



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 **MONDAY 30 JANUARY 2023** AT **7.00 PM**

Susan Parsonage
Chief Executive

Published on 20 January 2023

Note: Non-Committee Members and members of the public are welcome to attend the meeting or participate in the 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/j8hf4QqgGe8>

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Our Vision
<i>A great place to live, learn, work and grow and a great place to do business</i>
Enriching Lives
<ul style="list-style-type: none"> • Champion excellent 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 enable healthy choices for everyone. • Engage and empower our communities through arts and culture and create a sense of identity for the Borough which people feel part of. • Support growth in our local economy and help to build business.
Providing Safe and Strong Communities
<ul style="list-style-type: none"> • Protect and safeguard our children, young and vulnerable people. • Offer quality care and support, at the right time, to reduce the need for long term care. • Nurture our communities: enabling them to thrive and families to flourish. • Ensure our Borough and communities remain safe for all.
Enjoying a Clean and Green Borough
<ul style="list-style-type: none"> • Play as full a role as possible to achieve a carbon neutral Borough, sustainable for the future. • Protect our Borough, keep it clean and enhance our green areas for people to enjoy. • Reduce our waste, promote re-use, increase recycling and improve biodiversity. • Connect our parks and open spaces with green cycleways.
Delivering the Right Homes in the Right Places
<ul style="list-style-type: none"> • Offer quality, affordable, sustainable homes fit for the future. • Ensure the right infrastructure is in place, early, 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, where it is needed most, to live independently in their own homes.
Keeping the Borough Moving
<ul style="list-style-type: none"> • Maintain and improve our roads, footpaths and cycleways. • Tackle traffic congestion and 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 in offering affordable, accessible public transport with good transport links.
Changing the Way We Work for You
<ul style="list-style-type: none"> • Be relentlessly customer focussed. • Work with our partners to provide efficient, effective, joined up services which are focussed around our customers. • Communicate better with customers, 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.
Be the Best We Can Be
<ul style="list-style-type: none"> • Be an organisation that values and invests in all our colleagues and is seen as an employer of choice. • Embed a culture that supports ambition, promotes empowerment and develops new ways of working. • Use our governance and scrutiny structures to support a learning and continuous improvement approach to the way we do business. • Be a commercial council that is innovative, whilst being inclusive, in its approach with a clear focus on being financially resilient. • Maximise opportunities to secure funding and investment for the Borough. • Establish a renewed vision for the Borough with clear aspirations.

MEMBERSHIP OF THE LICENSING AND APPEALS COMMITTEE

Councillors

Beth Rowland (Chair)
Mike Smith
Rachel Burgess
Michael Firmager
Shahid Younis

Sarah Kerr (Vice-Chair)
Alistair Neal
Bill Soane
Jackie Rance

Peter Dennis
Morag Malvern
Chris Bowring
Abdul Loyes

ITEM NO.	WARD	SUBJECT	PAGE NO.
18.		APOLOGIES To receive any apologies for absence.	
19.		MINUTES OF PREVIOUS MEETING To confirm the Minutes of the Meeting held on 19 October 2022.	5 - 10
20.		DECLARATION OF INTEREST To receive any declarations of interest	
21.		PUBLIC QUESTION TIME To answer any public questions A period of 30 minutes will be allowed for members of the public to ask questions submitted under notice. The Council welcomes questions from members of the public about the work of this committee. Subject to meeting certain timescales, questions can relate to general issues concerned with the work of the Committee or an item which is on the Agenda for this meeting. For full details of the procedure for submitting questions please contact the Democratic Services Section on the numbers given below or go to www.wokingham.gov.uk/publicquestions	
22.		MEMBER QUESTION TIME To answer any member questions	
23.	None Specific	FEES AND CHARGES FOR LICENSABLE ACTIVITY 2023/24 To receive and consider the Fees and Charges for Licensable Activity 2023/24.	11 - 28
24.	None Specific	LICENSING OF GAMBLING To receive and consider a report containing information about the licensing of gambling.	29 - 34

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|------------|---------------|---|----------------|
| 25. | None Specific | REVIEW OF STATEMENT OF LICENSING POLICY
To receive and consider the Review of Statement of Licensing Policy report. | 35 - 38 |
| 26. | None Specific | DECISIONS TRACKER AND FORWARD PROGRAMME
To receive and consider the Decisions Tracker and Forward Programme report. | 39 - 40 |

Any other items which the Chairman decides are urgent.

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

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**MINUTES OF A MEETING OF THE
LICENSING AND APPEALS COMMITTEE
HELD ON 19 OCTOBER 2022 FROM 7.00 PM TO 8.38 PM**

Committee Members Present

Councillors: Beth Rowland (Chair), Sarah Kerr (Vice-Chair), Peter Dennis, Mike Smith, Alistair Neal, Morag Malvern, Rachel Burgess, Bill Soane, Chris Bowring, Michael Firmager, Abdul Loyes and Shahid Younis

Officers Present

Luciane Bowker, Democratic & Electoral Services Specialist
Mike Harding, Licensing Officer
Keiran Hinchliffe, Service Manager for Licensing and Enforcement
Ed Shaylor, Head of Enforcement and Safety

10. APOLOGIES

There were no apologies for absence.

11. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 23 June 2022 were confirmed as a correct record and signed by the Chair.

Matters arising

It was noted that there was a spelling error on page 9 of the agenda pack, it should read *Councillor Burgess*.

It was noted that the agenda did not contain a recommendation tracker, as per the Committee's request. Luciane Bowker, Democratic and Electoral Services Officer apologised for the omission of the tracker and would ensure this was included in future agendas.

Ed Shaylor, Head of Enforcement and Safety provided an update in relation to the Committee's recommendation to apply a reduction to the licence fees charged in 2021/22. The Executive Member for Environment, Sport and Leisure and the Executive Member for Finance were considering this recommendation and this would be determined via an Individual Executive Member Decision (IEMD).

12. DECLARATION OF INTEREST

There were no declarations of interest.

13. PUBLIC QUESTION TIME

There were no public questions.

14. MEMBER QUESTION TIME

There were no Member questions.

15. FEES AND CHARGES FOR LICENSABLE ACTIVITY 2023/24

Ed Shaylor presented the report which was set out in agenda pages 15-36.

In the previous year, the Committee had recommended that the fees and charges remained unchanged, being mindful that the licensing services were coming back in-house.

An increase of 9.9%, based on the Consumer Price Index (CPI) was being proposed for 2023/24 (for the licensable activities that are within the Council's gift to determine). The income from licensing fees is supposed to offset the costs to the Council of administering the licensing service.

