



NOTICE OF MEETING

Council

Wednesday 16 January 2019, 7.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD

To: The Council

Councillor Finch (Mayor), Councillor Mrs McKenzie (Deputy Mayor),
Councillors Allen, Mrs Angell, Angell, Ashman, Dr Barnard, Bettison OBE, D Birch,
Mrs Birch, G Birch, Brossard, Brunel-Walker, Dudley, Finnie, Ms Gaw, Mrs Hamilton,
Harrison, Mrs Hayes MBE, Ms Hayes, Heydon, Dr Hill, Mrs Ingham, Kennedy, Leake,
McCracken, Mrs McCracken, Mrs McKenzie-Boyle, McLean, Mrs Mattick, Ms Merry, Peacey,
Phillips, Porter, Skinner, Mrs Temperton, Thompson, Tullett, Turrell, Virgo, Wade and
Worrall

TIMOTHY WHEADON
Chief Executive

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If you require further information, please contact: Lizzie Rich
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Published: 8 January 2019



Council

Wednesday 16 January 2019, 7.30 pm

Council Chamber - Time Square, Market Street, Bracknell, RG12 1JD

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

Page No

The meeting will be opened with prayers by the Mayor's Chaplain

1. **Apologies for Absence**

2. **Minutes of Previous Meeting**

To approve as a correct record the minutes of the meeting of the Council held on 28 November 2018.

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3. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

4. **Mayor's Announcements**

5. **Executive Report**

To receive the Leader's report on the work of the Executive since the Council meeting held on 28 November 2018.

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Council is asked to resolve a recommendation in respect of:

- **Endorsing the revised Statement of Gambling Principles**

6. **Questions Submitted Under Council Procedure Rule 10**

By Councillor Mrs Temperton to Councillor Mrs Hayes MBE, Executive Member for the Environment:

New government plans to cut down on landfill waste proposed by the Environment Secretary, Michael Gove, include a commitment to weekly food waste collections from every home. Many Councils already do this.

When will Bracknell Forest have such a collection and how will it be funded? There is no funding for such included in the proposed 2019/20 budget.

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COUNCIL
28 NOVEMBER 2018
7.30 - 8.17 PM



Present:

The Mayor (Councillor Alvin Finch), Councillors Mrs McKenzie (Deputy Mayor), Allen, Mrs Angell, Angell, Ashman, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, G Birch, Brossard, Brunel-Walker, Ms Gaw, Mrs Hamilton, Mrs Hayes MBE, Ms Hayes, Heydon, Dr Hill, Mrs Ingham, Kennedy, Leake, Mrs McKenzie-Boyle, Mrs Mattick, Ms Merry, Peacey, Porter, Mrs Temperton, Thompson, Tullett, Turrell, Wade and Worrall

Apologies for absence were received from:

Councillors Dudley, Finnie, Harrison, McCracken, Mrs McCracken, McLean, Phillips, Skinner and Virgo

23. Minutes of Previous Meeting

RESOLVED that the minutes of the Council meeting held on 12 September 2018 be approved and signed by the Mayor as a correct record.

24. Declarations of Interest

There were no declarations of interest.

25. Mayor's Announcements

Social Care Digital Innovation Programme

Councillor D Birch, Executive Member for Adult Services, Health and Housing, announced that Bracknell Forest Council had been awarded £50,000 by the Social Care Digital Innovation Programme to pilot the provision of six information kiosks in the community. The kiosks were aimed at tackling community isolation by providing easily accessible information to vulnerable people or their neighbours about what services or groups were available in the area, similar to the search function on the 'Help Yourself' website. It was also reported Bracknell Forest's achievements in this area were acclaimed at the National Children and Adult Services Conference recently. It was noted Winkfield Parish Council had registered for a pilot kiosk in their community.

Labour Force Survey

Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration, was pleased to announce Bracknell Forest Council had been rated top out of 152 local authorities in England across all economic indicators in the 2018 Labour Force Survey. 84.5% of working age people (aged 16-64) were in employment in Bracknell Forest, a rise from 82.2% last year.

Lapland UK

Councillor Mrs Hayes MBE, Executive Member for Environment, informed members that Lapland UK had proved a success since a planning application was granted temporarily in 2013. Full planning permission had been granted two years later and

just over 20,000 attended in the first year. Approximately 70,000 people are expected to visit the attraction this year, bringing benefits to the Borough.

Roundabout poppies

All of the Borough's roundabout poppies had been collected back in and none had been stolen this year. The arrangements for future years display were still under discussion.

Highway Network Grant

Councillor Turrell, Executive Member for Planning and Transport shared news that Bracknell Forest Council had received a grant of £754,000 from the Chancellor of the Exchequer. The funding would be used to mitigate against the impact of winter weather conditions and ensure standards of the highway network were maintained.

Bracknell Town Neighbourhood Plan

Councillor Turrell, Executive Member for Planning and Transport reported that the Bracknell Town Neighbourhood Plan had moved to Regulation 16 local consultation stage. Councillor Turrell recognised the large amount of work undertaken by the Steering Group as it was the largest plan in Borough.

Healthy Schools Fund

Councillor Dr Barnard, Executive Member for Children, Young People and Learning, announced that Bracknell Forest Council had received £143,494 from the Department of Education's Healthy Schools initiative. Successful bids included £109,577 to Kennel Lane School to refurbish the swimming pool; £18,785 to Sandhurst School to provide outdoor gym equipment; £6,783 to Winkfield St Mary's Primary School for fixed accessible games activities; £6,262 to Birch Hill Primary School for a nurture summer house and £2,087 to Holly Spring Nursery & Infant School for the installation of water fountains.

