

Notice of Meeting

Council – Advisory Meeting

Councillor Ms Merry (Mayor), Councillor Gbadebo (Deputy Mayor)
Councillors Allen, Angell, Atkinson, Bhandari, Dr Barnard,
Bettison OBE, D Birch, Mrs Birch, Brossard, Brown, Brunel-Walker,
Dudley, Finch, Ms Gaw, Mrs L Gibson, MJ Gibson, Green,
Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon,
Mrs Ingham, Kennedy, Kirke, Leake, Mrs McKenzie, Mrs McKenzie-
Boyle, McLean, Mrs Mattick, Mossom, Neil, Parker, Porter, Skinner,
Temperton, Turrell, Virgo and Wade



Wednesday 24 November 2021, 7.30 - 9.00 pm

Online only via Teams

Timothy Wheadon
Chief Executive

Agenda

Recommendations arising from this meeting will be considered in accordance with the delegations approved by Council on 28 April 2021.

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

1.	Apologies for Absence	
2.	Minutes of Previous Meeting	5 - 12
	To approve as a correct record the minutes of the meeting of the Council held on 15 September 2021.	
3.	Declarations of Interest	
	<p>Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.</p> <p>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.</p> <p>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.</p>	

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4.	Mayor's Announcements	
5.	Executive Report	13 - 18
	<p>To receive the Leader's report on the work of the Executive since the Council meeting held on 15 September 2021.</p> <p>The Executive will be meeting on 16 November 2021, if any matters arise at that meeting which require a decision by Council, a supplementary report will be circulated.</p>	
6.	Adoption of Statement of Licensing Policy Principles under S.349 of the Gambling Act 2005	19 - 64
	To consider the responses received during the consultation period and adopt the Statement of Licensing Policy Principles under the Gambling Act 2005.	
7.	Bracknell Forest Community Governance Review	65 - 68
	To seek agreement to commence a full community governance review of the Bracknell Forest borough area.	
8.	Meetings Arrangements	69 - 74
	To seek approval on the governance arrangements for councillor decision-making meetings when the current arrangements expire on 31 December 2021.	
9.	Schedule of meetings 2022-23	75 - 78
	To seek approval to the proposed schedule of meetings 2022-23.	
10.	Questions Submitted Under Council Procedure Rule 10	
	<p><u>By Councillor L Gibson to Councillor Dr Barnard, Executive Member for Children, Young People and Learning</u></p> <p>Following up on the debate regarding provision for Children Looked After, at the last meeting of this full Council, can you please report back on your deliberations?</p> <p><u>By Councillor Temperton to Councillor Bettison OBE, Leader of the Council</u></p> <p>In order to achieve value for money for residents, how does the Council assess the quality of work delivered versus the cost of contractors and ensure it is in line with the expectations guaranteed throughout the tender process?</p> <p>How is the work evaluated and the contract reviewed following feedback from customers/residents?</p>	

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11.	Motions Submitted Under Council Procedure Rule 11	
	<p><u>Motion 04/2021 moved by Councillor Temperton seconded by Councillor Neil</u></p> <p>The Council asks the Executive to look into providing live streaming of public meetings once we return to face to face meetings</p> <p><u>Motion 05/2021 moved by Councillor Turrell seconded by Councillor Brunel-Walker</u></p> <p>Bracknell Forest Council fully supports the UK government's commitment to achieving net-zero carbon emissions by 2050. The Council encourages the local aviation industry to contribute to this by adopting, at the earliest opportunity, new operational practices and innovative solutions such as Sustainable Aviation Fuels. The Council recognises that these changes have the potential to cut carbon emissions whilst delivering new employment and economic benefits, nationally and locally, which is welcomed.</p>	

Sound recording, photographing, filming and use of social media is permitted. Please contact Kirsty Hunt, 01344 353108, kirsty.hunt@bracknell-forest.gov.uk, so that any special arrangements can be made.

Published: 16 November 2021

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**COUNCIL – ADVISORY MEETING
15 SEPTEMBER 2021
7.30 - 10.40 PM**

Present:

Councillors Ms Merry (Mayor), Gbadebo (Deputy Mayor), Allen, Angell, Atkinson, Bhandari, Dr Barnard, Bettison OBE, D Birch, Mrs Birch, Brossard, Brown, Brunel-Walker, Dudley, Finch, Ms Gaw, Mrs L Gibson, MJ Gibson, Green, Mrs Hamilton, Harrison, Mrs Hayes MBE, Ms Hayes, Heydon, Mrs Ingham, Kennedy, Leake, Mrs McKenzie, Mrs McKenzie-Boyle, McLean, Mrs Mattick, Mossom, Neil, Porter, Skinner, Temperton, Tullett, Turrell, Virgo and Wade

Apologies for absence were received from:

Councillors Kirke and Parker

15. Minutes of Previous Meeting

Councillor D Birch advised the meeting that subsequent to minute 14 relating to the motion to oppose any moves by the government to abolish the Frimley Integrated Care System it had been confirmed that no changes would be made.

RESOLVED that the minutes of the Council meeting held on 14 July 2021 be approved and signed by the Mayor as a correct record.

16. Declarations of Interest

There were no declarations of interest.

17. Chief Constable's Presentation

Police and Crime Commissioner, Matt Barber; Chief Constable, John Campbell and Deputy LPA Commander - Acting Chief Inspector Helen Kenny attended the meeting to provide an update on local policing issues and crime figures within Bracknell Forest.

In response to a question relating to multiple concerns regarding police presence in Crowthorne the Chief Constable confirmed he was not happy with what was described. In relation to attending Neighbourhood Action Group meetings it was clarified that this was a recognised duty when PCSOs are on shift and explanation was given that the issue arose due to the shift pattern of the PCSO. It was reported that the community room at the Crowthorne Fire Station was still being used but at the request of the Royal Berkshire Fire and Rescue Service the police office was not accessed to allow them more space to achieve social distancing. Neighbourhood officers use mobile devices to stay connected rather than regularly returning to a police point, the effectiveness of Police points were regularly reviewed by the estates team. Acting Chief Inspector Kenny confirmed she would contact Cllr Mrs McKenzie-Boyle to discuss these issues further with the Crowthorne Parish clerk.

A question was raised regarding whether installing additional speed cameras would reduce reported issues of speeding and increased noise from cars and what the

criteria were for installation. Requirements for where to install cameras had increased and were focused on the risk of harm and traffic incidents. Superintendent Kenny advised that police resources were targeted where there was a risk of harm so consideration as given to the road environment, speed and collision data as well as local concerns. This issue was on the neighbourhood team's radar and work was ongoing within local partnerships to work together with other specialists to find solutions. The Police and Crime Commissioner added that there was an opportunity for issues to be escalated from community speedwatch to roads policing unit and he was looking to improve the links between them. He concluded that they were awaiting the outcome of pilots into new technology for noise cameras and average speed cameras before assessing if these were the right solutions for Bracknell Forest.

It was queried about expectations of the police, maintaining confidence in the force in relation to drug dealing when people report incidences. It was requested that communities were kept informed on action that was taking place to encourage them to continue to provide local intelligence. It was acknowledged that there were sometimes operations which could not be shared but the Chief Constable agreed that the communication loop needed to be closed. Acting Chief Inspector Kenny would follow up on the concerns raised about the gap in communication but updated the meeting in activity that had been conducted related to drug issues in the area. Two geographic neighbourhood teams had been forced which meant that each area had more officers on shift with four police officers and 11 or 12 PCSOs which gives more resources to address the intelligence that was reported. Targeted operations were undertaken to counter County Lines issues as risk of harm was significant and exploitative. She acknowledged that due to the way that calls were handled it was tricky for the officers to respond directly to individuals providing intelligence. Local dashboards will collate information and give opportunity for local response and feedback was noted.