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

- Councillor Burgess asked for evidence of increases in the cost of the team;
- Ed Shaylor explained that the cost of running the service was currently more than the income received. The fee income from 2019/20 was £290k, this was being forecast to be £250k this year. He agreed that the staffing costs were unlikely to increase by 9.9%, but other costs to the Council would increase, perhaps by more than 9.9%. The basis of the proposal was that the cost of running the service was more than the current income. This had been the case for this year and the past two years;
- Councillor Firmager asked if there was any scope to reduce the cost of running the service;
- Ed Shaylor explained that infrastructure and overheads costs could be included in the cost calculation of running the service. The cost calculation of the hourly rate to process an application had been undertaken some years ago and stood at £59, it was proposed to increase this to £65. The cost calculation of a licence application included the number of hours spent processing a licence and enforcing it;
- Councillor Younis asked for more detailed information on the calculation of the proposed increase, he also asked if there were any financial benefits with bringing the service in-house;
- Ed Shaylor informed that the majority of the cost was staffing, it was difficult to accurately itemise the cost of the Council's overheads for each service. The process of bringing the service in-house had been driven by a desire to improve the quality of it and make it locally responsive, not by financial reasons;
- Councillor Younis asked if it was possible to compare the cost before, with the PPP and now with the service being run in-house;
- Ed Shaylor explained that under the PPP arrangements West Berkshire provided the licensing service to West Berkshire, Wokingham and Bracknell, and it would be difficult to ascertain the exact cost to Wokingham. In terms of the current staffing structure, there were: a licensing manager, two licensing officers and one full time and one part-time licensing processing officers. There were 3.5 customer delivery officers working on licensing work too;
- Councillor Loyes asked how the estimated £250k income was calculated;
- Ed Shaylor explained that as of September this year £125k had been received in income, this was being doubled to forecast £250k to the end of the financial year;
- It was predicted that costs would increase for the Council, and the CPI was being used to estimate the likely increase;
- Councillor Kerr was of the opinion that more information was needed for the Committee to make an informed recommendation to the Executive, and asked the following questions:
 - What was the breakdown of costs?
 - What was break even for the service?
 - Had West Berkshire been able to cover the costs of running the service or had they had to use the general funds from reserves to fill the gap?
 - Are we forecasting having to use general funds to fill the gap this year?
 - What is the breakdown of the currently hourly rate cost in Wokingham?

- What is the cost of running the service in-house? Is it costing more than before?
- Ed Shaylor suggested answering those questions in a separate report;
- Councillor Kerr made a recommendation that the Committee receives a report containing the full information about the costs involved in running the service;
- Keiran Hinchcliffe, Service Manager for Licence and Enforcement pointed out that decisions had had to be made when leaving the PPP, without the full information at the time about the costs. It would only be possible to ascertain factually the full costs at the year end. However, it was known that the service was currently not breaking even;
- Councillor Kerr stated that some assumptions about costs would have been made in drafting this proposal. She suggested that perhaps there should not be an increase in the fees until the full costs at year end were fully known;
- Councillor Soane asked if there was any increase being proposed for the statutory fees. Keiran Hinchcliffe explained that those fees were set by the central government and the local authority was not able off-set the balance of statutory fees against the non-statutory fees;
- Ed Shaylor stated that the statutory fees did not cover the cost of running the service, as an example he pointed to page 23 of the agenda and the cost of Temporary Event Notices (TENs) which was £21 only. Those licensing fees had been set in 2005 and had not been increased since;
- Councillor Bowring was concerned that the level of inflation was unpredictable and the figures may be different again by the times these fees are submitted for approval by the Executive. He asked if any of these licences were discretionary and if there were any considerations on cutting the costs of running the service;
- Ed Shaylor informed that modern software was capable of processing paperless applications and increase efficiency, thus reducing the costs. However, the cost of the software was considerable and would have to be factored into the cost of the licence;
- Councillor Burgess stated that most of the cost was related to staffing, and therefore it was possible to accurately forecast;
- Ed Shaylor confirmed that the staffing costs were being forecast in-year as part of budget monitoring;
- Councillor Smith asked if it was possible to produce a report with the details of cost and income by each activity;
- Ed Shaylor explained that the discretionary fees gave an indication of the amount of work involved as the number of hours had been worked out some time ago. He pointed out that to work out the amount of hours for each licence would incur a large amount of work for the team, but if there was interest in finding out more about a particular licence, this could be done;
- Councillor Younis agreed with the points raised previously, that more information was needed to for an informed decision. He was surprised that more technology was not already being used to process applications. He mentioned that there was an option to 'pay as you go' for software, without having to buy it upfront;
- Councillor Dennis would like to see a breakdown of the percentage of time spent on statutory licences and non-statutory licences. He also asked if there were any discrepancies within the discretionary licences, and if it was possible to use the licence fees as a social deterrent

Ed Shaylor was concerned about the amount of time it would take to produce a report answering all the questions raised during the discussion, in view of the timelines for the next meeting on 30 January 2023. He suggested either reducing the scope of the report or accepting that a more comprehensive report would take longer to produce.

The Chairman expressed concern that the questions raised today had not been asked previously, when the decision was made to bring the service back in-house.

Councillor Kerr informed that this Committee had not been consulted on the decision to leave the PPP.

After much discussion, the Chairman proposed that a simplified report be brought to the January meeting of the Committee. The Committee would then be able to make a more informed decision. At the same time, work could be undertaken to gather more information for the next year. She was seconded by Councillor Kerr. Upon being put the vote, most Members voted in favour of this proposal.

Ed Shaylor explained that the timelines would be tight for the submissions to the Council's Budget. The Chairman suggested that if this report and information was ready before 30 January, that an extraordinary meeting could be arranged.

Councillor Kerr pointed out that this Committee could only make recommendations, and she expected that the Executive would receive the additional information in order to make a decision.

RESOLVED That:

- 1) A report including information on costs and income would be brought to the 30 January meeting, or earlier to an extraordinary meeting if possible; and
- 2) Work would be undertaken to understand the full cost details of running the service would be carried out, in preparation for next year's report.

16. TAXI AND PRIVATE HIRE DRAFT POLICY REVIEW

Kieran Hinchcliffe presented the Taxi and Private Hire Review report which was set out in agenda pages 37-153.

The amendments which had been requested at the last meeting of the Committee had been incorporated into the revised document.

Rachel Lucas, Legal Advisor to the Committee highlighted some issues that still remained in the current document, as follows:

Page 88 of the agenda

- paragraphs 1.48 and 1.49 – DVLA points were not a conviction, so the wording needed to be changed.

Page 111 of the agenda

- paragraph 1.65 – the law in relation to child seat belts and restraints referred to the age 12 and or taller than 135cm, so the age needed to be changed to mirror the legal position.

Page 116 of the agenda

- Paragraph 1.19 – it should read s53 A(8)
- Paragraph 1.21 – should read s61(2)

Page 120 of the agenda

- Paragraph 1.9 – it should read s53 A(8)
- Paragraph 1.11 – it should read s61 (2)

Kieran Hinchcliffe informed that the report would be amended, in line with the legal advice received.