Mayor's Update

- The Mayor reported he was delighted to be involved in welcoming Her Majesty the Queen to The Lexicon last month and his highlight had been exchanging words with the Queen.
- The Mayor informed members that his Civic Service had been a great success and thanked Reverend Jim Barlow from Bracknell Team Ministry for a wonderful service.
- The Mayor thanked all those who attended the Curry Lunch hosted by Mencap. The event raised £1000 for the charity.
- The Mayor encouraged Members to sign up for his Charity Collecting Days on Tuesday 11 December in Sandhurst and Saturday 15 December in the Town Centre. Members were encouraged to contact the Mayor's Office to arrange to help.

26. **Executive Report**

Councillor Bettison OBE, Leader of the Council, presented his report on the work of the Executive since that reported at the Council meeting on 12 September 2018. The Executive had met three times on 25 September, 16 October and 13 November.

The Leader highlighted the following matters which had been considered by the Executive:

Transformation and Finance

- The Business Rate Pilot had delivered £40m additional funding across Berkshire last year, of which Bracknell Forest had received £6m through the Thames Valley

Berkshire Local Enterprise Partnership. The Berkshire authorities had bid to be a pilot for the forthcoming year. However, the government had suggested it was unlikely to award this to authorities who had been part of a previous pilot.

- The sale of Unit A Waterside Park had been agreed.
- The Executive agreed the Bracknell Forest Lottery last January. The Overview & Scrutiny Commission had requested clarification on the details and this had now concluded. Players in the lottery would be able to choose which local organisations would benefit from their ticket purchase, which was additional to normal funding for the voluntary sector. The Bracknell Forest Lottery was due to launch next year.

Blue Mountain

- The Executive had agreed to support the provision of enhanced community facilities at Blue Mountain and had committed to fund £2.6m to meet the Council's planning obligation.
- The Council would continue to work with Binfield Surgery, Berkshire East Clinical Commissioning Group (CCG) and Binfield Parish Council to provide enhanced health facilities in the area. The programme assisted with evidencing use of the Community Infrastructure Levy (CIL) and delivering on the five priorities contained in the Children and Young People Plan 2018-21.
- Warfield Parish Council were also exploring plans to provide enhanced health facilities in Warfield by partnering with the CCG.

Children and Young People Plan 2018-21

- The Executive had considered the Children and Young People's Plan 2018-21 which had been developed with the Children and Young People's Partnership Board. The Plan included five priority areas which had been developed to fit with Council strategic priorities. The Plan was recommended to Council for adoption under the Policy Framework.

Other important issues

- The Executive noted the Adult Safeguarding Partnership Board Annual Report 2018.
- The Borough's refuse contract had been extended to 2027.
- The Local Government Ombudsman report had been noted by the Executive and was commended to Members.
- The Council Performance Overview Report had been noted by the Executive and showed extremely good progress through Quarter 2.

Councillor Mrs Temperton asked why the Executive had agreed the sale of Bigwood Lodge and 4 Peacock Cottages and queried whether these properties could have been repurposed for key worker housing and what, if any, housing for key workers in Bracknell was planned. Councillor D Birch, Executive Member for Adult Services, Health and Housing, responded that the Council was fully committed to providing key worker housing and work was ongoing with NHS colleagues to look at possibilities on a number of sites. They had also been discussing opportunities with Downshire Homes Limited about providing key worker housing.

Councillor Mrs Temperton stated that she supported the Children, Young People and Learning Plan but queried why there were no measurements listed against the stated Outcomes. Councillor Dr Barnard responded by informing Cllr Mrs Temperton that the Council placed a lot of emphasis on partnership and these measures would be discussed and agreed at future Children, Young People and Partnership Board meetings.

Councillor Mrs Temperton also asked why the extension of the contract for refuse collection had not included a contract to provide services to schools, libraries and other community premises. Councillor Mrs Hayes MBE, Executive Member for the Environment, responded that with an annual cost of over £6m for disposal of the borough's waste the Council could not continue to subsidise non-domestic premises. Cllr Mrs Hayes MBE reiterated that all properties should take responsibility for the waste they produce.

On the proposition of Councillor Dr Barnard, Executive Member Children, Young People and Learning, seconded by Councillor D Birch it was

RESOLVED that the Children and Young People's Plan 2018-21 attached at Annex A of the Executive report be approved and adopted.

27. **Governance: Bracknell Forest Council and the Voluntary Sector**

The Council considered the report and the tabled revised recommendation which sought to review the Council's future role in the governance of voluntary sector organisations that may or may not be in receipt of revenue grant aid from the authority. The revised recommendation included the amendments made by the Governance and Audit Committee at their meeting on 31 October 2018.

On the proposition of Councillor Allen, Chair of Governance and Audit Committee, seconded by Councillor Heydon, it was

RESOLVED that:

- 1 The Council continues to support the voluntary sector and recognises the important role Members play in its continued success;
- 2 With immediate effect the Council no longer agrees nominations to any voluntary sector organisation where that role is as a Trustee, Director or voting member of the management of the management board/committee.
- 3 The Council may continue to nominate Members to voluntary sector organisations as representatives in a non-management capacity with no role in the governance of the organisation. Such roles will be limited to Members being nominated to act as conduits for communication between the Council and the organisation or as observers at its meetings;
- 4 Where a Member is a nominated representative pursuant to 2.3 above, they may not hold or subsequently accept a role on the organisation's board as a Trustee/Director or in any other management capacity such as Treasurer.

