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NOTICE OF MEETING
LICENSING AND SAFETY COMMITTEE

19 APRIL 2007

TO: ALL MEMBERS OF THE LICENSING AND SAFETY COMMITTEE

You are requested to attend a meeting of the above Committee on **19 April 2007 at 7.30 pm** in the Function Room, Fifth Floor, Easthampstead House, Town Square, Bracknell, to transact the business set out in the attached agenda.

Alison Sanders
Director of Corporate Services

Members of the Licensing and Safety Committee

Councillor Kendall (Chairman)
Councillor Mrs Ryder (Vice-Chairman)

Councillors Adams, Baily, Mrs Barnard, Beadsley, Browne, Brunel-Walker, Finch, Leake, Mihell, Osborne, Piasecki, Sargeant and Thompson

EMERGENCY EVACUATION INSTRUCTIONS

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- 1 Leave the building immediately**
- 2 Follow the green signs**
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THE LICENSING AND SAFETY COMMITTEE
19 April 2007 (7.30 pm)
Function Room, Fifth Floor, Easthampstead House, Town Square, Bracknell.

AGENDA

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1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Members are required to declare any personal or prejudicial interests and the nature of that interest, in respect of any matter to be considered at this meeting.	
3. MINUTES AND MATTERS ARISING	1 - 6
To approve as a correct record the minutes of the meeting held on 1 February 2007.	
4. URGENT ITEMS OF BUSINESS	
Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5. GAMING IN LICENSED PREMISES	7 - 10
(Director of Environment and Leisure)	
6. ROAD SAFETY ACT 2006	11 - 12
(Director of Environment and Leisure)	
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(Director of Environment and Leisure)	
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(Director of Environment and Leisure)	
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(Director of Environment and Leisure)	

Agenda Item 3

LICENSING AND SAFETY COMMITTEE Thursday, 1 February 2007 (7.30pm-9.15pm)

Present: Councillors Kendall (Chairman), Mrs Ryder (Vice-Chairman), Adams, Baily, Mrs Barnard, Beadsley, Browne, Finch, Leake, Osborne, Piasecki and Thompson

21. APOLOGIES FOR ABSENCE (ITEM 1)

Apologies for absence were received from Councillor Mihell.

22. DECLARATIONS OF INTEREST (ITEM 2)

There were no declarations of interest.

23. MINUTES (ITEM 3)

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee held on 5 October 2006 be approved as a correct record and signed by the Chairman.

24. URGENT ITEMS OF BUSINESS (ITEM 4)

There were no urgent items of business.

25. COMPETENCY OF TAXI AND PRIVATE HIRE VEHICLE DRIVERS (ITEM 6)

The Committee received a presentation on Hackney Carriage & Private Hire practical driving tests from Terry Denton, a Senior Driving Examiner and the Manager of Taxi Testing with the Driving Standards Agency (DSA), which outlined the benefits to drivers, eg official certification, and the Council. Points highlighted during the presentation included:

- The DSA was an Executive Agency of the Department of Transport with its headquarters in Nottingham, and regional centres in Cardiff and Newcastle. They also had 430 Driving Test Centres and 140 Theory Test Centres in England and Wales;
- They administered over 1.5 million Theory Tests a year and also administered the Register of Approved Driving Instructors (ADI) and the Register of Large Goods Vehicle (LGV) Instructors. This latter register was currently voluntary, but the DSA were working to bring it in line with the ADI register, which currently contained over 30k people;
- The DSA first introduced a practical driving test for Hackney Carriage and Private Hire in 1999 after complaints to Leeds City Council about the standard of taxi drivers in the city. They now conducted tests on behalf of 82 Licensing Authorities on a national basis, and this number was increasing rapidly. Leeds City Council were currently their biggest customer, followed by the Public Carriage Office (PCO) in London;
- This scheme would help address some of the concerns expressed about the quality of driving by some licensed drivers;
- Separate certificates were issued for the driving and wheelchair elements of the test. A full debrief and training advice was given to drivers who failed either part of the test. A driver taking the taxi test would fail if they had 10 or more traffic violations. For a normal driving test, a driver would only fail after making 16 or more traffic violations;