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

- Councillor Kerr pointed to:
- Page 68 of the agenda, paragraph 3.45, and stated that this was still not sufficiently clear. Kieran Hinchcliffe agreed to improve the wording;
- Page 109, paragraph 1.54 – what was the reasoning behind it? Other dress code mentions were open to interpretation.
- Ed Shaylor agreed that the references to dress standards needed reviewing and some should be taken out;
- Councillor Younis stated that the rules should be simple to follow and easy to implement, based on common sense. He asked if these rules had been written by WBC or if they had been adopted from somewhere else?
- Kieran Hinchcliffe explained that the document was based on WBC's current policy. A licensing lawyer had been employed to give advice on the policy. Also, this Committee had been consulted on the content;
- Councillor Smith pointed to page 81 of the agenda, and asked for clarification on paragraph 1.2;
- Rachel Lucas explained that 1.2 referred to case law that said that it was not for the Council to judge the merits of a conviction;
- Councillor Smith asked for clarification on page 83, paragraph 1.17 – how could temperament be measured?
- Rachel Lucas explained that, for example, if a person was called in for an interview with a licensing officer because of an allegation of misbehaviour, and this person was then aggressive or abusive towards the officer, this would be judged as the individual having a bad attitude and temperament;
- Councillor Firmager pointed to page 81 of the agenda, and grammar mistakes in paragraphs 1.1 and 1.3, and recommended thorough proof reading;
- Ed Shaylor confirmed that the document would be proof read before it went out to consultation;
- Councillor Burgess noticed that the drivers were put to many tests, she asked if there were any new tests being proposed? She also pointed to page 53, paragraph 2.7 – she stated that 'sufficient time' was vague and a specific timeline should be used to avoid disputes;
- Kieran Hinchcliffe accepted the point about specifying the time. With regards to new tests, he informed that there were no new tests in the policy.

After a robust discussion and upon being put to the vote, most members voted in favour of the recommendation, provided that the policy be revised to include the changes requested during the meeting.

RESOLVED That:

- 1) The Licensing and Appeals Committee approves the revised policy, with the amendments suggested during the meeting; and

- 2) Delegates to the Director of Place and Growth, in consultation with the Lead Member of the Executive, to release the revised policy for public consultation.

17. ANY OTHER BUSINESS

Councillor Kerr asked if it was possible to consider having a forward plan in the agendas going forward.

Ed Shaylor informed that a review of the Statement of the Licensing Policy was in the forward plan for the next year.

Councillor Kerr proposed that a review of licensing gambling be brought to the Committee for discussion, with a view to potentially finding ways to protect vulnerable people. She was seconded by Councillor Burgess.

The Chairman suggested including a review of alcohol licences too.

Upon being put to the vote, Councillor Kerr's proposal was approved.

RESOLVED That a review of gambling licences would be put in the forward plan.

Agenda Item 23.

TITLE Fees and Charges for Licensable Activity 2023/24

FOR CONSIDERATION BY Licensing and Appeals Committee on 30 January 2023

WARD (All Wards);

LEAD OFFICER Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

Fees and charges relating to licences, permits and registrations contribute to covering the cost of the council's licensing functions.

RECOMMENDATION

- 1 That the Committee NOTES the proposed discretionary fees for 2023/24 set out at Appendix A as part of the Council's annual fee setting process
- 2 That the Committee RECOMMENDS to Executive that, in relation to those fees which are within the Council's discretion to set, the fees should follow best practice and ensure that the cost to the Council of administering, managing and enforcing the licensing regime is covered by the fee income.

SUMMARY OF REPORT

This report sets out the Fees and Charges which are proposed for licensable activities in this area of the council for 2023/24 and provides information about how fees are set.

The costs to the Council of administering the licensing service should be covered by the fee income raised from the licensed parties. Any income shortfalls or excesses should be balanced in following years. Due to rising licensing costs to the Council, the consequence of not increasing the fees is likely to result in a deficit in the licensing budget which would need to be covered from general taxation from the General Fund with the agreement of full Council.

Background

1. At the Licensing and Appeals Committee on 19 October 2022 it was resolved that:
 - a report including information on licensing costs and income would be brought to the 30 January meeting, and
 - Work would be undertaken to understand the full cost details of running the licensing service.
2. Members requested:
 - evidence of increases in the cost of the licensing service
 - more detailed information on the calculation of the proposed increased fees
 - information about the consequences of not having a balanced budget for the licensing service.

Analysis of Issues

3. A significant number of fees within the licensing field are set by Government Statute or Regulation and cannot therefore be changed by the Council (“Statutory fees”). Primarily, statutory fees cover Gambling; Alcohol and Regulated Entertainment; Environmental Permitting; Petroleum and Explosives and together amount to roughly half the licensing fee income per annum, although the largest volume of applications is Alcohol and Regulated Entertainment.
4. Those fees which are within the Council’s discretion to set (“Discretionary fees”) are required to be based on an assessment of the costs of the administration and processing of applications and for the general management and enforcement of the regulatory function. Licensing authorities are required to review their discretionary fees and charges on an annual basis.
5. Income from licensing fees should be no greater than the costs of the licensing regime. However, the hourly rate used to calculate the fees has only increased by 3.5% in the five years since 2017/18 (£57 to £59) but in the same period, the Council has faced considerable cost increases.
6. It is proposed that the hourly charge rate should be increased from £59 to £65 (+10.2%) to ensure that costs are fully funded. Proposed fees and charges for 2023/24 have been calculated using this hourly rate multiplied by officer assessment of hours required for each licence or activity type and are shown in Appendix A.

Alternative to recommendation

7. Alternatively, the committee could recommend that fees remain unchanged for 2023/24 (or a lower increase) due to the likely impact on licensable businesses (where the fee is at the discretion of the Council) of increased fuel, energy and other costs and economic downturn.
8. If this is the decision, then it is probable that fee income would not cover the costs and the shortfall would need to be funded from general taxation from the

general fund. In short, council tax would be required to subsidise the licensing regime.

Effect of Alternative to Recommendation

9. If this Committee were to decide to recommend a set of fees that does not cover the costs of the licensable activity, then funding the shortfall from general taxation could be considered by Executive and if accepted then it would recommend to Council (as part of the budget setting process) increasing the taxation demand on general taxpayers. In the alternative, Executive could decide to recommend reducing other services which may free up existing expenditure.
10. However, it is considered unlikely that Executive will recommend either a reduction in alternative services within the Council to pay for this or that sufficient monies exists in the general fund to pay for a reduction. In that case, it would be necessary to reduce the cost of licensing services, most likely by reducing staffing levels in the licensing service.
11. This is not recommended as it would result in reduced capacity to process applications for licences, meaning that processing applications would be less efficient, leading to delays in carrying out checks and issuing licences and therefore possible business interruption for the applicant.
12. Further, management and enforcement of licence requirements and conditions would be adversely affected. For example, in 2022/23 audits of licence holders led to licence suspensions, revocations and prosecutions. Reduction in capacity to do this would increase risk to public safety which the licensing regime is designed to minimise.
13. There is little precedent that demonstrates where Councils have funded licensable activities from other income sources. This is presumably due to either Councils deciding not to do this or if they have, then those benefiting (the licence holders) are unlikely to challenge this outcome. There are precedent cases that relate to the level of fees where the courts have determined the principles for fee setting in licensable activities. These include that fees should be set at a level that is broadly cost neutral in budgetary terms, so that over the lifespan of the licence, the budget should balance. If there is an over or under recovery, then this should be adjusted in subsequent years. Surpluses from one fee should not subsidise another and fee income should not be drawn into the general fund. The principle is that those benefiting from the activities permitted by the licence should pay the cost and not be subsidised by the general fund.

