokingham Borough Council’s outbreak plans.

The PPP also carried out targeted pro-active advisory calls and visits to settings which saw increases in cases to look at how outbreaks were occurring and provide advice on how they could be reduced and contained. They also carried out both daytime and evening visits to businesses to ensure compliance with relevant restrictions affecting hospitality and other retail and business settings. A small number of prohibition notices were issued on businesses that should not have been operating. In other cases where improvements were needed advice was offered and follow up visits undertaken. The PPP has integrated Licensing Officers with the COVID Marshalls to provide a joined up approach to achieving compliance.

Attached as Annex A are figures for the number of applications received for the different licences, registrations, permits and consents administered by the department, for the period 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021. This is a single indicator of the number of transactions that Licensing has with businesses operating within the Borough. As would be expected there was a significant drop in the number for most applications as a result of the pandemic. This also resulted in an associated drop in the number of complaints about those particular licences.

In addition, Annex B shows the current total of licences that were valid on the dates stated. The service has a baseline target from receipt of a complete and valid application to issue of five working days. In 2020/21 this work was impacted by vacancies and long term absence as well as dealing with changes in processes due to the lockdown and Covid compliance constraints and the figure achieved was 79.3% overall. While there is still more work to be done this was a significant improvement on the 62% achieved in the 2019/20 financial year.

A further aspect is that of assisting businesses to grow whilst complying with the legal requirements and conditions. Officers regularly meet with applicants or licence holders to give guidance. PPP dealt with 66 complaints and requests for service relating to licensing in Wokingham Borough 2020/21 (compared with 134 in 2019/20, 176 in 2018/19, 184 in 2017/18 and 240 in 2016/17). These figures do not include general telephone enquiries, only matters which have been logged for further response. A more detailed breakdown of the split of the types of complains and concerning which areas of licencing are detailed in Annex C. We have continued to add more information, advice and forms to the PPP website and the launch of the social media Facebook and twitter accounts during the year has assisted with the dissemination of information and advice.

Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses. In 2020/21 the ability to carry out inspections was significantly impacted by the various Covid lockdown and Tier arrangements. Despite this 46 inspections were carried out, these were a combination of remote and on site. This is compared to 2019/20 when officers carried out 107 inspections (compared with 90 in 2018/19, 144 in 2017/18 and 101 in 2016/17). A number of these visits were carried out with Home Office Immigration Compliance and Enforcement, as a responsible authority under the Licensing Act 2003. In the last month of the year the effect of Covid 19 pandemic and the commencement of lockdown affected our licensing work. The inspection work had to be ceased therefore the inspection programme could not be completed.

Officers initially deal with non-compliance by working with the business to raise standards and further unannounced visits may be made to verify improvement. Where non-compliance continues, officers use an Enforcement Policy which provides for a stepped process to include warnings, cautions, review, suspension or revocation of a licence or finally prosecution. In the last year officers suspended 38 private hire vehicle licences (compared with 15 in 2019/20, 2 in 2018/19 and 58 in 2017/2018).

### **The Effect of COVID-19 on the Licensed Sector**

This has been an extremely difficult and challenging year for many aspects of the licensed sector. The three lockdowns saw hospitality and non-essential retail completely closed down and reduced taxi and private hire trade to under 10% of normal levels. Other sectors were significantly affected by the 'stay home' legislation and bans on travel.

These included home day care dog boarding and corporate and travel related private hire providers.

For those periods when the licenced sector in its various guises were able to trade they have done so under a raft of regulations and guidance covering everything from face coverings to QR codes and contact tracing information. During this period the hospitality trade went through at least five sets of changes to legislation. As a service we have worked with them every step of the way.

Event activity also very badly hit and most events in 2019/20 were cancelled although some events did take place under strict COVID controls and monitoring by the Public Protection Service. Again we sought to help organisers run the safest possible events within the prevailing legislative framework and infection levels.

Invariably some businesses did not survive the pandemic despite various funding streams for which some were not eligible. In the case of other sectors such as betting shops the pandemic has quite likely hastened the planned closure programme of some high street settings. This has affected PPP income levels and licensing budgets will need to adjust to this.