- The DSA had a Standards and Quality monitoring system, and their examiners were tested twelve times a year. They also operated a complaints procedure and provided statistical information;
- The DSA operated the Test Booking System. Applicants could book online, by telephone or by post. Most people booked their test by telephone;
- Licensing Authorities could decide on their own rules and what to add on to the basic requirement of a DSA certificate. This could include whether or not to allow drivers from other areas who held certificates to operate in Bracknell Forest and requiring a driver who went before an appeal to take the DSA test;
- The national pass rate for the practical driving test for Hackney Carriage and Private Hire was 48%. Locally, the pass rate was 36%;
- The nearest taxi testing centres to Bracknell Forest were Slough, Reading and Farnborough.

The Chairman thanked Terry Denton for his most informative and interesting presentation.

The Committee then considered the report from the Director of Environment and Leisure regarding the Best Practice Guidance recently released by the Department for Transport to assist taxi and private hire vehicle licensing authorities in England and Wales and the proposed new procedures to ensure the competency of licensed taxi and private hire vehicle drivers in Bracknell Forest.

The Committee was advised that the background to recommendation 2.1 a) was covered in paragraph 4.3 of the report, while recommendations 2.1 b) and 2.1 c) covered drivers who did not hold a UK driving licence or passport. The 12 months minimum time that a driver needed to have held a full driving licence was in line with EU guidance.

The Committee noted the legal advice that implementing the proposed changes would not be discriminatory to new applicants, but could be construed as discriminatory if they were applied to existing licence holders.

RESOLVED that the existing conditions for taxi and private hire drivers be amended as follows:

- i) the minimum age condition for taxi and private hire drivers be removed; and
- ii) persons who had held full driving licences issued by any EU or EEA state for at least 12 months should be entitled to apply for a taxi or private hire vehicle driver's licence; and
- iii) all applicants who did not hold a UK passport and had not been resident in the UK for the last 5 years be required to obtain a certificate of good conduct or equivalent from the relevant embassy or High Commission; and
- iv) all new applicants for driver licences must take and pass the Driving Standards Agency practical test specifically designed for either:
 - a) Hackney Carriage drivers, to include loading and unloading of wheelchair users or
 - b) Private Hire drivers
 from 1 April 2007; and
- v) the medical standard required for insulin-treated diabetic drivers be amended to match the DVLA Group 2 standard for drivers of category C1 vehicles.

26. HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2007-08 (ITEM 5)

The Committee considered a report from the Assistant Director of Environment and Leisure, which would provide Members with the opportunity to comment on the draft Plan prior to receiving the final version at a future meeting.

During discussion, the following points relating to the Plan were noted by the Committee:

- Inspections of businesses usually took place unannounced. However, planned meetings were made when the Council had worked with businesses on specific projects;
- All workforce accidents were reported to an accident reporting centre in Wales, which were then picked up by the Council on a daily basis;
- The 'watch your step' message was reinforced by visits and newsletters;
- Every restaurant in Bracknell Forest would be visited, with food hygiene as well as Health and Safety aspects being looked at. Mail shots and newsletters were also used to keep in contact with businesses;
- The highest risk builders merchants would be selected from Category A businesses on the national list.

The Chairman commented that it had been helpful to receive the Plan in this format, which helped the Committee to check on progress made.

RESOLVED that the Committee

- i) noted the timescales for the production of the final Health and Safety Law Enforcement Plan 2007-2008; and
- ii) the contents of the draft Enforcement Plan at Appendix A of the report be noted.

27. NEIGHBOUR NOTIFICATION (ITEM 7)

The Committee considered a report from the Director of Environment and Leisure that advised of a new initiative in relation to the introduction and implementation of a 'Neighbour Notification' procedure for applications for premises licences under the Licensing Act 2003 and the Gambling Act 2005.