Taxi licence fees

14. It is relevant to note that in relation to the Hackney Carriage tariff of fares, an increase to the tariff chargeable by Wokingham drivers was approved by Licensing and Appeals Committee with effect from 4 April 2023. The amount of the increase was in the region of a 34% increase to the maximum fare chargeable, albeit that this was the first increase since 2014.
15. It is also noteworthy that in relation to fees for the grant of taxi vehicle and operators' licences, under Local Government (Miscellaneous Provisions) Act

1976 section 70 it is necessary to publish in at least one local newspaper a notice setting out the variation proposed, drawing attention to a period not being less than twenty-eight days, within which objections to the variation can be made.

16. If objection is made, the council shall set a further date, not more than two months later, on which the variation shall come into force with or without modification as decided by the council after consideration of the objections. In practice, this means that if objections are received there will be a further report and recommendation to this Committee and the increase for this particular licence fee may not take effect until after the start of the 2023/24 financial year.

The break-even cost for the licensing service

17. The table in Appendix B shows the budgeted income and costs (salary and non-salary) of the Licensing Service (ie the expected costs) in 2023/24. This is the cost that the Council should aim to fund through the imposition of licensing fees.

The hourly rate

18. The hourly cost is calculated to be the rate per hour required to generate sufficient income to process licence applications and manage and enforce the licensing scheme. The figure was £57 per hour until 2017/18 when it was increased to £59 per hour. After several years of small salary increases for staff due to low inflation, the local government pay award for 2022 had the effect of adding £15,300 to the Licensing Service salary budget (5.6%).
19. With regard to the 2023 pay award, the Chancellor confirmed in the Autumn Statement in November 2022 that the National Living Wage (NLW) rate will increase by 9.7% on 1 April 2023.
20. There is a long-held position that the local government salary spine should start above the NLW, so increases in the NLW have a direct bearing on salaries at all grades. Therefore, upward pressure on the local government salary scale is likely to continue in the 2023 pay round.
21. The table below (para 22) is based on 6 fte staff directly involved in delivering the licensing service, with the hourly rate being the average costs across all six staff. More detail about how the hourly rate is calculated is in Appendix C.

22.

Hourly Rates	£
Salary costs	43.28
Non-salary costs	16.64
Central Recharges	5.09
Total	65.00

Hourly requirement for discretionary licence types

23. The fees in previous years have been based on the hourly rate multiplied by the number of hours required on average to process each type of licence and (where appropriate) for the general management and enforcement of the licensing scheme. Appendix D shows an example of the hours required for a licence type.
24. Appendix A shows the number of hours officers estimate is required to administer and manage each licence and activity type. The hours have been amended for 2023/24 to correct rounding anomalies from previous fee increases. Several hourly requirements had become fractional, probably due to rounding and previous inflation increases since the hours were first calculated. The hour requirements have been revised to more meaningful numbers, which will make the percentage increase slightly variable in line with the proposed new hourly rate of £65.

Benchmarking

25. Some comparison costs for similar fees at the 2022/23 rates are in Appendix E, using the Office for National Statistics [five most similar local authorities](#) to Wokingham.
26. The Wokingham proposed fees are from Appendix A, calculated on the basis of the hourly rate set at the recommended fee of £65 per hour for 2023/24. In the 5 sampled licensable activities, the proposed fees for Wokingham for 2023/24 are still lower than the highest comparable fee in 4 of the 5 licensable activities. This is comparing the proposed licence fees against current rates and doesn't include any changes to the licence fee that may be proposed by the other authorities in 2023/24.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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)	Approximately an extra £15k income		Revenue
Next Financial Year (Year 2)	(£15k) plus any fee increase confirmed in fee setting for 2024/5		Revenue
Following Financial Year (Year 3)	(£15k) plus any fee increase from 2024/25 and 2025/6		Revenue

Other financial information relevant to the Recommendation/Decision

The proposals in this report have no impact of the cost of delivering the service. The proposed fees as set out in detail in the Appendices are based on the calculated hourly rate appropriate for the service as described earlier in the report.

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

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

Public Sector Equality Duty

An equalities impact assessment is not required at this stage, as no change is being proposed to the current fee structure

Climate Emergency – 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

No impact is identified to the Council's carbon neutral objective.

Reasons for considering the report in Part 2

n/a

List of Background Papers

None

Contact Ed Shaylor	Service Place
Telephone No 07871 735927	Email ed.shaylor@wokingham.gov.uk

APPENDIX A

DISCRETIONARY FEES

DISCRETIONARY FEES	Note	Regulatory Framework	Charge in 2022/23	Hours req'd per licence	Proposed charge from 1/4/2023	% change
Animal Licences	The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits, aborted visits will be charged at an additional fee					
Animal Boarding Establishment new - (dogs and cats)			£590	10.0	£650	10%
Animal Boarding Establishment renewal - (dogs and cats)			£531	9.0	£585	10%
Animal Boarding Establishment new - single species (dogs or cats)			£472	8.0	£520	10%
Animal Boarding Establishment Renewal - single species			£413	7.0	£455	10%
Home Boarder New			£272	4.5	£293	8%
Home Boarder Renewal			£242	4.0	£260	8%
Home Boarder - Franchisee New			£207	3.5	£228	10%
Home Boarder - Franchisee Renewal			£177	3.0	£195	10%
Home Boarder - Assessment of host in franchisee licence New			£118	2.0	£130	10%
Home Boarder - Assessment of host in franchisee licence Renewal			£118	2.0	£130	10%
Dog Day Care New			£590	10.0	£650	10%
Dog Day Care Renewal			£531	9.0	£585	10%
Dog Breeding Establishment New			£590	10.0	£650	10%
Dog Breeding Establishment Renewal			£531	9.0	£585	10%
Dog Breeding Establishment (domestic dwelling) New			£472	8.0	£520	10%
Dog Breeding Establishment (domestic dwelling) Renewal			£413	7.0	£455	10%

Sale of pets new			£472	8.0	£520	10%
Sale of pets renewal			£413	7.0	£455	10%
Animal for Exhibition New			£590	10.0	£650	10%
Animal for Exhibition Renewal			£531	9.0	£585	10%
Riding Establishment						
Riding establishment inspection (plus fee per horse) New			£472	8.0	£520	10%
Riding establishment inspection renewal			£413	7.0	£455	10%
Inspection fee per horse, for the first 10 horses			£15	0.3	£17	10%
Inspection fee per horse, for next 11-50 horses			£10	0.2	£11	10%
Inspection fee per horse, for every horse 51 & over			£8	0.1	£9	10%
Other Fees						
Variation to animal licence			£224	3.75	£244	9%
Replacement licence fee (lost or stolen paperwork, change of name, etc.)			£56	1.0	£65	16%
Re-evaluation of star rating (inclusive of one visit)			£112	2.0	£130	16%
Transfer due to death of licensee			£56	1.0	£65	16%
Wild animals and zoos						
Dangerous Wild Animal Consent	2 years		£460	8.0	£520	13%
Zoo Licences (new & renewals)	Up to 6 years		£2,066	35.0	£2,276	10%