It was noted that the term 'Voluntary Sector Organisations' for the purposes of the report expressly excluded Council owned companies, all maintained VA and VC schools, academies and local authority consortiums. For the avoidance of doubt, representation by Members on school governing bodies was therefore not affected by this recommendation.

28. **Review of Constitution**

The Council considered the Review of the Constitution Report which set out amendments to the Constitution, including amending the scheme of delegation as set out in the Council's Constitution to reflect the new Council Structure.

On the proposition of Councillor Allen, Chairman of Governance and Audit Committee, seconded by Councillor Heydon, it was

RESOLVED that

- 1 The changes to Part 1/Section 8.1(Officer roles and Statutory Officer Functions) set out in the Appendix A to the Review of Constitution report as recommended by Governance and Audit Committee be adopted;
- 2 The changes to Part 2/Section 4 (Employment Committee Terms of Reference) set out in Appendix B to the Review of Constitution report as recommended by Governance and Audit Committee be adopted;
- 3 The changes to Part 2/Section 6 (Powers exercisable by Officers) set out in Appendix C to the Review of Constitution report as recommended by Governance and Audit Committee be adopted;
- 4 The Borough Solicitor be authorised to make such other consequential changes as are necessary to ensure that the Constitution properly reflects the reshaped senior management structure.

29. **Pay Policy Statement**

The Council were asked to agree the Pay Policy Statement for 2019/20 which sought to clarify the current position. Since 2012, and in accordance with the 2011 Localism Act, the Council has been required to publish a Pay Policy Statement. The Statement is also aligned with the requirements of the Transparency Regulations.

On the proposition of Councillor Allen, Chair of Governance and Audit Committee, seconded by Councillor Heydon, it was

RESOLVED that the Pay Policy Statement for 2019/20 be agreed by Council.

30. **Establishment of Appointment Committees**

The Council considered the 'Establishment of Appointment Committees' report and the tabled amendments which included a table detailing the membership on each appointment committee.

On the proposition of Councillor Bettison OBE, Leader of the Council, seconded by Councillor D Birch, it was

RESOLVED that:

- 1 That Committees of the Council of five members (4:1), including at least one Member of the Executive (plus up to five substitute members to cover all three committees) be appointed as below, with the following terms of reference:

To interview and appoint on behalf of the Council to the posts of:
 - i) Assistant Director: Children's Social Care Operations
 - ii) Assistant Director: Adult Social Care Operations
 - iii) Assistant Director: Early Help and Communities
- 2 That nominated Members are appointed in accordance with political group wishes as follows:

i) Assistant Director: Children's Social Care Operations: Councillors Dr Barnard, McLean, Mrs Birch, Mrs Ingham and Mrs Temperton

ii) Assistant Director: Adult Social Care Operations: Councillors D Birch, McLean, Harrison, Thompson and Mrs Temperton

iii) Assistant Director: Early Help and Communities: Councillors Dr Barnard, D Birch, McLean, Leake and Mrs Temperton

- 3 That five substitute Members are appointed in accordance with political group wishes, as follows:
Councillors Tullett, Mrs McCracken, Mrs Mattick, Brossard and Kennedy

31. Committee Timetable 2019/20

The Council considered the Committee Timetable 2019/20 which set out the proposed Schedule of Meetings 2019/20. The timetable would enable arrangements for the next municipal year's meetings to be put in place and assist members plan their diaries for the year ahead.

On the proposition of Councillor Bettison OBE, Leader of the Council, seconded by Councillor Brossard, it was

RESOLVED that the schedule of meetings 2019/20 as set out in the annex to the Schedule of Meeting 2019/20 report be approved.

32. Questions Submitted Under Council Procedure Rule 10

Councillor Mrs Temperton asked Councillor Dr Barnard, Executive Member for Children, Young People and Learning the following published question:

The Zone is a purpose built Youth Centre based on Great Hollands, serving the needs of the young people of South Bracknell.

What is happening to the Zone and what are the plans for its use as a result of the transformation programme?

Councillor Dr Barnard responded that Berkshire Youth Service 'The Wayz', had previously been commissioned by Bracknell Forest Council to deliver universal youth sessions at The Zone, Great Hollands. In 2010 young residents had been making good use of the facility but this had decreased by 30% over a number of years and the need for youth services elsewhere increased.

A feasibility study for a youth facility based at Braccan Walk had been carried out and youth services were monitoring the needs of young people going forward. In October a number of maintenance issues had been identified at the centre which meant The Wayz had to close temporarily. However, during this time Berkshire Youth started delivering youth services from a bus in the car park and street based youth services in Great Hollands, both of which had worked well. The Council recognised the migration of young people to the town centre and Berkshire Youth were keen to ensure youth people most in need were receiving an offering at the most relevant time and place for them.

Councillor Mrs Temperton asked a supplementary question regarding whether enough early intervention work was being done with a small group of young people involved with anti-social behaviour in the Great Hollands area. She challenged how

often the youth centre was open and whether an alternative provision should be sought.