The Committee was advised that the Council wanted to do a bit more than the statutory minimum without overloading officers, and officers were confident that what was being proposed could be delivered. There would be a two stage process, a desktop review followed by a site visit. The procedure aimed to limit notification to those who would be most affected, although there would need to be an element of discretion. The Council had to be careful that the status of those being consulted was not unduly promoted.

During discussion, amendment, or the complete removal, of the first sentence of the Guidance - Neighbour Notification procedure was raised, as it could be considered to be too subjective and open to interpretation and debate. These suggested amendments were not supported by the Committee.

RESOLVED that

- (i) the Committee considered and commented on the Neighbour Notification procedure attached to the report; and
- (ii) the officers would provide a briefing to the Committee at its meeting in October 2007 in relation to the experience gained.

28. REVIEW OF FEES AND CHARGES 2007-2008 (ITEM 8)

The Committee considered a report from the Director of Environment and Leisure, which set out the current fees and charges and the proposed fees and charges from 1 April 2007.

The Committee was advised that, in order to meet the timescales, any objections received would need to be reported to the Chairman and Vice Chairman of the Committee for them to consider and approve prior to making a recommendation to the Executive.

The Committee was advised of one small amendment in Section B of Annex A to the report which would align proposed copying charges with other charges in the Department. The proposed 'Subsequent copies per sheet' should be 20p.

RESOLVED that

- (i) the Committee recommended to the Executive the revised charges detailed in Appendix A of the report, subject to the amendment noted above, for implementation from 1 April 2007; and
- (ii) the proposed changes in operator and vehicle licence fees were:
 - (a) advertised; and
 - (b) any objections be reported to the Chairman and Vice Chairman of the Committee for consideration and approval prior to recommendation to the Executive.

29. STRETCHED LIMOUSINES (ITEM 9)

The Committee considered a report from the Director of Environment and Leisure, which asked the Committee to consider and decide if other quality and safety schemes could be adopted as additional alternatives to the single vehicle approval (SVA) or low volume vehicle approval (LVVA) system presently in place for such vehicles.

The Committee was advised that certain limousine operators would like to obtain licences for their vehicles, but the current rules would not allow this, and this report would remedy this. Such vehicles would still need their normal MOT and have their Taxi Inspection undertaken by the Council.

RESOLVED that a vehicle modified and issued with a certificate under either the

- (i) Lincoln Qualified Vehicle Modifier Scheme; or
- (ii) Cadillac Master Coachbuilder Scheme

would be acceptable for presentation and licensing as a Private Hire vehicle.

30. REVIEW OF LICENSING POLICY (ITEM 10)

The Committee considered a report from the Director of Environment and Leisure, which advised the Committee of the proposed timetable which would enable the implementation of the legal requirement to review the present Licensing Policy and re-publish it on or before 6 January 2008.

The Committee was advised of the requirement under the Licensing Act 2003 for the Council to review and consult on its Licensing Policy at least once every three years to allow for comment and debate.

RESOLVED that the proposed timetable for the review of the Licensing Policy be noted.

31. TAXI AND PRIVATE HIRE VEHICLE LICENSING – BEST PRACTICE GUIDANCE (ITEM 11)

A report was submitted for information which updated the Committee on the recently released Best Practice Guidance to assist taxi and private hire vehicle licensing authorities in England and Wales. The Committee noted the report.

32. GAMBLING ACT 2005 – PRESENT POSITION (ITEM 12)

A report was submitted for information which updated the Committee on the recently released guidance in respect of the transitional arrangements put in place for the implementation of the Gambling Act 2005. The Committee noted the report.

33. ANIMAL WELFARE ACT 2006 (ITEM 13)

A report was submitted for information which updated the Committee on the Animal Welfare Act 2006. The Committee noted the report.