Concerns were raised about attendance at anti-social incidents such as car meets, the time it took for neighbourhood police to respond to local councillors and the police presence in Bracknell as well as their attendance at noisy vehicle meets. Councillors were encouraged to escalate issues with response times to the Superintendent Felicity Parker. Acting Chief Inspector Kenny was pleased to report that the previous recruitment commitment had been exceeded and 31 additional officers were working in the area. She explained that she had changed the structure of response teams which meant that one third of the response team was brought back to work directly out of Bracknell again. This equated to one sergeant and eight police constables back in the Bracknell area. The restructure of the neighbourhood team, as explained in an earlier response, aimed to get more problem-solving and community focused officers on duty at the same time to be able to respond to known issues including alignment with Wokingham shift patterns. The Chief Constable responded that priority was given to responding to incidents where there was a risk of harm rather than noisy cars although recognised as a frustration for local residents. Acting Chief Inspector Kenny added that the focus was on preventing incidents using intelligence gathered. The police were looking at a partnership problem-solving approach across both Bracknell and Wokingham to work with organisations such as supermarket security to develop a consistent approach across the borough. In relation to conviction figures related to vehicle gatherings the participants were not always committing a criminal offence, but Section 59 legislation had been used as an effective preventative tool as warnings were given and participants wanted to avoid seizure of their vehicle.

An update was sought on the progress made to address anti-social behaviour by young people in parks and open spaces. In response to specific information relating to incidents in Sandhurst and Crowthorne and the threat of the use of weapons dispersal notices were issued including the use of Section 60 notice and successfully

worked with partners to undertake stop searches. Acting Chief Inspector Kenny advised that further reflection on the approach towards youth ASB had led to pilot operations to adopt a problem-solving approach to understand the root cause of the issue, the individuals involved and the risk factors affecting them.

In response to a question regarding action being taken on the misuse of electric scooters it was acknowledged that there was mixed messaging about them as some local authorities were encouraging their use due to the environmental benefits and this also divided opinion in communities. A successful operation had been run in the Lexicon to initially give a warning and then later seize the vehicle if the offence was repeated.

The Mayor requested that questions that had not been submitted in advance of the meeting be collated and would be responded to in writing. The Mayor thanked the Police and Crime Commissioner, Chief Constable and Acting Chief Inspector for their attendance and informative presentations.

18. Question submitted under Council Procedure Rule 9

In accordance with Council Procedure Rule 9 (Public Participation), a question was submitted by Mr Cox, resident of Central Sandhurst as set out below:

“I would like to petition the council to do a proper review of 5G technology before proceeding with any more installations (e.g. Ringmead). There has been little to no real life testing done on 5G technology. There is no demand as far as I know from speaking to my friends and residents here in Bracknell Forest. Does the council have any evidence at all of the demand for a new and unsafe technology? This is a call for action as a matter of interest to the health and wellbeing of the community and would appreciate it being raised at the next meeting for action.”

In response Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration thanked Mr Cox for submitting the question and explained that the Government had set out its ambition to deliver a 5G network across the whole country with information contained within the “Enabling 5G” document published by Ofcom. The aim was to improve the digital connectivity for consumers, business and public services. He stated that the document sets out the way in which the Planning system has been adapted to enable 5G development and the general view from Government was that there is a demand for 5G, and it is committed to its delivery across the whole country.

He explained that the Government was clear that local planning authorities must determine applications on planning grounds only and should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure. He explained that as such the council needed to work within the legislative framework set when dealing with requests for new 5G installations and it was not in a position to stop any further installations based on the grounds set out in the published question.

He continued that from a Public Health perspective, the Council was guided by evidence of harm to the wider population and worked within the framework set by Public Health England whose position on the safety of the technology was set out on the government’s website. He quoted that “It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network

or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health.”

Councillor Brunel-Walker concluded that the Council would not be undertaking any form of 5G study nor would it be refusing the installation of 5G technology where the normal criteria that would be applied to these types of planning applications were met. He asked that the links to webpages he had referred to be shared via the minutes.

The links to information on this topic are listed below:

<https://www.gov.uk/government/publications/telecommunications-security-bill-factsheets/factsheet-6-5g>

<https://www.gov.uk/government/publications/5g-mobile-technology-a-guide>

<https://www.mobileuk.org/5g-and-health>

<https://www.mobileuk.org/5g-and-health-concerns>

19. **Petition submitted under Council Procedure Rule 9**

In accordance with Council Procedure Rule 9 (Public Participation), a petition was submitted by Mr R Edwards, resident of Hanworth as set out below:

“The residents of Hanworth and Great Hollands are affected by increased road noise on A3095 and Nine Mile Ride. We are asking the council to provide a solution to unacceptable levels of vehicular noise which is affecting the amenity, wellbeing and health of local residents.

We urge the Council to work in partnership with the Police to find a solution, not limited to, but including reducing the speed to 40mph along Nine Mile Ride and having “Speed Average” cameras and other noise reducing measures and traffic calming on Nine Mile Ride and A3095”

In response Councillor Turrell, Executive Member for Planning and Transport noted the concerns that were raised and explained that there were outgoing actions to be completed on the scheme, especially on the A3095, including replanting of trees and hedges. He confirmed that the Council was talking to the police about the issues of speeding and anti-social driving and the impact it was having on local residents. He noted that the anti-social traffic noise was heard in quite a few parts of Bracknell across the borough. The Council would continue to work with the Police and follow up this issue and respond to the matters raised. He agreed to Mr Edwards’ request to have a meeting to discuss the matter further.

20. **Mayor's Announcements**

Mayoral announcements

Since the last Council meeting the Mayor had attended nine online Citizenship Ceremonies.

The High Sheriffs of Berkshire, Buckinghamshire, Oxfordshire had delivered a multi-faith service in Remembrance Reflection and Hope in partnership with the Lord Lieutenants at Dorney Lake.

The Mayor had been pleased to meet the winner of the footprint competition and the Bracknell Forest Giants. The Bracknell Forest Giants came to the Lexicon to celebrate the Borough's forests which make up almost 40% of the landscape and the successful event had been achieved through the collaboration between the Lexicon and Bracknell Forest Council. There was also a story telling show with some of the proceeds being donated to the Mayor's two military charities.

The Mayor reported that the new Elsey Building had been opened at Edgbarrow School. The building which was named after former headmaster Robert Elsey had replaced and upgraded the Maths, English Languages and Art block. The Mayor had enjoyed a full tour of the learning resource with Councillors Mrs Mattick and Wade.

The Mayor was proud to see over 600 participants running in the 36th Bracknell Half marathon, hosted by the Lexicon and organised by Everyone Active and Bracknell Forest Council. She noted that the event raised funds for excellent good causes and congratulated Richard King who completed the course in 1 hour 16 minutes, Claire Welch who was the first woman home in 1 hour 36 minutes, Councillor Ankur Bhandari for raising funds for Diabetes UK and Damian James, Assistant Director Contracts for also taking part. The Mayor was pleased to note that this year edible and biodegradable seaweed-based water capsules were used to refresh the runners.