Taxi Licences	Cost recovery. Change would require consultation with licensees					
Hackney Carriage Vehicle – New & renewal	* New fee based on 2019/20 fee of £290 prior to Covid discount		£248	5.0	£325	12%*
Private Hire Vehicle – New and renewal			£248	5.0	£325	12%*
Private Hire Vehicle with Dispensation			£248	5.0	£325	12%*
Temporary Vehicle Licence	Up to 3 months		£232	4.0	£260	12%
Driver licence - New & Renewal	3 years		£271	4.5	£293	8%
Conversion of driver licence to another type			£80	1.5	£98	22%
Private Hire Operators (PHO)						
NEW						
NEW Private Hire Operator Licence Number of Vehicles: 1			£472	8.00	£520	10%
NEW Private Hire Operator Licence Number of Vehicles: 2			£546	9.25	£601	10%
NEW Private Hire Operator Licence Number of Vehicles: 3			£620	10.50	£683	10%
NEW Private Hire Operator Licence Number of Vehicles: 4			£693	11.75	£764	10%
NEW Private Hire Operator Licence Number of Vehicles: 5			£767	13.00	£845	10%
NEW Private Hire Operator Licence Number of Vehicles: 6			£841	14.25	£926	10%
NEW Private Hire Operator Licence Number of Vehicles: 7			£915	15.50	£1,008	10%
NEW Private Hire Operator Licence Number of Vehicles: 8			£988	16.75	£1,089	10%
NEW Private Hire Operator Licence Number of Vehicles: 9			£1,062	18.00	£1,170	10%
NEW Private Hire Operator Licence Number of Vehicles: 10			£1,136	19.25	£1,251	10%
NEW Private Hire Operator Licence Number of Vehicles: 11			£1,210	20.50	£1,333	10%
NEW Private Hire Operator Licence Number of Vehicles: 12			£1,283	21.75	£1,414	10%
NEW Private Hire Operator Licence Number of Vehicles: 13			£1,357	23.00	£1,495	10%

NEW Private Hire Operator Licence Number of Vehicles: 14			£1,431	24.25	£1,576	10%
NEW Private Hire Operator Licence Number of Vehicles: 15			£1,505	25.50	£1,658	10%
NEW Private Hire Operator Licence Number of Vehicles: 16			£1,578	26.75	£1,739	10%
NEW Private Hire Operator Licence Number of Vehicles: 17			£1,652	28.00	£1,820	10%
NEW Private Hire Operator Licence Number of Vehicles: 18			£1,726	29.25	£1,901	10%
NEW Private Hire Operator Licence Number of Vehicles: 19			£1,800	30.50	£1,983	10%
NEW Private Hire Operator Licence Number of Vehicles: 20+			£1,873	31.75	£2,064	10%
RENEWAL						
RENEWAL Private Hire Operator Licence Number of Vehicles: 1			£354	6.00	£390	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 2			£428	7.25	£471	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 3			£502	8.50	£553	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 4			£575	9.75	£634	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 5			£649	11.00	£715	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 6			£723	12.25	£796	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 7			£797	13.50	£878	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 8			£870	14.75	£959	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 9			£944	16.00	£1,040	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 10			£1,018	17.25	£1,121	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 11			£1,092	18.50	£1,203	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 12			£1,165	19.75	£1,284	10%

RENEWAL Private Hire Operator Licence Number of Vehicles: 13			£1,239	21.00	£1,365	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 14			£1,313	22.25	£1,446	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 15			£1,387	23.50	£1,528	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 16			£1,460	24.75	£1,609	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 17			£1,534	26.00	£1,690	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 18			£1,608	27.25	£1,771	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 19			£1,682	28.50	£1,853	10%
RENEWAL Private Hire Operator Licence Number of Vehicles: 20+			£1,755	29.75	£1,934	10%
Other Private Hire & Hackney Carriage Charges						
Variation to PHO licence			£59	1.00	£65	10%
Transfer of vehicle to new owner			£118	2.00	£130	10%
Change of vehicle			£74	1.25	£82	10%
Replacement Licence			£41	0.75	£49	19%
Replacement Badge			£41	0.75	£49	19%
Replacement Vehicle Licence Plate			£59	1.00	£65	10%
Knowledge Test			£74	1.25	£82	10%
Missed Appointment			£37	0.67	£44	18%
Disclosure and Barring Service Check (DBS)			£90	1.50	£98	9%
Advertising on a Hackney carriage - New			£47	0.75	£49	4%
Advertising on a Hackney Carriage - Renewal			£32	0.50	£33	2%
Change of address (PH & HC)			£14	0.25	£16	16%
Backing Plate			£26	0.50	£33	25%
Medical Exemption from carrying an assistance dog			£22	0.4	£26	18%
Refund Processing Fee			£59	1.00	£65	10%
Change of vehicle registration			£57	1.00	£65	14%
Age of vehicle Inspection – initial & renewal			£59	1.00	£65	10%

Scrap Metal	Cost recovery for assessment and administration of the application					
Scrap Metal Site Licence	3 Years		£501	8.5	£552	10%
Scrap Metal mobile collector licence	3 years		£267	4.5	£294	10%
Scrap Metal - Variation of Licence			£368	6.0	£390	6%
Scrap Metal - change of site manager			£68	1.0	£65	-4%
Scrap Metal - copy of licence			£11	0.2	£12	10%
Scrap Metal - Change of Name			£36	0.5	£33	-10%
Skin Piercing & Treatments						
Skin Piercing & Dermal Treatments Individual	Individual		£180	3.0	£195	8%
Skin Piercing & Dermal Treatments Premises	Premises		£282	5.0	£325	15%
Skin Piercing & Dermal Treatments Joint Application	Joint application		£451	7.5	£488	8%
Pre-application work, hourly rate	Min. 1 hour		£59	1.0	£65	10%
Street Trading Consents						
Street Trading Consent Annual Fee	Annual Fee		£1,378	23.0	£1,495	8%
Street Trading Consent 6 months	6 months		£805	13.0	£845	5%
Street Trading Consent Monthly Rate	Monthly Rate		£228	4.0	£260	14%
Variation fee			£91	1.5	£100	10%
Refund for Street Traders if application withdrawn	If application withdrawn		£116	2.0	£128	10%
Dog Warden Services						
Stray Dog recovered	Fees based on cost recovery. Vets fees separate.		£73	1.25	£80	10%
Stray Dog – kennel charge in addition to recovery charge			£15 per day max £75	£16 per day max £80	£16-£80	7%
Dog fouling fixed penalty charge		Fixed penalty	£75	1.25	£80	7%
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping			£59	1.0	£65	10%