### **Development of Single Case Management System**

During the 2020/21 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. The objectives are improved customer management processes and less bureaucracy and will have benefits through the new traded services arrangements that have been approved. This project is referred to as the Tascomi project due to the new software that will be online from April 2022.

### **Communication**

A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The PPP provides a range of advice and information sheets via its [website](#) and Council's website. We have also expanded our social media presence with active Facebook and Twitter pages. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks.

### **Customer Feedback**

The role of Licensing has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up (as on many occasions it has been interactions with other services that has resulted in a negative response). Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs. The results for 2020/21 are shown below:

Title	Target 2020/2021	Q1	Q2	Q3	Q4	Year End Outturn	RAG status
% of service users satisfied with the Public Protection Partnership (proactive telephone campaign to wider customer base for Q4)	75%	50.0%	52.8%	43.5%	88.0%	78.9%	G
% of service users satisfied with the Public Protection Partnership business webinars	75%	New measure added Q3 2020/21	New measure added Q3 2020/21	100.0%	100.0%	100.0%	G

## Looking Ahead

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

What is less obvious (as we go through recovery) is what the future will look like for aspects of the licenced sector. Parts of hospitality are seeing no return to pre-pandemic levels and the taxi and private hire fleets have all been scaled back. New ways of working, with many people working at home and the proliferation of online meetings, will impact those involved in corporate private hire and taxi services as well as those in the home boarding day care for dogs.

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

## 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		
Next Financial Year (Year 2)	n/a		
Following Financial Year (Year 3)	n/a		

<b>Other financial information relevant to the Recommendation/Decision</b>
N/A

<b>Cross-Council Implications</b>
N/A

<b>Public Sector Equality Duty</b>
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.
N/A

<b>List of Background Papers</b>
<b>Climate Emergency – <i>This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030</i></b>
No impact

<b>Contact</b> Sean Murphy	<b>Public Protection Partnership</b>
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## Annex A

Licence Type	2020/2021	2019/2020	2018/2019	2017/2018
Animal Boarding Establishment	5	2	7	3
Home Boarding Licence	18	22	36	32
Dog Breeding Licence	2			
Pet Shop Licence	3	1	4	2
Riding Establishment	0	0	1	2
Dangerous Wild Animal	1			
Dermal Personal/Premises Registration	24	26	10	12
House to House Collections	12	21	16	9
Street Collections	14	55	63	97
Street Trading Consent	27	28	40	32
Licensed Premises Gaming Machine Permit	0	1	2	6
Notification of 2 or less gaming machines	0	4	5	3
Club Gaming Permits (Non-fast track)	1	0	0	0
Club Machine Permits (Non-fast track)	0	0	0	0
Small Society Lottery	21	27	35	22
Gambling Premises	2	3	0	0
Personal Licence	73	92	103	104
Scrap Metal Dealer - Site	3	2	0	3
Scrap Metal Dealer - Mobile	0	2	0	0
Premises Licence	103	64	91	68
Premises Licence Application (No alcohol)	2	4	5	4
Club Premises Certificate	1	0	0	1
Dual Driver	6	21	162	28
Private Hire Driver	16	28	111	27
Private Hire Operator	12	3	12	14
Hackney Carriage Vehicle	69	92	99	120
Private Hire Vehicle	78	141	154	182
Private Hire Vehicle Application (with Dispensation)	34			
School And Community Services Driver	8	11	25	7
School And Community Services Vehicle	56	52	55	48
School And Community Services Operator	3	0	0	2
Temporary Event Notice	64	497	494	429
<b>GRAND TOTALS:</b>	<b>658</b>	<b>1199</b>	<b>1530</b>	<b>1257</b>