The Mayor had attended the Annual Memorial Service at Easthampstead Park Cemetery and Crematorium and reflected that it was a moving yet uplifting service ably assisted by the scouts which was appreciated by residents.

The Mayor advised that she had recently attended the High Sheriff's Summer Evening Reception.

The Mayor had joined the Bracknell library celebrations of its 50th anniversary and advised there was a lovely pictorial display of the library through the ages.

The Mayor thanked Dave Donaldson, the Easthampstead Rotary Club and all the volunteers who made the Three Counties Cycle Ride event such a success. More than 250 riders took part to raise funds for good causes including Councillor Dale Birch who was cycling for the Sandhurst Day Centre.

Councillor Brunel-Walker, Executive Member for Economic Development and Regeneration

Councillor Brunel-Walker reiterated the success of the Bracknell Forest Giants event at the Lexicon which demonstrated the partnership with the Bracknell Regeneration Partnership.

Councillor Dr Barnard, Executive Member for Children, Young People and Learning

Councillor Dr Barnard updated the meeting on the progress of the Imagination Library scheme with 175 children signed up to receive one book each month and over 70 library cards had been issued. He explained that to make the scheme sustainable and expand the number of children this was available to, the Council was looking for business sponsorship in future years.

Councillor Dr Barnard was pleased to report that over the summer 400 eligible children took part in the holiday activities and food programme. These activities took place across 16 sites with 3,000 hours of free activities and food was provided. The free school meals voucher scheme was extended over the holiday and the Council managed to reach out to 2,500 children including some under-fives in that scheme.

He thanked the team that pulled the schemes together at short notice and achieved so much for the children of the borough.

Councillor Mrs Hayes MBE, Executive Member for the Environment

Councillor Mrs Hayes MBE encouraged councillors to come along to recycling events taking place during Big Green Week starting on Saturday 25 September from 9.30am at Bracknell Leisure Centre with partners Suez and the Clothing Warehouse. The event encouraged residents to bring their unwanted small electricals and clothing. Residents would receive 500 recycling points for attending which in turn could be donated to local charities.

Councillor Bettison OBE, Leader of the Council

Councillor Bettison OBE, announced that a memorial service was being held to remember late Councillor Jim Finnie, Freeman of the Borough on Saturday 30 October at 2pm. The service at St John the Baptist Church, Crowthorne would be followed by the formal naming of the square in the high street as Jim Finnie Square. He advised that members of the public would be welcome at both events.

21. **Executive Report**

The Leader of the Council, Councillor Bettison OBE, presented his report on the work of the Executive since that reported at the Council meeting on 14 July 2021. The Executive had met twice on 20 July and 31 August 2021.

The Leader highlighted the following matters that had been considered:

- Within the Capital budget spend of £25.883m the main carry forwards were for £7.6m for Heathlands (on-site); £3.9m for Town centre regeneration and £0.8m for LED lighting replacement.
- The Revenue budget outturn of £87.592m was £3.515m under budget with significant government support. During the 23 years as a Unitary Council the budget had never been overspent.
- Legal preparations for Coopers Hill development of 52 housing/low level flats by Bracknell Forest and Cambium Partnership had been agreed
- Lateral Flow Test project contract extension to March 2022 following the very fast initial set up in early 2021 and on flexible terms to allow for further national policy changes.
- Home Care Commissioning Procurement plan agreed for three years (plus three) on flexible framework contract
- Interim extension to Section 75 Agreement to be agreed by Executive Director: People prior to revised agreement in 2022 reflecting new Better Care Fund guidance. This was an essential framework for much joint working with the Clinical Commissioning Group.

The report contained a recommendation that the Council was asked to resolve in respect of the following matter:

- Treasury Management Performance

On the proposition of Councillor Heydon, Executive Member for Transformation and Finance, seconded by Councillor Allen it was

RECOMMENDED TO THE CHIEF EXECUTIVE that the Treasury Management performance in 202/21 as set out in Annexe B to the Executive report be noted.

22. Standards Annual Report

The Council noted the Annual Report which advised them of activity within its Standards framework from 1 April 2020 to 31 March 2021.

23. Question Submitted Under Council Procedure Rule 10

Councillor Temperton asked Councillor Turrell, Executive Member for Planning and Transport the following published question:

Having seen the recent photos of flooding in London, is the Council confident that the surface drains throughout Bracknell Forest have both the capacity and adequate maintenance to deal with extreme rainfall?

In response Councillor Turrell agreed that the images of recent flash flooding in London were alarming but noted that such intense rainfall related to storm weather was typically rare. He observed that the urban density of London, and other large towns and cities, increased their vulnerability to flash flooding whilst mixed urban and rural areas fare better with greener environments providing increased drainage capacity and natural water attenuation.

He stated that it was a requirement of new developments within Bracknell Forest sites to ensure that flood risk did not increase or impact upon the wider drainage infrastructure as a result of urban growth. He added that it was equally important to ensure that the existing drainage network was subject to improvements where needed. He advised that like all local authorities, and especially as lead local flood authority, Bracknell Forest Council applied an evidence and risk-based approach to ensure that finite Government funding for maintenance improvements was targeted to where it was needed most. He added that the important routine and cyclical maintenance of gullies, pipework and culverts would have increased focus in areas where flood risk potential was higher.

He concluded that he was confident that Bracknell Forest Council took a responsible approach to flood risk but the impact of significant weather events could always pose a threat to highway drainage networks.

Councillor Temperton asked a supplementary question whether the Council utilised modelling software to predict the impact of extreme rainfall and urged residents to contact the Council when they saw blocked drains on both paths and roads.

Councillor Turrell agreed with request to encourage residents to report blocked drains to help maintain the drainage system. He responded that he would follow up with officers regarding the use of computing modelling to understand the network and the potential impact. He agreed that this was an issue that needed to be taken seriously.

24. Motion submitted under Council Procedure Rule 11

Motion 02/2021 was moved and seconded by Councillors Turrell and Dudley respectively as follows:

This Council believes local input to planning decisions is valued by residents and is of the utmost importance, and will continue to uphold the right of residents to make such representations in respect of planning decisions.

On being put to the vote the motion was carried.

Motion 03/2021 was moved and seconded by Councillors Temperton and Brown respectively as follows:

The Council asks the Executive to look to provide a Community Home within Bracknell Forest for some of our Bracknell Forest children who are awaiting foster parents, to avoid sending them to live outside the borough. This would provide a local home, enable continuity of schooling, retention of friendships and a better experience for the children.

An amendment was proposed and seconded by Councillors Dr Barnard and L Gibson respectively as follows:

The Council asks the Executive to keep under review the provision of a Community Home within Bracknell Forest, providing that any provision must not be to the detriment of our clear commitment to providing bespoke and personalised support for our children.

The timescale for reviewing and if appropriate delivering any agreed provision requires the Council to ask the Executive to reaffirm its commitment to putting the needs of every child and family requiring our support first.

To achieve this we will continue to work as a community to expand activity aimed at delivering high quality foster placements by recruiting more foster carers, with enhanced therapeutic support where needed for Bracknell Forest children of all ages. This avoids sending them to live outside the borough unless this is in their best interests. This approach provides a local home for a child, enables continuity of schooling, the retention of friendships and a better experience for children.

On being put to the vote the amendment was accepted. On being put to the vote the new substantive motion was carried.