CHAIRMAN

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LICENSING AND SAFETY COMMITTEE 19 APRIL 2007

GAMING IN LICENSED PREMISES (Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 Equal chance gaming, such as bingo and poker, which is played in licensed premises for “money or money’s worth” is unlawful gaming unless the licensing authority has granted a permit for the premises under Section 6 of the Gaming Act 1968. When the Licensing Act 2003 came into force in November 2005, this transferred the authority for Section 6 permits from the Magistrates’ Court to the Council.
- 1.2 The Licensing Section has not yet issued any Section 6 permits but has recently received two enquiries in respect of obtaining such permits. Guidance that the Licensing Section intends to use in respect of applications for Section 6 permits is attached to this report.
- 1.3 The proposal to introduce Section 6 permits is in effect a ‘stop-gap’ to ensure that any equal chance gaming taking place at licensed premises is properly authorised. Any section 6 permits issued will have an expiry date of 31 August 2007, as the legislation in respect of gaming at licensed premises will change when the Gambling Act 2005 comes into force on 1 September 2007.
- 1.4 Under the Gambling Act 2005, equal chance gaming will be permitted in premises with alcohol licences without requiring any specific permission, but it will also be subject to statutory limits on stakes and prizes, prohibitions on any levy or deductions from stakes and prizes and prohibitions on a charge to play. Draft regulations have been published which aim to ensure that such gaming remains low stake and incidental to other activities.

2 RECOMMENDATION(S)

- 2.1 **That the Committee agrees that the Head of Trading Standards and Services be delegated authority to determine applications for Section 6 permits and approve the “Guidance on Section 6 Permits” document attached to this report.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 The costs will be met within existing budgetary provisions.

Impact Assessment

3.3 Not applicable.

Strategic Risk Management Issues

3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

4.1 Only dominoes and cribbage may be played at licensed premises for money or money's worth without a Section 6 permit being granted.

4.2 If poker is played without money or prizes then it is not classed as gaming. However, in the case of a 'poker league' where 'points' can be won, the points cannot be exchanged for a prize, as this would amount to money's worth.

4.3 Under section 40 of the Gaming Act 1968, poker can be carried out as one of the activities of a private members' club, with certain conditions and limitations.

4.4 Restrictions are required in respect of the playing of poker to protect the players and games from unfair or criminal exploitation. Poker is an 'escalating' game, and players may be drawn into risking larger and larger amounts without appreciating the odds of losing.

Background Papers

Guidance on Section 6 Permits

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc Ref

Secs\cttes\other\licensing & safety\2007\apr\gaming in licensed premises

GUIDANCE ON SECTION 6 PERMITS

Licensed premises wishing to host the playing of any card game that involves cumulative staking into a "pot" or "kitty" must apply to their licensing authority for a permit under section 6 (3) of the Gaming Act 1968, specifying those games they intend to play.

The premises must be licensed under the Licensing Act 2003 to sell alcohol.

No banker's games may be played (e.g. pontoon, blackjack, roulette), no charges may be made in respect of the gaming, and no levy may be made on stakes or winnings.

Any permitted gaming shall not be for high stakes and shall not constitute an inducement to persons to resort to the premises primarily for the purpose of gaming. As an example, stakes should be limited so that a successful player is able to win on a game an amount comparable to the price of a round of drinks.

Applicants will be required to show, in respect of each premises and in respect of each game, that there is a substantial demand on the part of existing patrons for that game to be permitted on the premises. This is to prevent authorisation for gambling being sought primarily as a means of inducing people to resort to the premises.

Applicants must demonstrate the measures that they intend to take to control the gaming on the premises. (e.g. how they will prevent illegal side betting by spectators?) (The licensee is legally liable in circumstances where their customers break the law, such as players settling up for cash after the game).

A copy of the rules under which any such gaming will be played on the premises must be provided to the Licensing Authority and the Police.