Private Sector Housing						
Inspection of Housing Premises for Immigration purposes			£116	2.0	£130	10%
Enforcement Notices served under Housing Act 2004	On a cost recovery basis		£402	7.0	£455	13%
HMO Licence NEW	Set on a cost recovery basis for the costs of (a) the administration and processing of the application and (b) for the general management and enforcement of the scheme		£1,204	20.0	£1,300	8%
HMO Licence RENEWAL			£805	13.0	£845	5%
Caravan Site Licences						
	Cost recovery for administering and monitoring site licences - a fee fixed by the authority under Caravan Sites and Control of Development Act 1960					
Caravan Site licence new			£440	7.50	£488	11%
New Caravan Site licence per additional pitch			£16	0.25	£16	2%
Caravan Site Licence Transfer			£186	3.00	£195	5%
Caravan Site Annual fee per pitch			£14	0.25	£16	16%
Compliance Notice under Mobile Homes Act 2013			£402	7.00	£455	13%
Deposit, vary or deleting Caravan Site rules			£117	2.00	£130	11%
Variation of Caravan Site licence		Minimum two hours	£59 per hour		£65 per hour	10%
Mobile Homes Regulations 2020						
	The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations")					
Application Fee – Fit and Proper Test	Any application taking more than two hours to process will be charged at an additional hourly rate		£118	2.0	£130	10%
Annual Fee – Fit and Proper Test			£59.00 per hour		£65 per hour	

Private Water Supplies	Maximums set in Schedule 5 Private Water Supplies Regulations 2016 and the Private Water Supplies (England) (Amendment) Regulations 2018					
Risk assessment - Every 5 years. Charged per hour, simple risk assessment and report typically 5 hours			£59 per hour		£65 per hour	10%
Private water and pool samples - Includes cost of testing			£59 per hour		£65 per hour	10%
Investigation - Includes cost of testing Carried out in the event of a test failure - not including any required analysis costs.			£59 per hour		£65 per hour	10%
Granting an authorisation			£59 per hour		£65 per hour	10%
Other fees						
	Hourly rate applies minimum of 2 hours					
Environmental Information Request - Individual, Non-Commercial			£118	2.0	£130 + VAT	10%
Environmental Information Request - Commercial and Government			£118	2.0	£130 + VAT	10%
Civil Actions (Class A – Fee Discretionary)			£118	2.0	£130 + VAT	10%
Safety Certification and administration	Hourly rate applies minimum of 2 hours		£118	2.0	£130 + VAT	10%
Pre-Application Advice, hourly charge			£59	1.0	£65 + VAT	10%
Food Hygiene Rating Scheme rescore			£118	2.0	£130	10%
General Business Advice (NonPrimary Authority)	Hourly rate (first 30 minutes free)		£59	1.0	£65 + VAT	10%
Resident Request for Advice	Hourly rate (first 30 minutes free)		£59	1.0	£65 + VAT	10%

APPENDIX B

Licensing Service Budget 2023/24

	No of staff - full time equivalent	Licensing staff salary budget 2023/24
		£
Total Salary Costs	6.0	286,500
Non-Salary Costs		110,128
Central Recharges		33,675
Total Licensing Expenditure		430,303
Budgeted Licensing Income *		(315,000)
* Assuming 10% increase to discretionary fees		

Note: The reason income does not match expenditure is partly due to statutory fees not having kept pace with cost increases and in some cases have not been increased since 2005.

Salary costs include:

Pay plus 23% for employer's national insurance and pension contributions for:

	Full time equivalent
Licensing Manager	1
Licensing Officer	2
Licensing Processing Officer	1.8
Head of Service	0.2
Legal Services	0.2
System Administrator	0.2
Environmental Health Officers (Environmental Permitting; Caravan Site Licensing; HMO Licensing; Dermal Treatment Registrations)	0.6
Total full time equivalent staff	6.0

Non-salary costs include:

Invoicing and income recovery
IT licences and services
Equipment and stock purchases and maintenance
Printing and postage
Animal inspections – vet fees
Proportion of PPP contract for Trading Standards and Legal Casework in relation to licensable activity

Central Re-charges include:

Corporate services such as democratic services, finance, audit and HR, accommodation and office costs

APPENDIX C

Hourly rate calculation

Hourly Rates	£
Salary costs	43.28
Non-salary costs	16.64
Central Recharges	5.09
Total	65.00

Based on 253 working days per year – 365 minus 104 weekend days and 8 bank holidays. Further deductions are made for annual leave, average sick leave, training days for example at Institute of Licensing, leaving 213 working days x 7.4 = 1,576 work hours per year for the service.

An element of time for each staff member must be allowed for corporate tasks such as health and safety, performance appraisal, stock control, team building, audit, budget monitoring and the like, assumed to average at 30%, meaning that 1,103 hours are available per officer and 6,620 to deliver the service (6 full-time equivalent staff).

The salary cost per hour is the salary budget £286,500 / 6,620 = £43.28

Non-salary cost per hour is £110,128 / 6,620 = £16.64

Central re-charges per hour is £33,675 / 6,620 = £5.09

APPENDIX D

Example of cost calculation

Taxi Driver Licence	Hours
Receipt of application and enter on database	0.5
Check and contact applicant for missing data	0.5
Organise knowledge test	0.5
Supervise knowledge test	0.5
Receive DBS check, scrutinise and enter on database	0.25
Organise Safeguarding Training	0.25
Issue licence and despatch	0.25
Print and create badge	0.25
Total for Processing	3.0
Enquiries from public and customers	0.1
Complaints from public and customers	0.5
Suspensions	0.5
Liaison meetings with TVP and trade	0.05
FOIs and complaints	0.1
Enforcement and compliance	0.25
Total for Compliance	1.5
Total	4.5 @ £65 = £293

Taxi Vehicle Licence	Hours
<i>Based on previous PPP licensing scheme</i>	
Initial enquiry	0.5
Data entry	0.5
Post room liaison and website updates	0.2
DVLA checks	0.2
Plate manufacture and document printing	0.25
Ownership checks of lease company	0.25
Insurance checks	0.25
MOT checks	0.25
Vehicle inspection	0.2
Liaison with approved garages	0.25
Operator licence review	0.25
Wheelchair certification checks with supplier	0.15
Cross referencing with "protected status"	0.25
Total for Processing	3.5
Enquiries from public and customers	0.1
Complaints from public and customers	0.5
Suspensions	0.5
Liaison meetings with TVP and trade	0.05
FOIs and complaints	0.1
District wide compliance	0.25
Total for Compliance	1.5
Total	5 @ £65 = £325

APPENDIX E

Benchmarking: ONS Five most similar local authorities to Wokingham

Amber:	Lowest in the group
Green:	Between the lowest and highest in the group
Red:	Highest in the group

Council	Fees 2022/23				
	Taxi Driver Licence	Home Animal Boarder Licence	Scrap Metal Collector Licence	Dermal Treatment Premises Licence	Caravan Site Licence
Wokingham (current fees 2022/23)	£271	£272	£267	£282	£440
Wokingham (proposed fees 2023/24)	£293	£293	£293	£325	£448
Hart (current fees)	£240	£260	£352	£206	£343
West Berkshire (current fees)	£301	£236	£236	£295	£443
Surrey Heath (current fees)	£249	£150 (+£183 if enforcement)	£226	£164	n/a
South Oxfordshire (current fees)	£336	£433	£431	£250	£380
Chiltern (current fees)	£303	£362	£298	£191	£550

Note: Subject to increases other councils may make from 1/4/2023

TITLE	Licensing of Gambling
FOR CONSIDERATION BY	Licensing and Appeals Committee on 30 January 2023
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

Local authorities are responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act 2005, and taking enforcement action if necessary, and are required to have regard to the Gambling Act's licensing objectives, one of which is protecting children and other people from being harmed or exploited by gambling.