CHAIRMAN

To: Council
24 November 2021

EXECUTIVE REPORT TO COUNCIL The Leader

1 PURPOSE OF REPORT

- 1.1 Since the Council meeting on 15 September 2021, the Executive has met twice, on the 21 September 2021 and 19 October. The meetings were conducted remotely and as such were acting in an advisory capacity, making recommendations to the individual executive members who are empowered to make the formal decisions. This approach was in line with the decisions taken by Council on 28 April 2021 to reduce, as far as possible the need for face-to-face meetings whilst the risk of COVID-19 infection remains a threat to the lives of members and officers.
- 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 note the report.

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

Environment

5.1 Food Waste in Flats and Houses of Multiple Occupation (HMO's) Review Report

- 5.1.1 The Overview and Scrutiny Commission asked The Environment and Communities panel to conduct a review into food waste collections in flats and HMO's following the successful implementation of food waste in households. The review aimed to assess what type of food waste scheme would be most successful in Bracknell forest for Flats and HMO's through speaking to experts and conducting site visits.

5.1.2 The Executive agreed the Panel's recommendations:

- That the Executive implements a progressive roll out of food waste collection for up to 20% of properties (up to 1800) with officers developing the criteria for suitable flats taking into account good practice which has been identified within the report and the panel to be consulted on the draft criteria. The implementation of the scheme to begin in Spring 2022.

To make the roll out effective, the Executive committed to undertaking the following proposed actions:

- Individual kerbside food waste caddies be distributed to residents in appropriate flats with blocks that have demonstrated a willingness to recycle and fit within the strict criteria to begin in Spring 2022
- Ongoing communication and engagement with residents in flats is undertaken and where possible, give presentations to interested parties.
- Bins are provided with apertures to minimise contamination where no individual kerbside caddies are issued.
- All new HMO licences and renewals will have inserted into them the mandatory condition regarding waste storage and disposal. Any breach could result in enforcement action by Environmental Health.
- That the Executive produces a report reviewing the roll out after 1 year along with a report on the effectiveness and cost by Spring 2023.

Adult Services, Health and Housing

5.2 Overview and Scrutiny Review of Blue Badges Report

5.2.1 The review was undertaken in response to complaints about blue badge applications being refused, and a local newspaper article highlighting apparent differences in approval rates between Bracknell Forest and other councils. In the event it became clear that the survey that prompted the article was based upon incomplete, and therefore misleading, data. Nonetheless, the council's recent Social Isolation and Loneliness review had highlighted the problems caused when people cannot easily leave their homes, so the panel chose to review the application process to ensure fairness and consistency.

5.2.2 The Executive agreed the Environment and Communities Overview & Scrutiny Panel's recommendations as below whilst taking into account the comments of the Statutory Scrutiny Officer.

- That the Executive requests a review to ensure that blue badge refusal letters are empathetic, easy to understand and demonstrate to applicants that all their evidence has been considered. By end December 2021.
- That the Executive Director creates local guidelines that explain the approach to assessing blue badges in Bracknell Forest. The local guidance should be clear how Bracknell Forest Council uses its website and application form to provide and collect information, and how it considers evidence from a wide range of professionals and trusted organisations. By end December 2021.

Council Strategy and Community Cohesion

5.3 Residents' COVID-19 Impact Survey 2021

- 5.3.1 The Executive noted the Covid-19 Impact Survey 2021 results and endorsed the communications plan.
- 5.3.2 The council conducted an initial Residents Covid 19 Impact Survey in July 2020. The results informed the development of the Covid 19 community impact assessment evidence base which was shared widely with partners and informed recovery and renewal planning. The second survey, which took place in April and May 2021 was run as a tracker survey providing updated information about the impact of the pandemic on Bracknell Forest residents and the results have been compared to those from the first survey to identify trends.
- 5.3.3 The results of the tracker survey will also inform the ongoing recovery and renewal strategy.

5.4 Council Plan Overview Reports

- 5.4.1 The Executive noted the performance of the council over the period from January-March 2021 and April to June 2021 highlighted in the Overview Reports.

5.5 Surplus Land – Depot Site

- 5.5.1 The Executive agreed to offer the surplus land that will be created by re-development of the Commercial Centre to the Bracknell Forest Cambium Partnership (the Joint Venture) for development, subject to the satisfactory approval of an Initial Site Development Plan within a 12 month exclusivity period commencing on 1 October 2021. In the event that a Site Development Plan is not approved within the 12 month period, that the surplus land would be sold on the open market for the best available consideration. Oversight of the process is delegated to Assistant Director: Property.

5.6 The Local Government and Social Care Ombudsman (LGSCO) Annual Review Letter

- 5.6.1 The Executive noted the Local Government and Social Care Ombudsman's Annual Review Letter 2021.
- 5.6.2 The annual review letter from the LGSCO provides local authorities with an overview of the council's performance in complaint handling, covering the financial year April 2020 to March 2021.
- 5.6.3 In 2020/21 the LGSCO conducted detailed investigations into eight cases, this was an increase on the previous year but was still amongst the lowest compared to Bracknell Forest Council's CIPFA neighbours. Of the eight investigations, fault was found in five cases although it was noted that no injustice was caused in two of the cases.

Planning & Transport

5.7 Revised Local Development Scheme 2021 - 2024

- 5.7.1 The Executive resolved that the Local Development Scheme 2021 – 2024 (October 2021) should come into effect on 27th October 2021.

- 5.7.2 The Council's work programme for preparing local plans is set out in the Local Development Scheme. The current LDS (2021-2024), February 2021 set out timetables for the preparation of the:
- Bracknell Forest Local Plan
 - Joint Minerals and Waste Local Plan (covering Bracknell Forest, Wokingham Borough, Royal Borough of Windsor and Maidenhead and Reading Borough)
 - Policies Map.

5.7.3 It is essential that the LDS reflects the key deadlines and milestones. The report updated those milestones in the light of progress in relation to the Local Plan.

5.8 Bracknell Neighbourhood Development Plan 2016-2036 “making” The Plan Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (As Amended)

5.8.1 The Executive approved the formal “making” (keeping in legal force) of the Bracknell Town Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended); and the form, content and publication of the Decision Statement pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

5.8.2 The Council in its capacity as the Local Planning Authority has a statutory duty, as set out in Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) (“PCPA”), to make a neighbourhood development plan if more than half of those voting at referendum have voted in favour of making the neighbourhood development plan. This must be done as soon as reasonably practicable after the referendum is held and, in any event, within 8 weeks of the referendum (as prescribed by Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”). Regulation 19 requires the Council to then publish a statement setting out the decision and details of where and when the decision statement may be inspected. This must be done as soon as possible after deciding to make the neighbourhood development plan.

5.8.3 The referendum was held on Thursday 9 September 2021 in which the question was asked to those entitled to vote in the referendum: *“Do you want Bracknell Forest Council to use the Neighbourhood Plan for Bracknell Town to help it decide planning applications in the neighbourhood area?”* At the referendum a total of 4,085 votes were cast. Of these:

- the number of votes in favour of a ‘yes’ was 3,457
- the number of votes in favour of a ‘no’ was 582
- 28 votes were rejected, deemed unmarked or void for uncertainty
- the turnout was 9.6 per cent.

Finance & Transformation

5.9 Market Street Block D Options

5.9.1 The Executive agreed to delay the decision on Block D for a period of 3 years and requested officers to assess “meanwhile use” options for this period, focused on public realm/community use of the space. The Pandemic has caused uncertainty in

the office market globally. Current indications are that a permanent shift is likely to occur favouring smaller, more flexible units for office accommodation. Although there is some market confidence that the office market is likely to see recovery post Pandemic, this is by no means certain in the short to medium term and prompting the decision to await greater certainty in the market.