Councillor Dr Barnard responded by reiterating that Berkshire Youth were carrying out targeted outreach work and that outreach work was tackling social issues, even when the building was closed due to unavoidable reasons. He urged her to raise issues of this nature with members and officers as soon as they presented themselves.

MAYOR

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To: **COUNCIL**
16 January 2019

EXECUTIVE REPORT TO COUNCIL **The Leader**

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 28 November 2018, the Executive met on the 18 December 2018. This report summarises decisions taken by reference to the relevant portfolio within which they fall.
- 1.2 Updated Forward Plans are published every Friday and can be viewed online at www.bracknell-forest.gov.uk. Full details on the decisions taken by individual portfolio holders can also be accessed online through the Council's website.

2 RECOMMENDATION

- 2.1 **Council is asked to consider the recommendation set out at paragraph 5.4.1.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The reasons for recommendations are set out in the supporting information and in the reports considered by the Executive.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Alternative options are discussed in the relevant individual reports considered by the Executive.

5 SUPPORTING INFORMATION

Transformation and Finance

5.1 Capital Programme 2019/20 - 2021/22 and Revenue Budget 2019/20

- 5.1.1 The Executive approved for consultation a draft capital programme based on total spending of £27.212m of which:
- £11.436m of expenditure to be externally funded.
 - £1.025m of expenditure to be funded from S106.
 - £1m would be reserved for Invest-to-Save schemes.

The Executive also agreed a supplementary capital approval in 2018/19 of £0.25m, to be funded from the capital receipt for Easthampstead Park Conference Centre for the relocation of the Education Centre to the Open Learning Centre, along with the granting of a loan of £68,000 to the South Hill Park Trust and a number of the

virements reflect the changed needs and priorities within the Schools Capital Programme.

- 5.1.2 The Executive also agreed its draft revenue budget proposals for 2019/20 as the basis for consultation. These proposals included the Treasury Management Strategy and associated documents which the Executive requested that the Governance and Audit Committee review.
- 5.1.3 Both the draft revenue and capital programmes will now be considered by Overview & Scrutiny Panels and their views along with any submitted by residents and local groups will be reported to the Executive and Full Council in February when the final budget proposals for 2019/20 will be agreed.

Council Strategy & Community Cohesion

5.2 Council Plan Overview Report

- 5.2.1 The Executive noted the performance of the Council over the second quarter of the 2018/19 financial year (July - September 2018). At the end of the quarter, 104 actions (74.8%) were on target to complete within the timescales set; 13 actions (9.4%) had been completed whilst 20 actions (14.4%) were at risk of falling behind schedule and 1 actions (0.7%) had actually fallen behind schedule.
- 5.2.2 Progress against key performance indicators across the Council was also very positive, with 33 (71.7%) green – i.e. on, above or within 5% of target; 3 (6.5%) was amber – i.e. between 5% and 10% of target; and 10 (21.7%) were red – i.e. more than 10% from target. 25 further indicators had no set target.
- 5.2.3 Highlights of the second quarter included the implementation of the new organisational structure on 1 September 2018. Business as usual continued during implementation of the new structure and teams continued to deliver services to a high standard during a period of significant change. Alongside implementing the new structure, a major review of the Transformation Programme is underway to focus resources on projects that will deliver the most benefit.
- 5.2.4 Four of the red indicators within this quarter relate to the percentage of schools that are judged as good or outstanding by Ofsted. It takes time to change performance in this area due to the lengthy inspection cycle of schools. However, following the introduction of the Learning and Improvement strategy and newly restructured School Improvement team from September 2017, there have been 13 inspections. Of these 12 have resulted in a good, outstanding or improved rating, demonstrating the success of the new approach.

Planning and Transport

5.3 Publication of Submission Version of The Bracknell Town Neighbourhood Plan, Appoint an Examiner and Agree Delegations for Forthcoming Decisions.

- 5.3.1 The Executive agreed that a public consultation be undertaken on the submission version of the Bracknell Town Neighbourhood Plan, that an independent Examiner be appointed to undertake the examination of the Plan and that the costs associated with the examination and referendum not funded by grant should be funded by this Council and included as a one off item in the Commitment Budget for 2019/20.

- 5.3.2 Bracknell Town Council submitted its Neighbourhood Plan and supporting documentation to the Council on 28 November 2018. The Director of Place, Planning and Regeneration has confirmed in a letter dated 6th December 2018 to Bracknell Town Council that the submitted documentation complies with the statutory requirements as set out in the Act and Regulation 15 of the Regulations and the Town Council's document will, therefore, form the basis of the statutory consultation which the Borough Council must now facilitate.

Culture, Resources and Public Protection

5.4 Review of Statement of Gambling Principles

5.4.1 The Executive recommended to Council that they endorse the revised Statement of Gambling Principles at Appendix A.

- 5.4.2 Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. The Statement will last for a maximum of three years but can be reviewed and revised at any time. The present Statement was published on 31 January 2016 and therefore must undergo a review and be republished on or before 31 January 2019. The newly amended Statement was approved by the Licensing & Safety Committee on 18 October 2018.