Where evidence of need/control is considered insufficient, the permit will be refused.

The licensing authority will take into account any representations made by the police in deciding any conditions to apply and before making a final decision to grant the permit.

The application will be referred to the Head of Trading Standard and Services for decision, and there will be a right of appeal against refusal to the Licensing Appeals and Representations Panel.

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LICENSING AND SAFETY COMMITTEE 19 APRIL 2007

ROAD SAFETY ACT 2006 (Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 The Road Safety Act 2006 (the Act) contains two important changes to taxi and private hire legislation, which are aimed at addressing significant risks to public safety.
- 1.2 At present, a hackney carriage or private hire driver can continue to work as a licensed driver whilst appealing to the Magistrates' Court against a decision by the licensing authority to suspend or revoke their driver's licence.
- 1.3 Section 52 of the Act gives licensing authorities the power to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action. This would mean that the suspension or revocation has immediate effect from the time the notice is given to the driver. In this case, the driver would not have the right to continue working as a licensed driver whilst appealing to the Magistrates' Court.
- 1.4 If immediate suspension or revocation is not considered necessary, the suspension or revocation of a taxi or private hire driver licence will take effect at the end of the period of 21 days beginning with the day on which the notice is given to the driver. In this case, the driver would have the right to continue working as a licensed driver whilst appealing to the Magistrates' Court.
- 1.5 Section 52 was commenced on 16 March 2007.
- 1.6 Secondly, vehicles are currently exempt from the requirement to be licensed as private hire vehicles if they are only used for contracts lasting not less than seven days. This is commonly known as "the contract exemption". Neither the driver of the vehicle, the vehicle itself, nor the operator are required to be licensed.
- 1.7 Section 53 of the Act repeals this exemption from the requirement to be licensed, except in respect of vehicles used for weddings and funerals. This section of the Act will be commenced in January 2008, to allow an appropriate period for currently unlicensed drivers, vehicles and operators to obtain the relevant licences.

2 RECOMMENDATION

2.1 That the Committee note

- (i) **the amendments to legislation brought about as a result of the Road Safety Act 2006, and**
- (ii) **the commencement date of 16 March 2007 in respect of section 52 (immediate driver suspension) and of January 2008 in respect of section 53 (repeal of the contract exemption).**

- 2.2 That the proposal to encourage providers of transport currently operating within the contract exemption to become licensed before the end of December 2007 is approved and commenced from 1 June 2007.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 It is unlikely that there will be significant additional income generated.

Impact Assessment

- 3.3 Not applicable.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 None.

Background Papers

Road Safety Act 2006

Changes to Taxi and Private Hire Legislation - letter from Department for Transport 1 March 2007

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517

laura.driscoll@bracknell-forest.gov.uk

Doc. Ref

LICENSING AND SAFETY COMMITTEE 19 APRIL 2007

GUIDANCE NOTES AND CONDITIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE OWNERS, OPERATORS AND DRIVERS (Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 The Council has issued guidance notes on an annual basis to owners, drivers and operators of hackney carriages and private hire vehicles. These notes are intended to set out the legal requirements, licence conditions and give guidance to the trade on issues associated with the licensed activity.
- 1.2 The guidance notes are updated annually to reflect changes in law, Council policy and to clarify matters where there has been confusion.

2 RECOMMENDATIONS

2.1 That the Committee:

- i) notes the changes made to the Guidance Notes and
- ii) provides comment on the proposed changes to the Licensing Team Leader by 27 April 2007 and
- iii) agrees that the Guidance Notes are issued following consultation with and agreement of the Chair of the Licensing and Safety Committee.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no financial implications within this report.

Impact Assessment

- 3.3 Not applicable.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 Attached to this report as Annex A are the proposed re-drafted guidance notes. Attached as Annex B are the guidance notes issued in 2006.
- 4.2 In addition to giving guidance to members of the trade, it is intended that the booklet will form a reference document for members who may find themselves sitting on a Licensing and Representations Panel for a Taxi Licensing matter.
- 4.3 It is planned that the new guidance will be published by 1 May 2007 and should members have any comments on content or layout, officers would ask that they contact Laura Driscoll prior to 27 April 2007 so those comments can be considered and, where appropriate, included.