Culture, Delivery and Public Protection

5.10 Buckler's Park Community Hub and Facilities

5.10.1 The Executive agreed that the council takes the freehold from CALA in a single transfer on 1 April 2022 (or soon thereafter) in accordance with S106 of the Buckler's Park community hub with the adjacent courts, the associated car parking, allotments and landscaping (excluding SuDs and Orchard) within the site area. It was also agreed that the management arrangements for the community hub, including courts, car parking, associated landscaping and allotments to be overseen by the Council's Community Engagement and Parks and Countryside teams, through running a procurement exercise to find an operator.

5.10.2 It was agreed that a one-off contribution be allocated to incentivise an operator of the facility towards their start-up cost plus a contribution for other ancillary BFC set up costs and that the Council would engage with the Parish Council on this.

5.11 Binfield Community and Health Care Hub

5.11.1 The Executive noted the progress to date on the community centre and health & wellbeing hub in partnership with the Frimley Care Commissioning Group (CCG) and agree the timetable detailed within the report, and it was agreed that the community centre budget and the development cost of the health centre to be met by the CCG/NHS as noted in the report.

5.11.2 The Executive agreed to forward fund in capital costs the Health part of the building, on the basis that the consequent capital financing costs would be covered by any capital contributions secured by the CCG and/or the long-term rental income from the Health provider. As with Bucklers Park a one-off contribution would be allocated to incentivise an operator of the facility towards their start-up cost along with an allocation of other ancillary set up costs for the borough council.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

6.1 Leader Appointments

At the request of Councillor Harrison, the Leader established two advisory panels and confirmed the membership as below:

- Arts & Culture Strategy Advisory Panel – Councillors Gbadebo, Mrs Gibson, Mrs Mattick, Merry, Neil, Parker and Virgo
- Digital, ICT & Customer Experience Advisory Panel – Councillors Harrison, Brunel-Walker, Dale Birch, Heydon, Finch, Mrs McKenzie-Boyle and Neil

Borough Solicitor

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

Executive Director: Resources

- 6.3 The Executive Director: Resources' comments have been addressed in the reports to the Executive.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

Executive Agenda – 21 September 2021

19 October 2021

Contact for further information

Hannah Harding, Delivery - 01344 352308

Hannah.harding@bracknell-forest.gov.uk

To: Council
24 November 2021

**ADOPTION OF STATEMENT OF LICENSING POLICY PRINCIPLES
UNDER S.349 OF THE GAMBLING ACT 2005
Public Protection Partnership Manager**

1 Purpose of Report

- 1.1 To consider the responses received during the consultation period and adopt the Statement of Licensing Policy Principles under the Gambling Act 2005 (hereafter referred to as The Statement) as set out in Appendix 1.

2 Recommendation

- 2.1 That Full Council:
- a. **CONSIDERS** the Statement and the consultation responses received.
 - b. **DELEGATES** Authority to the Public Protection Partnership Manager, in consultation with the Chairman of the Licensing and Safety Committee Chairman, to make any minor corrections to the report prior to publication.
 - c. **APPROVES** the Statement for adoption and publication by the 31st January 2022.

3 Reasons for Recommendation

- 3.1 This Statement of Principles has to be published in accordance with s349 of Gambling Act 2005 and is required to set out the principles that the licensing authority proposes to apply when exercising its functions under the Act. The licensing authority must publish its Statement of Principles at least every three years. The current Statement is due to expire in January 2022.
- 3.2 Under the Act, the licensing authority is required to consult a number parties as a minimum before finalising its Statement. The consultation has now been concluded and as no comments or objections were received it is proposed that the Statement that was consulted on be approved subject to any changes agreed at the Council meeting.

4 Alternative Options Considered

- 4.1 None. It is a statutory requirement to review and publish this policy.

5 Supporting Information

- 5.1 The Gambling Act 2005 (hereafter referred to as the Act) removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. It introduced the Gambling Commission, which, alongside licensing authorities, assumed a shared responsibility for all matters previously regulated by Magistrates.
- 5.2 Licensing Authorities have powers to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs. The Act also provides for a system of Temporary Use Notices which authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for strictly limited periods.

- 5.3 The Act requires the Council to prepare, adopt and publish a "Statement of Principles" setting out the Licensing Authority's approach to applications under the Act and the information it expects applicants to provide at least every three years.
- 5.4 The current Gambling Statement of Licensing Policy Principles was adopted at the full council meeting on 16 January 2019 and was published and came into effect 31 January 2019. The Statement must therefore be revised and republished by the end of January 2022.
- 5.5 The purpose of the Statement is to guide the administration of licensing under the Act and will assist in ensuring that an appropriate balance is drawn between the interests of those wishing to provide and take part in legal gambling, and those who might be affected by such activities. The Council continues to work with the Police, licence holders, responsible authorities and other agencies to achieve this objective.
- 5.6 The Act contains three licensing objectives that underpin the functions that the Licensing Authorities perform and which are central to the regulatory regime. They are:
- I. preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - II. ensuring that gambling is conducted in a fair and open way;
 - III. protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.7 In June 2021 Bracknell Forest Council had responsibility for nine betting shops, one adult gaming centre, one Bingo premise, 14 premises licenced for gaming and 29 notifications of fewer than two machines. During 2021/22 no complaints were received about any of the premises and no new applications were refused or reviewed.

6. Review of Statement of Principles

- 6.1 Specialist external solicitors on behalf of the Public Protection Partnership reviewed the Statement. Minor changes were proposed when compared to the previous iteration of the report. A section on small society lotteries was added and the draft policy was amended to make it compliant with the current legislation and regulations as well as making it consistent with the very recent updates to the guidance to licensing authorities published by the Gambling Commission.
- 6.2 In addition some extra information was included in order to assist anyone reading the policies to understand the various sections. The general aim of the review was to ensure that the draft policy was both up-to-date and informative
- 6.3 The Draft Statement was presented to the Licensing and Safety Committee at the 24 June 2021 meeting. A number of minor changes were requested at this meeting and members also requested that section 1.2 The Borough of Bracknell Forest be updated to reflect the most current data prior to it being issued for consultation.
- 6.4 The Licensing and Safety Committee agreed that the statutory consultation on the Draft Statement would last for 12 weeks between 07th July 2021 and 29th September 2021. A public notice was placed in the Bracknell News on the 07 July 2021. Information was also placed on the website.
- 6.5 Letters were also sent to:
- Association of British Bookmakers
 - Association of Licensed Multiple Retailers
 - Bingo Association
 - British Amusement Catering Trade Association

- British Beer and Pub Association
- British Institute of Inn Keeping
- Building Control
- Committee of Registered Club Associations
- Environmental Health
- Gamblers Anonymous
- Gambling Commission
- GAMCAR
- Health and Safety Executive
- Health and Wellbeing Board
- HM Revenue and Customs
- Holders of existing gambling licences / permits
- Involve
- Local businesses and their representatives, e.g. Bracknell Regeneration
- Members of Bracknell Forest Council
- National Association of Bookmakers
- Parish and Town Councils
- Partnership, Bracknell Forest Chamber of Commerce
- Planning
- Public Health
- Pub & Drug Watch
- Premises licence / club premises certificate holders
- Royal Berkshire Fire and Rescue Service
- Safeguarding Board (Adults and Children)
- Thames Valley Police

6.6 No responses, comments or objections to the consultation were received. The Statement was reconsidered at the Licensing and Safety Committee on the 21 October 2021. No additional amendments were proposed at the meeting and Members agreed to recommend the Statement to Full Council for adoption and publication.