Adult Services, Health and Housing

5.5 Integrated Sexual and Reproductive Health Service Tender

- 5.5.1 The Executive agreed to award a contract for the Integrated Sexual and Reproductive Health Service and the Specialist Outreach Nursing Service, from 1 July 2019. They also agreed to extend the Specialist Outreach Nursing Service for Bracknell Forest until 30th June 2019 (for three months) to enable alignment of the two services.
- 5.5.2 The commissioning of sexual health services is a mandated public health responsibility for local authorities. The services contribute significantly to the overall health and wellbeing of the local population.
- 5.5.3 The sexual health outreach nursing service offers greater control to those most at risk of becoming pregnant and having a child taken into care or other adverse outcomes. Bracknell Forest is the only authority to be commissioning this service in East Berkshire and the Executive agreed to award this contract to the successful tenderer for the main sexual health service contract. This was to ensure an integrated clinical pathway between both services.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor's comments have been addressed in the reports to the Executive.

Borough Treasurer

- 6.2 The Borough Treasurer's comments have been addressed in the reports to the Executive.

Equalities Impact Assessment

- 6.3 Equalities issues, where appropriate, have been addressed in the reports to the Executive.

Strategic Risk Management Issues

- 6.4 Any strategic risks have been identified in the reports to the Executive.

Background Papers

Executive Agenda – 18 December 2018

Contact for further information

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Statement of Gambling Principles

JANUARY 2019

**GAMBLING ACT 2005
SI 2006 No 637**

**BRACKNELL FOREST BOROUGH COUNCIL
STATEMENT OF GAMBLING PRINCIPLES**

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1 STATEMENT OF GAMBLING PRINCIPLES

1.1 Introduction

The Gambling Act 2005 (referred to in this document as ‘the Act’) requires the Council to prepare and publish a Statement of Gambling Principles (‘Statement’) that sets out the policies that Bracknell Forest Council as Licensing Authority (‘the Licensing Authority’) will generally apply in exercising their functions under the Act. It also gives details of our expectations of applicants and licence-holders.

The purpose of this Statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Commission’s Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.

This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, the Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

This Statement has been prepared having regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the Statement. A list of those consulted can be found at Appendix A. The full list of comments made and the consideration by the Council of those comments is available on request.

The Statement will come into effect on the 31 January 2019 and will be reviewed as necessary, and at least every 3 years from the date of adoption.

1.2 The Borough of Bracknell Forest

Bracknell Forest lies 28 miles west of London, at the heart of the Thames Valley. The borough covers 109 sq km of central Berkshire and includes the former New Town of Bracknell, together with Sandhurst town and the villages of Crowthorne and Binfield, along with a number of smaller settlements across Warfield and Winkfield. The area has easy access to the motorway network (M3, M4, M40 and M25), Heathrow, and direct train links into London. A map can be found at Appendix B.

The Borough’s population is 119447 (mid-year 2016 estimate). The population is relatively young (median age 38.5 years). 13.7% of the population is over 65 years of age, compared to 17.7% nationally, although this is expected to grow.

Bracknell Forest is one of the least deprived areas of the country (ranked 287 out of 326 local authorities in England on the Index of Multiple Deprivation 2015). Property prices and levels of car ownership are significantly higher than the national average. However, these headline figures mask significant pockets of deprivation. For instance, 6 out of 19 wards in the borough have free school meal eligibility of over

10%. The borough rate is 7.9% compared to 14.3% nationally (Source: School Census January 2016). 7.7 percent of 0-15 year olds in the borough are living in poverty, compared to a national average of 14.7% and a South East average of 10.6%. (Source: DWP 2015).

Bracknell Forest is within the economically buoyant Thames Valley and already a premier business location. But the aspiration is to make the local economy even more successful throughout the borough. Bracknell's £240m town centre regeneration programme, the Lexicon, opened in September 2017 and further regeneration in the town centre is ongoing. The number of people claiming Job Seekers' Allowance has fallen from a peak of 2.5% in March 2010, to 0.6% in May 2016. This represents just 440 people. The figure remains lower than both the South East and national averages (0.8% and 1.3% respectively).

The estimated proportion of young people aged 16-18 in Bracknell Forest who were not in education, employment or training (NEET) in 2015 was 3.3%, representing around 120 young people. This remains a key priority for the area.

Overall crime in 2015/16 increased by 3.6% when compared to 2014/15. This increase is largely due a to rise in the number of 'Crimes Against Society', i.e. drugs offences, which is the result of police taking a robust approach to tackling the problem of drugs offences in the borough. All other areas of crime have seen decreases: Victim Based Crime is down by 6.8%, Recorded Hate Crime is down by 40% and Domestic Abuse Crime down by 7.6%. Despite the increase in overall crime, Bracknell Forest compares favourably with the Thames Valley as a whole, which saw a 7.2% increase in overall crime and with the Berkshire Unitaries, which saw an average 6.25% increase.

1.3 Licensing Objectives

In exercising functions under the Gambling Act 2005, the Licensing Authority will have regard to the licensing objectives as set out in the Act. The licensing objectives are:

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

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

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

1.4 Licensable Activities

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

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

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

The Gambling Commission is responsible for remote (online) gambling, operating licences and personal licences.

This licensing authority is responsible for issuing premises licences and provisional statements for the following types of premises:

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

Additional functions of this licensing authority are to:

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

1.5 Responsible Authorities

Responsible authorities must be notified of all premises licence applications and are entitled to make representations if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

- Gambling Commission
- Police
- Local Fire Authority
- Local Planning authority
- Environmental Health
- Child Protection Committee
- HM Revenue and Customs
- A licensing authority in whose area the premises is situated.