**Total number of current licenses**

<b>Licence Type</b>	<b>31/03/21</b>	<b>31/03/20</b>	<b>31/03/19</b>	<b>31/03/18</b>
Animal Boarding Establishment and Dog Breeding	9	10	9	8
Home Boarding Licence	33	34	32	30
Pet Shop Licence	12	14	14	13
Riding Establishment Licence	4	4	5	6
Dermal Personal and Premises Registration	167	144	103	94
House to House Collections	14	21	18	15
Street Collections	15	55	47	35
Street Trading Consent	31	24	23	34
Club Gaming Permits	1	1	2	1
Club Machine Permits	4	6	5	7
Licensed Premises Gaming Machine Permit	13	15	15	17
Notification of 2 or less gaming machines	64	64	61	61
Small Society Lottery	112	98	76	84
Gambling Premises	6	8	8	8
Personal Licence	1673	1515	1553	1519
Scrap Metal Dealer - Site	4	8	10	10
Scrap Metal Dealer - Mobile	2	4	6	6
Premises Licence	336	335	327	324
Premises Licence Application (No alcohol)	69	71	71	70
Club Premises Certificate	35	36	36	36
Dual Driver	164	175	185	200
Private Hire Driver	120	132	156	158
Private Hire Operator	31	40	39	40
Hackney Carriage Vehicle	69	86	88	92
Private Hire Vehicle Licence	87	149	129	138
School And Community Services Driver	38	40	46	47
School And Community Services Vehicle	54	61	63	63
School And Community Services Operator	3	3	3	3
Private Hire Vehicle with dispensation	39	76	59	59
Temporary Event Notice	15	497	494	429
<b>GRAND TOTALS:</b>	<b>3231</b>	<b>3726</b>	<b>3683</b>	<b>3607</b>

## Annex C

KPI	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
% of premises that have applied for a designated premise supervisor (DPS) variation visited within 28 days of application	75%	0%	95%	35%	32%	39.8%	
% of licensing applications processed within statutory timescales or 5 days	Base	79/97 81.4%	136/165 82.4%	116/171 67.8%	113/127 89%	444/560 79.3%	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	10/14 71.4%	13/13/ 100%	6/7 85.7%	2/10 20%	31/44 70.4%	There were several applications in Q4 relating to one premise which raised questions and delay.
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	175/200 87.5%	196/200 98%	154/158 97.5%	184/191 96.3%	709/749 94.7%	Q1 was in the very first lockdown period when the service was adjusting to new regulations and restructure to manage the responses across the 3 authorities.

Measure of Volume	Target	Q1	Q2	Q3	Q4	2020/21	Notes (Comments)
Number of licences Revoked/Suspended	N/A						11 related to drivers, two operators and one licenced premise
Number of Licensing – General Inquiries	N/A	56	60	49	39	204	Range for inquiries if a licence is required to when is a badge/plate ready
Number of Complaints made about those licenced (or unlicensed) by the authority	N/A	17	15	9	25	66	May be whistleblowing on unlicensed activities, drivers use of language to breaches of licence conditions
Number of Contacts directly attributable to the trade making contact	N/A	10	25	12	8	48	May include errors on the website, request for meeting
Number of Covid related inquiries	N/A	2	7	6	3	18	There are licence related Covid complaints incorporated into the overall Covid Complaints

Policy Decisions by Committee	Update on progress

### Detailed Breakdown

Licensing Area	Recorded Licensing interactions		Covid Advice/Enforcement		General Advice/Inquiries and Requests (e.g. do I need a licence)		Requests from the trade for information, meetings, updates, chasing licences and issues around renewals		Complaints about licence holders/premises, non-compliance or unlicensed activities	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
L - Animal	17	44		2	7	14		7	10	15
L - Premises	43	88	2	5	31	33		6	10	14
L - Street Trading	8	53		5	5	18		8	3	12
L - Taxi	60	113		5	10	23	4	28	46	22
L - TEN		9		1	4	3		1		0
Licensing	6	33				36		2	2	3
<b>Total</b>	<b>134</b>	<b>340</b>	<b>2</b>	<b>18</b>	<b>57</b>	<b>127</b>	<b>4</b>	<b>33</b>	<b>71</b>	<b>66</b>

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## Taxi Liaison Meeting Update