6.7 As a result of the consultation it is proposed that the Statement of Licensing Policy Principles under S.349 Of The Gambling Act 2005 as set out in Appendix 1 be adopted by Full Council and that it is published on or before the 30 January 2022.

7 Consultation and Other Considerations

Legal Advice

7.1 The Gambling Statement of Principles must be reviewed at least every three years under the Gambling Act 2005 and should be the subject of a statutory consultation.

Financial Advice

7.2 The cost of producing the policy and undertaking the consultation was met from within the existing Public Protection Partnership budgets. There should not be any additional costs associated with the implementation of this report

Equalities Impact Assessment

7.3 In applying this Policy, no particular group is given priority over another in relation to implementation of the Policy and how any applicant is dealt with. Applications are assessed on their individual merits, so all groups will be treated fairly by the Council under its Public Sector Equality Duty.

Accordingly the Council is not in a position where it can proactively affect the profile of licence holders, but the Policy ensures that the process of obtaining a licence is fair and free of discrimination and there are no barriers to anyone making an application.

The protection of children and other vulnerable people from gambling within the policy clearly has a benefit relating to these groups. For most gambling activity you have to be 18 (16 for some activities), and so the statement of principles protects those of this age. References to age are made throughout the policy i.e. Protecting children from being harmed or exploited by gambling is a key Licensing objective enshrined in the legislation.

Within society there are vulnerable people who may develop addictions to gambling. Whilst the law requires licensed gambling premises to monitor those who gamble regularly and also to have self-exclusion schemes, historically this has been a difficult problem to deal with as Adult Safeguarding departments are not responsible authorities. They have however been consulted during the consultation phase of the revision of the policy.

On consideration, the overall conclusion of the EIA is that there is no negative impact on any characteristic or group as a result of this Policy.

Strategic Risk Management Issues

7.4 None

Climate Change Implications

7.5 The recommendations in Section 2 above are expected to have no impact on emissions.

Background Papers

The Gambling Act 2005

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

The Draft Statement of Gambling Principles 2019-2022

Appendices

Appendix 1 - Statement of Gambling Principles

Contact for further information

Sean Murphy, Public Protection Partnership Manager

Statement of Gambling Principles

JANUARY 2022

GAMBLING ACT 2005

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Part A - General

1.1 Introduction

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

The purpose of this Statement is to provide guidance to committees and officers determining matters under delegated authority, and to provide consistency to decision-making. However, as each case will always be determined on its own merits, where the circumstances justify doing so, the Licensing Authority may depart from any provision of this Statement, or of the Guidance to Licensing Authorities issued by the Gambling Commission, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case the Licensing Authority will give a clear explanation and reasons for its decision.

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

This Statement has been prepared having regard to the licensing objectives of the Act, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted during the preparation of the Statement. A list of those consulted can be found at Appendix A. The full list of comments made and the consideration by the Council of those comments is available on request. The agenda and minutes of the Council meetings where the Statement of Principles was considered can be viewed on the Council website at www.bracknell-forest.gov.uk.

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

1.2 The Borough of 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 towns of Bracknell and Sandhurst and villages of Crowthorne and Binfield along with a number of smaller settlements across Warfield and Winkfield.

Bracknell Forest is strategically located and well connected, with London in close proximity and Heathrow Airport just half an hour’s drive away. The M3 and M4 motorways are only 7 miles away. It is well connected in other ways, as the borough can boast 96% coverage for superfast broadband, which is perfect for knowledge intensive businesses.

Since 2006, Bracknell alongside Reading have consistently ranked highest in the [Demos-PwC good growth for cities index](#). This is on par with Oxford and is higher than Cambridge or London. Bracknell has particular strengths in skills, jobs, health and income. Over 85% of the Bracknell Forest population is economically active. There's a highly skilled labour force, with 40% of residents in the borough having a Bachelor's degree, higher than the national average of 38.6%. Furthermore, Bracknell Forest is within an hour's reach of several excellent business universities including Reading, Henley Business School, Oxford and Royal Holloway, University of London.

[Bracknell town centre's extensive regeneration, known as the Lexicon, was completed in September 2017](#). An investment of £240 million created 580,000 sq ft of new space, establishing a fantastic retail offer of 70 new shops, high quality restaurants and a 12 screen cinema.

Bracknell, alongside Reading, was ranked by PwC in 2015 as the best place to live and work in the UK for the fourth year running. With easy access to beautiful countryside, world class golf clubs and Michelin starred restaurants, it is not difficult to see why.

A map can be found at Appendix B.

The population of the Borough is 121, 676 (2018).

1.3 The Licensing Objectives

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

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

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

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

1.4 Licensable Activities

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

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

The Act provides for three categories of licence:

- Operating licences
- Personal licences
- Premises licences.

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

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

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

Additional functions of the Licensing Authority are to:

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

1.5 Responsible Authorities

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

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

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

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

The Licensing Authority designates the Bracknell Area Child Protection Committee for this purpose.

The contact details for all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.bracknell-forest.gov.uk.

1.6 Interested Parties

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

An interested party is someone who:

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

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

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

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

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

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

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

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further relevant evidence supporting the representation, the Licensing Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

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

If individuals wish to approach Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Licensing Sub-Committee dealing with the licence application. If there are any doubts, then please contact the licensing team by email to Licensing@bracknell-forest.gov.uk or telephone 01344 352000.

1.7 Information Exchange

This Licensing Authority will act in accordance with all the relevant legislation and guidance from the Gambling Commission with regard to data protection and the freedom of information. Additionally, this Licensing Authority has adopted and will apply the principles of better regulation as detailed in the Regulators’ Code.

1.8 Enforcement

The Licensing Authority’s principles are that it will be guided by the Gambling Commission’s Guidance to Licensing Authorities and will endeavour to be:

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

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

- the Licensing Objectives;
- relevant Codes of Practice;
- Guidance issued by the Gambling Commission;
- the principles set out in this Statement of Licensing Policy;
- location of the premises and their impact on the surrounding area;
- enforcement history of the premises;
- nature of the licensed or permitted operation;
- management record.

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

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

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

Bearing in mind the principle of transparency, the Licensing Authority's enforcement policy will be available upon request to the licensing team by email to licensing@bracknell-forest.gov.uk or telephone 01344 352000. The risk methodology is also available upon request.

A number of gambling operators have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products or services. Where the Licensing Authority has concerns about a premises whose operator has

formed a primary authority partnership relevant to the issue in question, it will consult with the primary authority prior to taking any formal action.

1.9 Local Risk Assessments

The Licence Conditions and Codes of Practice (the “LCCP”) attached to operating licences issued by the Gambling Commission impose a need for operators to consider local risks.

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

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

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstances, including those identified in a licensing authority’s policy statement;
- when there are significant changes at a licensee’s premises that may affect their mitigation of local risks.

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

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

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

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

A single generic risk assessment covering every premises in an operator’s estate will not be considered by the Licensing Authority to be suitable or sufficient. It is also expected that operators will take full account of the local

area when compiling their risk assessments, and to reflect this in the control measures which they will implement. For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school.

Completion of a local area profile is not a requirement on licensing authorities. Any local area profile prepared by the Licensing Authority will be separate from this Statement, so that it can be reviewed and updated without the need for full consultation. Details of any local area profile will be available upon request to the licensing team by email to licensing@bracknell-forest.gov.uk or telephone 01344 352000.