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

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

This authority designates the Bracknell Area Child Protection Committee for this purpose.

The contact details of all the responsible authorities under the Gambling Act 2005 are available on the Council's website.

1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Interested parties making representations will be required to relate their objection to one or more of the licensing objectives.

An interested party is someone who:

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

In determining whether someone lives sufficiently close to particular premises so as to be affected the licensing authority will take into account, amongst other things:

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

In determining whether a person has a business interest which could be affected, the licensing authority will consider, amongst other things:

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

The term "business interests" is given the widest possible interpretation and includes partnerships, charities, faith groups and medical practices.

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the licensing authority would not consider this as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

The licensing authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision, the licensing authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a 'relevant' issue or not, or
- whether it raises issues specifically concerning the premises which is the subject of the application.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by officers. Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

Where an interested party has made either a valid representation about a licensed premises or a valid application for a licence to be reviewed, the licensing authority may initially arrange a mediation meeting to address and clarify the issues of concern. This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a mediation meeting.

1.7 Information Exchange

This licensing authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that any data protection legislation will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

1.8 Enforcement

This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

This licensing authority has also adopted and implemented a risk-based inspection programme based on:

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences.

As per the Gambling Commission's Guidance, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The licensing authority will establish a close working relationship with the Police, the Gambling Commission and, where appropriate, other responsible authorities.

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

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request. Our risk methodology is also available upon request.

A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

Operators with premises licences have an obligation to produce a local risk assessment which will assist the licensing authority when considering applications. The risk assessment should consider actual and potential risks to the licensing objectives posed by the provision of gambling facilities at a premises. The licensing authority has an expectation that all local risk assessments will take into account the local social profile of the area. The assessment should detail the policies, procedures and control measures to mitigate those risks and should take into account this Statement. The licensing authority can provide advice on the level of detail required, which will be proportional to the scale and nature of the application made.

The licensing authority will expect this risk assessment to accompany all applications for premises licences (new and variation), and will also expect the risk assessment to be shared with the licensing authority on request. Local risk assessments must be reviewed when there are significant changes in local circumstances or at the premises, or when applying for a new licence or variation of a licence. The Council's Local Area Profile is available on request.

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

We do not intend to specify a format or mandatory content for these local risk assessments, as we believe that these will be decisions for the operator to take, and will be dependent upon the location, size, and operational nature of the premises in question. However, we would expect that operators have considered the individual circumstances of each of their premises when compiling the risk assessments. A single generic risk assessment covering every premises in an operator's estate will not be considered by the authority to be suitable nor sufficient. We would also expect operators to take full account of our local area profile when compiling their risk assessments, and to reflect this in the control measures which they will implement.

2 PREMISES LICENCES

2.1 General Principles

A licence can only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the

premises are brought into use. If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

In the Act, "premises" is defined as including "any place". A single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as shopping malls to obtain separate premises licences, where appropriate safeguards are in place. This licensing authority will take account of the Gambling Commission's guidance in respect of this matter and the mandatory conditions relating to access between premises.

When determining an application for a premises licence or review a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome any concerns, this will be taken into account. This would be expected to be addressed as part of the local risk assessment required to be submitted with all new and variation premises licence applications.

In determining an application, the licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide, nor may it take account of any moral objections.

Premises licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary and/or appropriate in the circumstances of a particular case. More detail on licence conditions can be found at 2.5 of this document.

The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation, and will seek to avoid any duplication with other regulatory systems where possible. For example, the licensing authority will not take into account whether a premises has the appropriate planning or building consents, nor will it take into account fire or health and safety risks. It will, however, consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Where children and other vulnerable people are allowed access to premises where gambling takes place, the licensing authority may take such steps as are lawful and necessary to either limit access generally or by introducing measures to prevent under-age gambling. The licensing authority will not normally seek to limit the access of children to any premises unless it receives representations to that effect or it believes it is right to do so for the prevention of their physical, moral or psychological harm. Applicants are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

The overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits.

2.2 Preventing gambling from being a source of crime and disorder

This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling premises from being a source of crime, for example the sale and distribution of controlled drugs, money laundering, prostitution, or unlawful gambling. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has high levels of organised crime, this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be necessary such as provisions of door supervisors. When making decisions in this regard, the licensing authority will give due weight to any comments made by the Police.

This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. The licensing authority will seek the views of its legal advisers before determining what action to take in circumstances in which disorder may be a factor. As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The licensing authority will not use the Act to deal with general nuisance issues, such as parking problems, which can easily be dealt with using alternative powers.

2.3 Ensuring gambling is conducted in a fair and open way

This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

2.4 Protecting children and other vulnerable people from gambling

This licensing authority has noted that the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not

aimed at or are, particularly attractive to children. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) is unlikely to be sufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme). At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the licensing authority will expect that an appropriate number of staff will be present throughout opening hours who will ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

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

2.5 Licence Conditions

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the premises suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises, and
- reasonable in all other respects.