RECOMMENDATION

That the Committee notes the report and **DECIDES** that officers should develop an updated Statement of Policy in relation to gambling regulation, for consideration at a future meeting of this Committee.

SUMMARY OF REPORT

Licensing Authorities are required to develop a policy which is an overarching statement of principles setting out how they will approach gambling regulation.

In doing so it must comply with s349 of the 2005 Act, the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (SI 2006/636) and the Statutory Guidance issued by the Gambling Commission.

It is also recommended by the Local Government Association to:

- undertake an up to date local area profile in relation to gambling related harms
- set out expectations of local gambling operators and risk assessment processes
- undertake compliance visits and use enforcement tools appropriately
- undertake underage sales testing
- encourage local gambling businesses to apply for Gamcare certification for best in class player protection policies and undertake the Gamcare training courses

Background

1. At the meeting of Licensing and Appeals Committee on 19 October 2022, it was decided to discuss the licensing of gambling, with a view to potentially finding ways to protect vulnerable people.
2. The Local Government Association (LGA) has provided a Councillor Handbook which is a comprehensive guide to Licensing Authority functions in respect of gambling. A link is provided at **Appendix A**.
3. The LGA has also produced a guide to Local Authorities on tackling gambling related harm. The guide is a whole Council approach including planning, social services, and public health. A link is provided at **Appendix B**. Attention is drawn to pages 15-20 in that document “How councils’ regulatory tools can help tackle gambling-related harm” which includes the role of the Licensing Authority and the Planning Authority.
4. Research ¹ suggests that gambling premises tend to be more common in deprived areas with 21% of gambling premises nationwide based within the most deprived areas in the country, compared to just 2% in the least deprived areas.

Analysis of Issues

5. Licensing Authorities are:
 - a. required to develop an overarching statement of principles (referred to as the Statement of Policy) setting out how they will approach gambling regulation in their areas
 - b. responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act 2005, and taking enforcement action if necessary
 - c. required to have regard to the Gambling Act’s licensing objectives,
 - i. preventing gambling from being a source of crime or disorder
 - 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
 - d. required to ignore planning issues when determining licensing issues.
6. Wokingham Borough currently has 5 licensed betting premises and 17 premises with one or more licenced gaming machines. By way of context, this is approximately one betting shop per 35,000 population, which puts Wokingham towards the lower end of the national scale where the population ratios range from 4,000 (mostly urban areas and cities) to 65,000 where the area only has one or two betting shops.

¹ The Geography Of Gambling Premises In Britain: University of Bristol / Standard Life Foundation July 2021

Licensing Statement of Policy, local area profile and risk assessments

7. The Gambling Commission and LGA encourage Licensing Authorities to produce a local area profile which should identify different parts of the local area where there may be greater or specific risks of gambling related harm, whether because of:
 - a. people likely to be in that area (for example, where there is a treatment centre or hostel)
 - b. other types of businesses in the area, for example in an area with a vibrant night time economy, or where there are already multiple gambling premises
 - c. characteristics of an area (for example, if there are pre-existing issues with anti-social behaviour or crime).

8. Licensing Authorities can use local knowledge to identify relevant issues and premises but requiring specific licence conditions or refusing an application for a licence will be for the sub-committees to decide on a case by case basis. An Authority cannot introduce a presumption to prevent a licence being granted as it clashes with the statutory presumption to grant under s153, where it states that Authorities are required to “aim to permit” the use of a premises for gambling if it is consistent with the licensing objectives.

9. The Statement of Policy and local area profile are intended to help prevent gambling related harm occurring. They provide an opportunity to set out the local approach to gambling regulation, expectations of gambling operators and specific local circumstances. A consultation process is required to update statements of policy, with those who may have an insight or relevant data on any local risks or issues, including:
 - a. the Police
 - b. organisations working with people who are problem gamblers, such as Gamcare and family support groups
 - c. advocacy organisations, such as the Citizen’s Advice Bureau
 - d. homelessness and housing services
 - e. local public and mental health teams and safeguarding boards
 - f. local businesses

10. Authorities should also use their Statements of Policy to identify what they expect gambling operators to do to uphold the licensing objectives. Gambling businesses are required to undertake risk assessments for each of their premises. Risk assessments are not required to be shared with licensing authorities (unless a business is applying for a new premises licence or to vary an existing one) but authorities can ask to receive copies of them and can require that they are kept on the relevant premises. This is a good way to check that the assessments are locally tailored and owned by premises managers rather than being a tick box exercise undertaken by regional or head office.

Compliance and Enforcement

11. Statements of Policy must set out how authorities will exercise their inspection functions, including inspection activity (and what pre-planned visits will cover), test purchasing operations and dealing with non-compliance. There are a number of issues in relation to harmful gambling which authorities may wish to review during pre-planned or proactive compliance visits:
 - a. details of training policies and training undertaken by staff
 - b. records of refusals to serve or admit
 - c. how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
 - d. involvement or impact of any local schemes, such as Betwatch
 - e. confirming that appropriate signage and information is in place

12. Many councils operate under-age test purchasing through trading standards and licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting or taking part in under-age testing and sharing these results with the Gambling Commission. Licensing authorities may choose to ask for copies of test purchasing results as part of their local risk assessment expectations and use this evidence to help target their own activity in this area.

13. Authorities should have a plan in place for dealing with test purchase failures, for example, requiring a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

<p>Other financial information relevant to the Recommendation/Decision</p> <p>On the assumption that all work undertaken in updating the Statement of Policy in relation to gambling regulation is carried out by existing staff, there will be no financial implications from what is proposed in this report.</p> <p>However, it is worth noting that a detailed local area profile would take time and resources to undertake. Resource allocation needs to take into account priorities for licensing regulation in respect of licensable activities other than gambling, and the number of betting premises in the borough and the risk they present.</p> <p>Should any update to the Statement of Policy result in increased compliance visits and test purchasing that is likely to require additional officer resources. Any such financial impact will form part of the updated and be raised at that point in time.</p>
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<p>Cross-Council Implications (how does this decision impact on other Council services, including properties and priorities?)</p> <p>Gambling related harms to individuals and families may have impact on several Council services, such as Children’s Safeguarding, Public Health, Offender Management, Development Control.</p>

<p>Public Sector Equality Duty</p> <p>Due regard to the Public Sector Equality Duty will be taken in the development of this policy so that it does not have any adverse impact, and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken during the consultation phase.</p>

<p>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></p> <p>There is no identifiable impact on the Council’s carbon neutral objective.</p>
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<p>Reasons for considering the report in Part 2</p> <p>n/a</p>

<p>List of Background Papers</p> <p>Appendix A Gambling regulation: Councillor handbook (England and Wales) Local Government Association</p> <p>Appendix B Tackling gambling related harm a whole council approach (local.gov.uk)</p> <p>Statutory Guidance issued by the Gambling Commission</p> <p>The Geography Of Gambling Premises In Britain: University of Bristol / Standard Life Foundation July 2021</p>

<p>Contact Keiran Hinchliffe</p> <p>Telephone No 07933 172882</p>	<p>Service Place & Growth</p> <p>Email ed.shaylor@wokingham.gov.uk</p>
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TITLE	Review of Statement of Licensing Policy
FOR CONSIDERATION BY	Licensing and Appeals Committee on 30 January 2023
WARD	None Specific
LEAD OFFICER	Director, Place and Growth - Steve Moore

OUTCOME / BENEFITS TO THE COMMUNITY

In creating this policy, the Licensing Authority is seeking to protect the public and where possible to improve the look and feel of Wokingham borough, attracting visitors and making it a stimulating and enjoyable place in which to live, study and work.