Part B - Premises Licences

2.1 General Principles

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

- in accordance with any relevant code of practice issued by the Gambling Commission,
- in accordance with any relevant guidance issued by the Gambling Commission,
- reasonably consistent with the licensing objectives (subject to the previous two points), and
- in accordance with the Licensing Authority's statement of licensing policy (subject the previous 3 points).

The Licensing Authority will not investigate the suitability of an applicant for a premises licence. The issue of suitability will already have been considered by the Gambling Commission because any applicant (except occupiers of tracks who do not propose to offer gambling themselves) must hold an operating licence from the Commission before the premises licence can be issued.

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

The Act requires applicants to submit plans of the premises with their application to ensure that the Licensing Authority has the necessary information to make an informed judgment about whether the premises are fit for gambling. As the plan forms part of the premises licence, it will also be used by the Licensing Authority in connection with premises inspection activity. The

plans must comply with requirements contained in the regulations made under the Act.

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

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

Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. The mandatory and default conditions are often sufficient to ensure operation that is reasonably consistent with the licensing objectives. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be necessary and/or appropriate in the circumstances of a particular case. More detail on licence conditions can be found at section 2.5 of this Statement.

The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation and will seek to avoid any duplication with other regulatory systems where possible. For example, the Licensing Authority will not take into account whether premises have the appropriate planning or building consents, nor will it take into account fire or health and safety risks without justification in a particular case. It will, however, carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

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

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

2.2 Preventing gambling from being a source of crime and disorder

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

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. The Licensing Authority will seek the views of its legal advisers before determining what action to take in circumstances in which disorder may be a factor.

As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Licensing Authority will not use the Act to deal with general nuisance issues, such as parking problems, which can be dealt with using alternative powers.

2.3 Ensuring gambling is conducted in a fair and open way

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

2.4 Protecting children and other vulnerable people from gambling

The Licensing Authority has noted that the Gambling Commission's Guidance for Local Authorities states that this objective means preventing children from taking part in gambling, as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to, children. The Licensing Authority will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines or segregation of areas.

The use of CCTV (in accordance with data protection regulations and any relevant codes of practice) may be insufficient on its own as a measure to prevent access to gaming facilities by children or vulnerable persons (including those who have registered in a self-exclusion scheme).

At premises such as adult gaming centres, betting shops, bingo halls and family entertainment centres where category B or C gaming machines are operated, the Licensing Authority will expect that an appropriate number of staff will be present throughout opening hours to ensure that children are not permitted to enter the premises or use age-restricted gaming facilities, as the case may be, and that self-excluded persons are not permitted to gamble.

The Licensing Authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises such as pubs.

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

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

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

2.5 Licence Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

This requirement is relaxed when applied to door supervisors at casino and bingo premises. Where contract staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA.

However, in-house employees working as door supervisors at casino and bingo premises are exempt from this requirement.

2.6 Licensed Family Entertainment Centres

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

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

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

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

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

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

2.7 Casinos

There are currently no casinos operating within the Bracknell Forest Council area.

Casinos are only permitted in certain areas within Great Britain. New casinos under the Gambling Act 2005 are restricted to 16 specific local licensing authority areas. Bracknell Forest is not one of those areas.

Casinos that operated under the Gaming Act 1968 should already have a premises licence from their local licensing authority. The regions in which those casinos operate are based on a historical division that was established under

the previous licensing regime by the Gaming Board for Great Britain. Bracknell Forest is not one of those regions.

2.8 Bingo Premises

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

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

The Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available.

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

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

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

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

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

2.9 Betting Premises

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

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

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

Betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These self-service betting terminals (“SSBTs”) are not going machines.

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

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

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

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

2.10 Adult Gaming Centres

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

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

measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

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

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

2.11 Tracks

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

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

- a point-to-point horserace meeting;
- football, cricket and rugby grounds;
- an athletics stadium;
- a golf course;
- venues hosting darts, bowls, or snooker tournaments;
- premises staging boxing matches;
- a section of river hosting a fishing competition;
- a motor racing event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.12 Travelling Fairs

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

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

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

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

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

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

2.13 Provisional Statements

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

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

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

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

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

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

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

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

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

- where the premises have not been constructed in accordance with the plan and information submitted with the application.

2.14 Licence Reviews

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

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

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

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

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

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

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

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

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

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

Part C - Permits, Temporary and Occasional Use Notices

3.1 Unlicensed Family Entertainment Centre Gaming Machine Permits

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

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

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

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

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

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

The Licensing Authority will also expect applicants to demonstrate:

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

Applicants will also be required to supply a plan of the internal layout of the family entertainment centre, drawn to an appropriate scale, that shows the

location of the area(s) where category D gaming machines will be made available for use.

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

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

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

3.2 Alcohol Licensed Premises Notifications and Gaming Machine Permits

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

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

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

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

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

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

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

- the need to protect children and vulnerable persons from harm or being exploited by gambling, and
- measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

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

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

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

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

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

3.3 Prize Gaming Permits

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

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

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

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

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

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

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

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

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

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

3.4 Club Gaming and Club Machine Permits

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

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

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

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

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

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

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

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

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

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

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

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

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12,

- that in addition to the prescribed gaming, the applicant provides facilities for other gaming, or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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

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

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

3.5 Temporary Use Notices

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

A temporary use notice can only be given by a person or company holding a relevant operating licence issued by the Gambling Commission (i.e. an operating licence that authorises the type of gambling to be offered)

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

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

The holder of an operating licence must give notice to the Licensing Authority in whose area the premises are situated. A temporary event notice must be given to the Licensing Authority not less than three months and one day before the day on which the gambling event will begin.

The application must be copied to:

- the Gambling Commission,
- the chief officer of police for the area in which the premises are situated,
- HM Revenue and Customs, and
- if applicable, any other licensing authority in whose area the premises are also situated.

Gaming machines may not be made available under a temporary use notice.

The Licensing Authority will carry out its functions in relation to temporary use notices by applying the same principles as those applied in determining premises licence applications (see section 2.1 above).

3.6 Occasional Use Notices

Occasional use notices may be used to authorise infrequent betting at tracks (see section 2.11 for definition), on no more than 8 days in any calendar year. They cannot be used to authorise any other form of gambling activity (e.g., gaming machines). Providing that the 8-day limit is not breached, there is no provision for correctly-served notices to be refused by the Licensing Authority.

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

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

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

3.7 Small Society Lotteries

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

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

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

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

The Licensing Authority must refuse an application for registration if, within the past five years, either of the following applies:

- an operating licence held by the applicant for registration has been revoked, or
- an application for an operating licence made by the applicant for registration has been refused.

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

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

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

Part D - Decision Making

4.1 Delegations and process

The Licensing Authority will carry out its responsibilities under the Gambling Act 2005 efficiently and cost-effectively. To do this, functions are delegated from the Licensing Committee to either Sub-Committees or officers as appropriate. The table shown at Appendix C sets out the agreed delegation of decisions and functions. This form of delegation is without prejudice to officers referring a matter to a Sub-Committee or the full Committee if appropriate in the circumstances of any particular case.

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

Where there are relevant representations in respect of an application the matter will be determined by a sub-committee, as will any application for the review of a licence.

Every determination of a licensing decision by a Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The written notice of the decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

4.2 Appeals

Any appeal against a decision of the Licensing Authority must be made to the local Magistrates' Court within 21 days of receipt of the decision notice.