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

Conditions (other than default conditions and those required by law) will only be attached where they are needed to meet the requirements of the licensing objectives and are within the control of the licensee. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising

should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This licensing authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder, and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

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

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect. Where it is decided that supervision of entrances or machines is appropriate for particular cases, a consideration of whether these supervisors need to be SIA licensed will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

Listed below are examples of possible areas where a licensing authority may wish to attach conditions to a licence if deemed appropriate:

- Leaflets giving assistance to problem gambling being displayed in prominent areas and discreet areas such as toilets
- The operator having regard to best practice guidance issued on the protection of the interests of vulnerable people
- Positioning of GamCare helpline information positioned on the machine
- Posters promoting details of the GamCare telephone number and website
- A proof of age policy which would be agreed with a relevant responsible authority
- The inclusion of designated chill out areas and areas of non-gambling in the premises.

The licensing authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement or in a way that is reasonably consistent with the licensing objectives.

2.6 Licensed Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Plans of the premises should be provided with an application for an FEC permit.

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

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

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

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated.

This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

In exercising their functions in respect of family entertainment centre permits, the licensing authority need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

Except in exceptional circumstances, the licensing authority will not grant FEC permits in premises licensed for the sale of alcohol under the Licensing Act 2003.

2.7 Casinos

There are currently no casinos operating within the Borough.

The Council has not passed a 'no casino' resolution under Section 166 of the Act, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this Statement with details of that resolution. Any such decision will be made by the Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

2.8 Bingo Premises

This licensing authority notes that the Gambling Commission's Guidance states:

"Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas".

This authority also notes the Guidance regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

2.9 Betting Premises

This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

The authority notes the difference between betting terminals, which are designed to receive bets on real events, and gaming machines such as fixed odds betting terminals (FOBTs), which are reliant upon the outcome of a virtual event. It is further noted that betting premises are entitled to offer up to four gaming machines in total, which may include category B2 FOBT machines. No further limits may be imposed by the licensing authority on gaming machine numbers in betting (other) premises, beyond the standard prescribed limit applying to all betting (other) premises licences.

There are no statutory limits on the number of betting terminals that may be made available in betting premises, although the licensing authority may attach a condition to a licence limiting the number if concerns exist over the availability of machines to children or vulnerable persons which cannot be satisfied through alternative means.

There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This licensing authority will make a door supervision requirement only if there is clear evidence from the history of trading that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

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

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

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

2.10 Adult Gaming Centres

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

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

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas

- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

2.11 Tracks

There are currently no tracks operating within the Borough.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the licensing objective "protection of children and vulnerable persons from being harmed or exploited by gambling" and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

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

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

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

Gaming machines - Guidance from the Gambling Commission is available as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing

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

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

Plans - The Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan.

2.12 Travelling Fairs

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

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

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

2.13 Provisional Statements

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

The Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

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

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

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

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

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

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

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

plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

2.14 Licensing Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant Code of Practice or Guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the licensing authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

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

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

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

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

3 PERMITS, TEMPORARY AND OCCASIONAL USE NOTICES

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

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

reliance upon a family entertainment centre gaming machine permit. This category of permit provides an alternative to the family entertainment centre premises licences available under the Act, which allow the operation of higher-value gaming machines but are subject to more rigorous application procedures.

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

Any application for a permit will be considered with regard to the licensing objectives and to any relevant guidance issued by the Commission. Particular weight will be given to child protection issues.

The applicant will be expected to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant (or company directors if the applicant is a limited company) has no relevant convictions; and that staff are trained to have a full understanding of the maximum stakes and prizes.

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

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

It is noted that a licensing authority cannot attach conditions to this type of permit.

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)

- the premises is mainly used for gaming, or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and “such matters as they think relevant.” This licensing authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for and dealt with as an adult gaming centre premises licence.

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

3.3 Prize Gaming Permits

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

- they understand the limits to stakes and prizes that are set out in regulations
- that the gaming offered is within the law, and
- there are policies and steps to be taken to protect children from harm.

In making its decision on an application for this permit, the licensing authority does not need to have regard to the licensing objectives, but must have regard to any Gambling Commission guidance.

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

- limits on participation fees, as set out in regulations, must be complied with
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize), and
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club Gaming and Club Machines Permits

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

Members clubs, miner's welfare institutes and commercial clubs may apply for a club machine permit. A club machine permit will enable the premises to provide gaming machines as set out in the regulations.

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulation and these cover bridge and whist clubs, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

Before granting the permit, the authority will need to satisfy itself that the premises meets the requirements of a members' club and may grant the permit if the majority of members are over 18.

Licensing authorities may only refuse an application on the grounds that:

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

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

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

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

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

3.5 Temporary Use Notices

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

The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The types of gambling activities that may be authorised by a Temporary Use Notice are set out in regulations made under the Act. Currently, the only permitted activity is the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Possible examples of this could include gaming tournaments with such games as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

Temporary Use Notices are subject to a statutory limit that a set of premises may be used for no more than 21 days in any 12 month period. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities, or in other cases where the proposed gaming would undermine the licensing objectives or be contrary to the Guidance or this Statement of Principles.

3.6 Occasional Use Notices

Occasional use notices may be used to authorise infrequent betting at track premises, on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g. gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by a licensing authority.

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

It is further noted that occasional use notices do not relieve any person accepting bets at the track premises from the requirement to hold an appropriate betting operating licence, nor from the requirements of any conditions imposed upon that licence.

4 DECISION MAKING

4.1 Delegations and Process

The Council's licensing functions under the Act will be carried out by the Licensing and Safety Committee, supported by a number of sub-committees and by officers acting under the delegated authority of the committee.