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<b>Committee considering report:</b>	Licensing and Appeals Committee
<b>Date of Committee:</b>	20 October 2021
<b>Chair of Committee:</b>	Councillor Barrie Patman
<b>Report Author:</b>	Karen Court/ Moira Fraser
<b>Forward Plan Ref:</b>	N/a

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### 1. Purpose of the Briefing

- 1.1 To provide an update on the discussion at the July 2021 Taxi Trade Liaison meeting.
- 1.2 To consider if the age limit of vehicles should be suspended for a further one year period.
- 1.3 To consider what action could be taken in respect of lobbying Reading Borough Council about granting permission for Wokingham Drivers to use the bus lanes in Reading.
- 1.4 To consider the impact that Uber was having on the local trade and what measures could be introduced to support the trade.

### 2. Background

- 2.1 The virtual meeting held on the 21 July 2021 was attended by four Members (Councillors Chris Bowring, Rachel Burgess, Lindsay Ferris and Barrie Patman) and five representatives of the trade (Sandeep Hampal, Tahir Hammad, Roxy Dragana, Nadeem Safdar, Muhammad Usman). It was noted that the number of trade representatives attending these meetings had increased. The trade were being encouraged to attend on the basis that this was an open forum and a good opportunity to liaise with Members and Officers directly about issues that were important to them.
- 2.2 The trade had raised a number of queries relating to matters of policy and enforcement.

#### *Age of Vehicles*

- 2.3 Members of the trade asked that consideration be given to extending the age limit of vehicles to between 10 and 15 years as it was very expensive to buy new ones. They commented that the pandemic had exacerbated their financial predicament and that during the pandemic vehicles had not accumulated much mileage and were in good condition. They also requested that the policies across the three authorities covered by the Public Protection Partnership be aligned. It was explained that each of the authorities signed off their own policies and that the policies would reflect local need and strategic direction and therefore they could not be aligned in all facets.
- 2.4 Members explained that the current policy allowed for vehicles to continue with their licences, provided they were in good condition and that they passed the RAC check. It was accepted that the RAC check was expensive and that this requirement could be reviewed as part of the review of the policy as a whole. Members were also mindful of the fact that older vehicles were more polluting to the environment, and this needed to

be considered in line with the climate emergency measures being adopted by the Council.

- 2.5 Members acknowledged the loss of income and difficulties faced by the trade during this period. As such, after much discussion, it was agreed that this Group would recommend to the Licensing and Appeals Committee that the age limit be suspended for a further one year period.
- 2.6 The issue of RAC checks, training and other requirements around licensing of taxis would be discussed as part of the draft Hackney Carriage and Private Hire Policy that would be coming to the 26 January 2022 report.

#### *Use of Bus Lanes in Reading*

- 2.7 Members of the trade raised concerns that Reading Borough Council did not permit them to use their bus lanes and urged Members and Officers to intervene and write to Reading asking for permission on their behalf.
- 2.8 It was noted that Officers had contacted RBC about this issue. RBC had confirmed that they were prepared to consider individual requests for the use of bus lanes. Drivers had to write directly to Reading Borough Council asking for permission to use their bus lanes and would then be informed which bus lanes they could use. The contact details had been circulated to the trade in the minutes of the meeting.
- 2.9 Members sympathised with the difficulties caused to Wokingham drivers in respect of the use of Reading bus lanes. It was decided that lobbying at a higher level was needed to help to persuade Reading to give permission to Wokingham drivers.

#### *Uber*

- 2.10 The trade noted the impact that Uber was having on their business. Officers explained that they had written to TfL regarding the issues raised by the trade. It should however be noted that Uber were licensed to operate in Wokingham. Enforcement action could only be taken where they were not complying with the law by, for example, plying for hire or parking illegally.

#### *Ranks*

- 2.11 The trade were informed that colleagues in the Highways Team were undertaking a consultation on ranks and they were urged to submit their views by the 11<sup>th</sup> September 2021. The outcome of the consultation would be reported back at the next Trade meeting.

#### *Date of the Next Meeting*

- 2.12 It was noted that the next Trade meeting would take place on the 03 November 2021.