Background Papers

Guidance Notes and Conditions for Hackney Carriage and Private Hire Owners, Operators, and Drivers – April 2006

Committee papers:

- Hackney Carriage Tariff, 6.7.06
- Age of Licensed Drivers, 5.10.06
- Competency of Taxi & Private Hire Drivers, 1.2.07
- Stretched Limousines, 1.2.07
- Taxi Best Practice Guidance, 1.2.07

Contact for further information

Robert Sexton - 01344 352580

E-mail: robert.sexton@bracknell-forest.gov.uk

Doc Ref

Cttes:other\licensing & safety\2007\april\guidance notes and conditions for hackney carriage and private hire owners, operators and drivers\10.4.07

LICENSING AND SAFETY COMMITTEE 19 APRIL 2007

CONSULTATION ON LICENSING ACT POLICY (Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 At its meeting on 1 February the Committee received a report on the need to review the Licensing Policy. It was agreed at this meeting that the Committee would receive a report on the proposals for the consultation which is due to be released for public consultation by 14 June 2007.

2 RECOMMENDATIONS

- 2.1 That the Committee notes the proposed timetable and
- 2.2 Considers and agrees the areas within which to focus the questioning as proposed in paragraph 4.4.

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 Financial implications in relation to the consultation exercise will be dealt within in existing budgets.

Impact Assessment

- 3.3 Not applicable.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 When carrying out a consultation, the "Code of Practice on Consultation" issued by the Better Regulation Executive, published in 2005, must be taken into account. Primary matters raised within this document are:

- (1) "Consult widely allowing a minimum of 12 weeks for written consultation."
- (2) Be clear about your proposals, what questions are being asked and the timescale for responses."

- (3) "Give feedback regarding the responses received and how the consultation process influenced the policy."

Failure to consult widely could result in a legal challenge to the Policy.

- 4.2 The consultation process will include those persons and bodies as listed at Annex A. This includes all the persons consulted for the original policy. The public consultation process starts on 14 June 2007 and ends on 6 September 2007, a period of 12 weeks.
- 4.3 Prior to public consultation, there will be internal consultation with responsible authorities and members. It is intended that this consultation will commence prior to 1 May.
- 4.4 Questions will be focused to establish:
 - (1) What matters within the Policy have worked well?
 - (2) What matters have not worked well, why and what changes could be made?
 - (3) What areas have not been covered and if so are measures required?
- 4.5 The responses received will be summarised, with the actions to be taken noted and this document will be published on the Council's website, at the conclusion of the consultation.
- 4.6 The revised policy will come back to this Committee at its 4 October meeting and Full Council on 18 November for final ratification.

Background Papers

Code of Practice on Consultation – Better Regulation Executive
Licensing Act 2003

Contact for further information

Robert Sexton - 01344 352580

E-mail: robert.sexton@bracknell-forest.gov.uk

Doc Ref

Cttes:other\licensing & safety\2007\april\consultation of licensing act policy\5.4.07