The Council is required to consult publicly and publish a Statement of Licensing Policy every five years.

The policy has five main purposes:

- 1) To inform elected members of the Licensing Committee of the powers attributed to them by the Act and to highlight the boundaries within which to make decisions
- 2) To inform applicants of the parameters within which the Licensing Authority will make decisions and how licensed premises are likely to be able to operate within the borough
- 3) To inform residents and businesses of the considerations which the Licensing Authority will take when making licensing decisions
- 4) To inform Responsible Authorities of their powers under the Act to promote the four licensing objectives
- 5) To support decisions made by the Council when these decisions are challenged in a court of law.

RECOMMENDATION

That the Committee **DECIDES** to initiate a public consultation about the revised Statement of Licensing Policy 2023 – 2028.

SUMMARY OF REPORT

The Licensing Act 2003 ('the Act') requires Wokingham Borough Council ('the Authority'), as the Licensing Authority, to publish a 'Statement of Licensing Policy' every five years.

This report introduces a draft revised policy to be published for public consultation. This Policy has not been yet referred for review by Legal Services but will be before the formal consultation process begins.

Following the consultation a further report to evidence the consultation findings later in the year will be referred back to the Licensing and Appeals Committee.

Background

1. There are four main licensable activities under the Act:
 - retail sales of alcohol;
 - the supply of alcohol by or on behalf of a club
 - the provision of regulated entertainment; and
 - the provision of late night refreshment.
2. This policy sets out the process the Council will adopt in dealing with licence applications and will be used as a basis in coming to consistent and transparent decisions in respect of licence applications.
3. A link to the revised Statement of Licensing Policy 2023-2028 is at **Appendix A**.

Analysis of Issues

4. Section 5 of the Licensing Act 2003 requires that all local authorities review their Statement of Licensing Policy every five years. The previous policy is dated September 2018 and therefore this new Policy needs to be published no later than 31st August.
5. In order to determine the review of policy, a licensing authority must consult with:
 - The Chief Officer of Police for the licensing authority's area.
 - The Fire and Rescue Authority
 - The Director of Public Health
 - Such persons as the Licensing Authority consider being representative of holders of premises licences issued by that authority.
 - Such persons as the Licensing Authority considers to be a representative of holders of club premises certificates issued by that authority
 - Such persons as the Licensing Authority considers to be a representative of holders of personal licences issued by that authority
 - Such persons as the Licensing Authority consider being representative of businesses and residents in the area.

Summary of Key Amendments

6. The Council's current policy has been updated to reflect changes in legislation and best practice since it was last reviewed.

Model Conditions

7. The Policy introduces a pool of model licensing conditions, which will provide a level of consistency to the attachment of conditions to a premises licence or club premises certificate. The Model Conditions will assist an applicant to draft their operating schedule - a document that shows what measures the applicant will put in place to address the four licensing objectives; and which can ultimately become conditions on the licence.

8. The Model Conditions will also assist Responsible Authorities when making representations against applications and Members of the Licensing Sub-Committee when deciding what, if any, conditions should be added to a licence if granted.
9. However, it has to be emphasised that these are not standardised conditions and a Licensing Sub-Committee may make any conditions, where deemed appropriate to do so, in order to promote the Licensing Objectives and reflect the circumstances of each case.

Immigration Act 2016

10. The Immigration Act 2016 made a number of amendments to the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made on or after 6 April 2017.
11. The Policy provides guidance on the Immigration Act and how this now applies to Licensing. The Licensing Authority will now work in partnership with the Home Office (Immigration Enforcement) and Thames Valley Police with a view to preventing illegal working in premises licensed for the sale of alcohol and/or late night refreshment.

Pre-Application Advice Service

12. The Licensing Service will provide a cost efficient pre-application service to support business. This service is available at low cost and guides applicants through the licensing process, making suitable use of the model conditions within the revised policy, including template public notices, and template newspaper advert.

Women's safety in the night time economy

13. The policy makes reference to the Ask for Angela campaign and bystander intervention training for licensed premises to support a safer night-time environment for women.
14. Other amendments include:
 - including local ward Councillors in consultations for a new premises licence or full variation applications
 - expanded detail on measures to promote the licensing objectives
 - a section on Child Sexual Exploitation advice
 - promotion of other strategies including a 'Reduce the Strength' strategy; expectations for organisers of White Collar Boxing Events
 - Counter Terrorism Measures

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and 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)	0		
Next Financial Year (Year 2)	0		
Following Financial Year (Year 3)	0		

Other financial information relevant to the Recommendation/Decision

The revised Statement of Licensing Policy is not expected to have any financial implications for the Council beyond the existing budget for the Licensing Service.

Cross-Council Implications

This policy impacts on several Responsible Authorities who come under the umbrella of Wokingham Borough Council. All Responsible Authorities are included in the consultation. The inclusion of model conditions should assist Responsible Authorities in their role considering applications and making representation when necessary.

Public Sector Equality Duty

Due regard to the Public Sector Equality Duty will be taken in the development of this policy so that it does not have any adverse impact, and seeks to promote business alongside the balance of upholding the licensing objectives, best practice, and statutory guidance. An Equalities Impact Assessment will be undertaken during the consultation phase.

Climate Emergency – 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

No impact on the Council's carbon neutral objective has been identified.

Reasons for considering the report in Part 2

n/a

List of Background Papers

Revised Statement of Licensing Policy 2023-2028

[S182 Licensing Act 2003 Guidance](#)

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Licensing & Appeals Committee Decision Tracker

19 October 2022	
Decision	Progress
An IEMD be scheduled to determine the recommendation to	completed
That a report containing more details about the cost of running licensing activities would be brought to the Committee for the January meeting, or earlier if possible	ongoing
That work would be undertaken to complete a comprehensive report on the cost of running licensable activities for next year	ongoing
To add a review of gambling licensing to the forward plan	ongoing

Licensing & Appeals Committee Forward Plan

30 January 2023	
Costs of Licensing Service and Fees and Charges 2023/24	Report for decision
Statement of Licensing Policy 2023-2028	Report for discussion and decision about consultation
Gambling premises – licensing and planning considerations	Report for discussion

20 March 2023	
Statement of Gambling Policy 2023-2028	Report for discussion and decision about consultation
Results of consultation on Taxi Licensing Policy	Report and for decision about implementation
Statement of Licensing Policy 2023-2028	Update about progress of consultation

22 June 2023	
Statement of Licensing Policy 2023-2028	Report about results of consultation and decision about implementation

18 October 2023	
Costs of Licensing Activities and Fees and Charges 2024/25	Annual report about fees and charges
Statement of Gambling Policy 2023-2028	Report for decision about implementation