The table shown at Appendix C sets out the agreed delegation of decisions and functions to Licensing and Safety Committee, Sub-Committee and officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or full Committee if considered appropriate in the circumstances of any particular case.

Where there are no areas of contention, it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

Where there are relevant representations in respect of an application the matter will be determined by the Licensing and Safety Committee or one of its sub-committees, as will any application for the review of a licence.

4.2 Committee Terms of Reference

A sub-committee or 'Panel' of three Councillors from the Licensing and Safety Committee will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a hearing involving an application within their ward.

Where a Councillor who is a member of the Licensing and Safety Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

The Panel will refer to the Licensing and Safety Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

The Licensing and Safety Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing and Safety Committee or a Licensing Panel shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.

Where a licensing authority rejects an application, the applicant may appeal to the local Magistrates' Court.

5 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:

Licensing Team
Bracknell Forest Borough Council
Time Square
Market Street
Bracknell
RG12 1JD

Tel: 01344 352000

E-mail: licensing@bracknell-forest.gov.uk

<https://www.bracknell-forest.gov.uk/business-information/licensing/beer-and-entertainment-licences/gambling-premises-licences>

Information is also available from:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

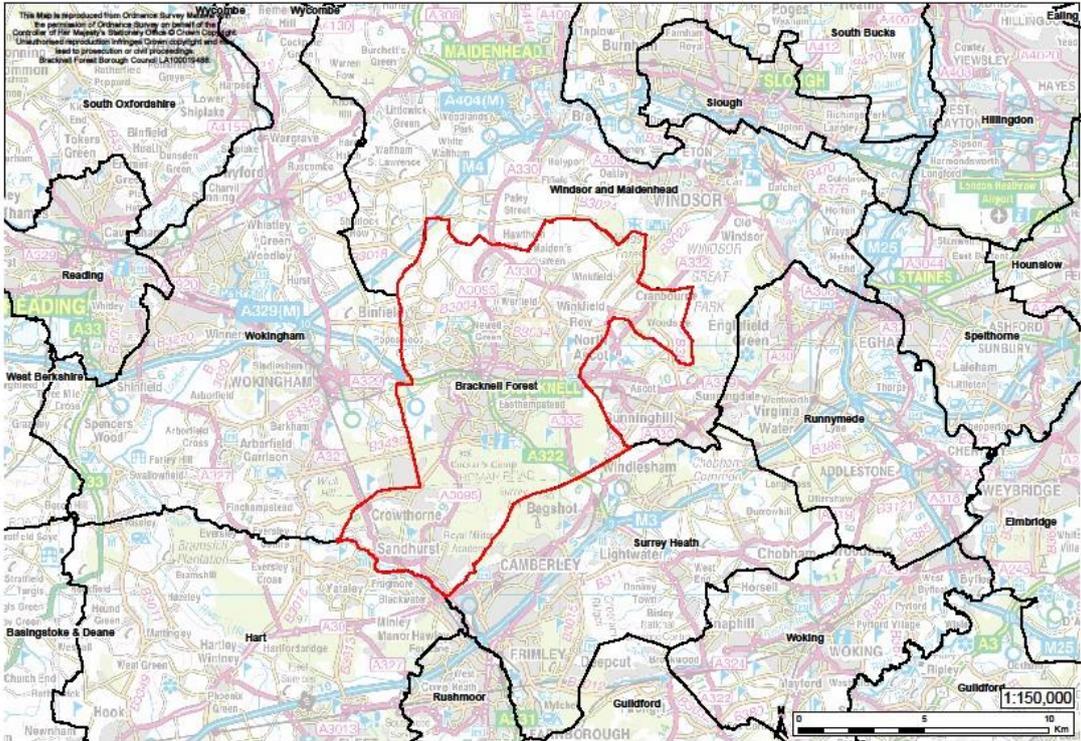
Tel: 0121 230 6500

Website: www.gamblingcommission.gov.uk

List of Consultees

- Association of British Bookmakers
- Association of Licensed Multiple Retailers
- Bingo Association
- British Amusement Catering Trade Association
- British Institute of Inn Keeping
- British Beer and Pub Association
- Committee of Registered Club Associations
- Environmental Health
- Gamblers Anonymous
- Gambling Commission
- GAMCARE
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- Involve
- Local businesses and their representatives, e.g. Bracknell Regeneration Partnership, Bracknell Forest Chamber of Commerce
- Local community associations
- Members of Bracknell Forest Council
- National Association of Bookmakers
- Parish and Town Councils
- Planning
- Premises licence / club premises certificate holders
- Pub & Drug Watch
- Public Consultation Portal
- Public Health Team
- Royal Berkshire Fire and Rescue
- Thames Valley Police / Community Safety Partnership

Map of Bracknell Forest Borough



APPENDIX C

Summary of Licensing Authority Delegations Permitted under the Gambling Act 2005

Matter to be dealt with	Full Council	Sub-Committee of Licensing Committee	Officers
Approval of three year Statement of Gambling Principles	X		
Policy not to permit casinos	X		
Application for premises licences (new, variation and transfer) and provisional statements		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Determine review of a premises licence		X	
Initiate review of a premises licence			X
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits			X
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Revocation of premises licence due to failure to pay annual fee			X
Registration of small society lotteries			X
Cancellation of registration of small society lottery due to failure to pay annual fee			X

X indicates the lowest level to which decisions can be delegated

Gambling Act Glossary

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

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

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