LIST OF CONSULTEES

- Bracknell Forest Borough Council Access and Mobility Officer
- Schools in Bracknell Forest
- Amateur Drama Groups in Bracknell Forest
- Arts Development Officer
- Association of Convenience Stores
- Bracknell Forest Creative Partnership (Cultural Strategy)
- British Institute of Innkeeping, British Beer and Pub Association, Association of Licensed Multiple Retailers, Bar Entertainment and Dance Association, National Association of Licensed House Managers and Guild of Master Victuallers
- British Transport Police
- Churches Together
- Community Safety Management Group
- Crime and Disorder Reduction Partnership:
 - Drug and Alcohol Action Team
 - Youth Offending Team
 - Community Drug Worker - BFBC
- Education Department
- Environment Department
- Equity
- Federation of Community Associations
- First in Berkshire (Bus Company)
- GOSE
- Health and Safety Care Partnership Board
- Holders of the various licences for premises in the Borough who will be affected by this Policy
- Late-night refreshments and take-aways
- Leisure Services Department
- Local businesses and representatives, including the Chamber of Commerce, Bracknell Retailers Forum, Bracknell Regeneration Partnership, Federation of Small Businesses, Voluntary Sector, Crowthorne Traders Association
- Local residents, representatives and Federation of Community Associations
- Members of Bracknell Forest Borough Council
- MP and MEP
- National Association of Local Government Arts Officers
- Other Local Authorities, e.g. Slough Borough Council, Royal Borough of Windsor and Maidenhead, Reading Borough Council, Wokingham District Council, West Berkshire Council, Surrey Heath Council, and Hart District Council
- Parish and Town Councils
- Primary Care Trust
- Racial Equality Council (Bracknell Forest)
- Race Equality Forum (BFBC)
- Royal Berkshire Fire and Rescue Authority
- Safety Advisory Group
- Senior Citizens Forum
- Social Clubs of large organisations
- Social Services & Housing
- Supermarkets, small stores and off-licences
- Thames Valley Police
- The Chairman of the Licensing Committee of East Berkshire Magistrates Court
- Victim Support
- Youth Forum

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LICENSING AND SAFETY COMMITTEE 19 APRIL 2007

GAMBLING ACT 2005 – FEES AND CHARGES (Director of Environment and Leisure)

1 PURPOSE OF DECISION

- 1.1 Regulations which make provision for the fees payable to licensing authorities in relation to premises licences issued under the Gambling Act 2005 (“the Act”) were issued in early March 2007.
- 1.2 Section 212 of the Act allows licensing authorities to set fees in respect of applications for premises licences, subject to maximum fees as specified in the regulations.
- 1.3 The regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences (e.g. grant, variation), and for different classes of premises licence (e.g. bingo hall, betting shop).
- 1.4 The setting of fees can be delegated by the Council either to the Licensing Committee or to officers. There is no Licensing Committee scheduled between the Council meeting on 25 April and 21 May, being the date on which the Licensing Section must be in a position to start to accept applications. Therefore, it is proposed that the authority to determine fees in respect of premises licences issued under the Act is delegated to officers in agreement with the Chair of the Licensing and Safety Committee.
- 1.5 A table (attached as Annex A) showing the proposed fees is attached to this report for information. The proposed fees (in grey columns in italics) have been set at 75% of the maximum as specified in the regulations.

2 RECOMMENDATION(S)

- 2.1 **That the Licensing and Safety Committee remit this matter to Council with the recommendation that**
 - (i) **authority to set fees for 2007/2008 is delegated to officers in agreement with the Chair of the Licensing and Safety Committee.**
 - (ii) **fees for subsequent years are delegated to the Licensing and Safety Committee.**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are contained within the report.

Borough Treasurer

- 3.2 It is unlikely that there will be significant additional income generated.

Impact Assessment

- 3.3 Not applicable.

Strategic Risk Management Issues

- 3.4 There are no issues to consider.

4 SUPPORTING INFORMATION

- 4.1 Under section 212 (d) of the Act, licensing authorities must aim to ensure that the income from the fees as near as possible equates to the cost of providing the service to which the fee relates. Fees for premises licences issued under the Act must be based upon cost recovery only, not to raise revenue. Licensing authorities will be required to review their fee levels on an annual basis to ensure this.
- 4.2 LACORS and DCMS have stressed that any licensing authorities that set the fees at the maximum are likely to be audited to ensure that the fees are appropriate.
- 4.3 Fees will be reviewed annually by this Committee and evidence of the costs incurred during the process will be presented to the Committee by officers during the fee setting process.
- 4.4 Fees for permits issued under the Act will be determined by the Secretary of State.

Background Papers

Gambling Act 2005

Proposed table of fees for premises licences issued under Gambling Act 2005 (Annex A)
Gambling (Premises Licence Fees) (England and Wales) Regulations 2007

Contact for further information

Laura Driscoll, Licensing Section, 01344 352517
laura.driscoll@bracknell-forest.gov.uk

Doc Ref

Secs\cttes\other\licensing & safety\2007\apr\Gambling Act 2005 Fees

ANNEX A

Premises Type	Transitional Fast Track Application	<i>PROPOSED</i>	Transitional Non-Fast Track Application	<i>PROPOSED</i>	New Application	<i>PROPOSED</i>
Regional Casino	N/A	<i>N/A</i>	N/A	<i>N/A</i>	15000	<i>11250</i>
Large Casino	N/A	<i>N/A</i>	N/A	<i>N/A</i>	10000	<i>7500</i>
Small Casino	N/A	<i>N/A</i>	N/A	<i>N/A</i>	8000	<i>6000</i>
Existing Casino	300	<i>225</i>	2000	<i>1500</i>	N/A	<i>N/A</i>
Bingo Club	300	<i>225</i>	1750	<i>1313</i>	3500	<i>2625</i>
Adult gaming centre	300	<i>225</i>	1000	<i>750</i>	2000	<i>1500</i>
Betting (track)	300	<i>225</i>	1250	<i>938</i>	2500	<i>1875</i>
Family entertainment centre	300	<i>225</i>	1000	<i>750</i>	2000	<i>1500</i>
Betting (other)	300	<i>225</i>	1500	<i>1125</i>	3000	<i>2250</i>

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Premises Type	Variation	<i>PROPOSED</i>	Transfer	<i>PROPOSED</i>	Reinstatement	<i>PROPOSED</i>
Regional Casino	7500	<i>5625</i>	6500	<i>4875</i>	6500	<i>4875</i>
Large Casino	5000	<i>3750</i>	2150	<i>1613</i>	2150	<i>1613</i>
Small Casino	4000	<i>3000</i>	1800	<i>1350</i>	1800	<i>1350</i>
Existing Casino	2000	<i>1500</i>	1350	<i>1013</i>	1350	<i>1013</i>
Bingo Club	1750	<i>1313</i>	1200	<i>900</i>	1200	<i>900</i>
Adult gaming centre	1000	<i>750</i>	1200	<i>900</i>	1200	<i>900</i>
Betting (track)	1250	<i>938</i>	950	<i>713</i>	950	<i>713</i>
Family entertainment centre	1000	<i>750</i>	950	<i>713</i>	950	<i>713</i>
Betting (other)	1500	<i>1125</i>	1200	<i>900</i>	1200	<i>900</i>

Premises Type	Application with prov. statement	PROPOSED	Copy licence	PROPOSED	Notification of change	PROPOSED
Regional Casino	8000	6000	25	19	50	38
Large Casino	5000	3750	25	19	50	38
Small Casino	3000	2250	25	19	50	38
Existing Casino	N/A	N/A	25	19	50	38
Bingo Club	1200	900	25	19	50	38
Adult gaming centre	1200	900	25	19	50	38
Betting (track)	950	713	25	19	50	38
Family entertainment centre	950	713	25	19	50	38
Betting (other)	1200	900	25	19	50	38

Premises Type	Annual Fee	PROPOSED	Provisional statement	PROPOSED
Regional Casino	15000	11250	15000	11250
Large Casino	10000	7500	10000	7500
Small Casino	5000	3750	8000	6000
Existing Casino	3000	2250	N/A	N/A
Bingo Club	1000	750	3500	2625
Adult gaming centre	1000	750	2000	1500
Betting (track)	1000	750	2500	1875
Family entertainment centre	750	563	2000	1500
Betting (other)	600	450	3000	2250