Part E - Further Information

5.1 Contact for Bracknell Forest Licensing Team

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

Tel: 01344 352000

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

Website: www.bracknell-forest.gov.uk

5.2 Contact for Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666

Email: info@gamblingcommission.gov.uk

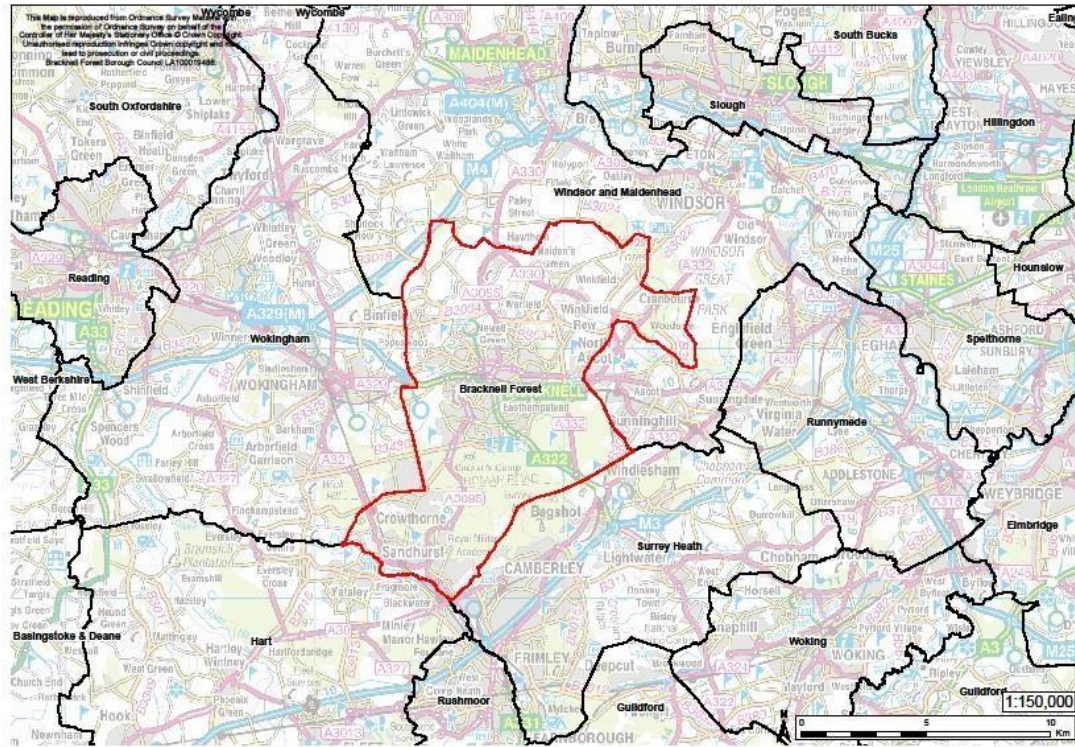
Website: www.gamblingcommission.gov.uk

Appendix A List of Consultees

Association of British Bookmakers
Association of Licensed Multiple Retailers
Bingo Association
British Amusement Catering Trade Association
British Institute of Inn Keeping
British Beer and Pub Association
Committee of Registered Club Associations
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

Appendix B

Map of Bracknell Forest Borough



Appendix C – Scheme of Delegations

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

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

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

representations have been made (not withdrawn) <i>Section 188</i>			
Determination of application for transfer of Premises Licence where no representations received <i>Section 188</i>			X
Revocation of Premises Licence for failure to pay annual fee <i>Section 193</i>			X
Determination that a Premises Licence has lapsed <i>Section 194</i>			X
Reinstatement of lapsed Premises Licence in respect of which representations have been made (and not withdrawn) <i>Section 195</i>		X	
Reinstatement of lapsed Premises Licence where no representation is received <i>Section 195</i>			X
Rejection of application for review of Premises Licence on various grounds <i>Section 198</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Initiation of review of Premises Licence <i>Section 200</i>			X
Determination that representation about review of Premises Licence is frivolous, vexatious or will certainly not influence a review of a Premises Licence <i>Section 201</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Determination of action following review of Premises Licence <i>Section 202</i>		X	
Determination of application for provisional statement in respect of Premises Licence where representations have been made (and not withdrawn) <i>Section 204</i>		X	
Determination of application for provisional statement in respect of which no representations received <i>Section 204</i>			X
Decision to disregard representations made in respect of application for a Premises Licence after issue of provisional statement <i>Section 205</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Issue of counter notice to Temporary Use Notice where number of permitted days are exceeded <i>Section 218</i>			X
Objection to Temporary Use Notice			X

<i>Section 221</i>			
Issue of counter notice in response to Temporary Use Notice <i>Section 224</i>		X	
Making of Order to remove exemptions from specified premises <i>Section 284</i>		X	
Institution of criminal proceedings in respect of an offence under the provisions of the Act <i>Section 346</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Determination of application for Family Entertainment Centre Gaming Machine Permit <i>Schedule 10</i> <i>Paragraph 8</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Notification of lapse of Family Entertainment Centre Gaming Permit <i>Schedule 10</i> <i>Paragraphs 14 and 15</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 44</i>			X
Refusal of application for registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 48</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Revocation of registration of society for small society lottery <i>Schedule 11</i> <i>Paragraph 50</i>			X In consultation with the Chairman or Vice-Chairman of the Licensing Committee
Cancellation of registration of society for small society lottery for non-payment of annual fee <i>Schedule 11</i> <i>Paragraph 54</i>			X
Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit in respect of which representations have been made (and not withdrawn) <i>Schedule 12</i> <i>Paragraphs 5 and 10 and 24</i>		X	
Determination of application for Club Gaming Permit and Club Registration Permit and for renewal of permit where no representations received <i>Schedule 12</i> <i>Paragraphs 5 and 10 and 24</i>			X

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

<i>Paragraph 15</i>			
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Appendix D Gambling Act Glossary

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

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

To: Council
24 November 2021

**Bracknell Forest Community Governance Review
Executive Director: Delivery – Democratic & Registration Services**

1 Purpose of Report

- 1.1 This report seeks the Council's agreement to commence a full community governance review of the Bracknell Forest borough area and sets out the rationale for the exercise.

2 Recommendations

- 2.1 **That the Council agrees to commence the formal process to undertake a full community governance review of the Bracknell Forest borough area as set out in section 5 of the report.**
- 2.2 **That authority to agree the review Terms of Reference is delegated to the Chief Executive in consultation with the Boundary Review Group.**

3 Reasons for Recommendations

- 3.1 The 2019 Local Government Boundary Commission's (LGBCE) review of Bracknell Forest resulted in several changes to the electoral arrangements for Bracknell Forest Council. These included a reduction in the number of councillors elected to the Council from 42 to 41 and the creation, merging and renaming of several borough wards.
- 3.2 In addition, changes were made to the parish electoral arrangements as a direct consequence of the revised warding arrangements for the Council. This was undertaken by the Commission in accordance with Schedule 2 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act), which provides that if a parish is to be divided between different borough wards it must also be divided into parish wards, so that each parish ward lies wholly within a single borough ward.
- 3.3 The Commission does not have the power to recommend changes to the external boundaries as part of an electoral review. However, the Council has powers under the Local Government and Public Involvement in Health Act 2007 to conduct community governance reviews to effect changes to parish electoral arrangements. Council is asked to authorise a full community governance review to ensure that town and parish councils within the Bracknell Forest area are well aligned with these new arrangements.
- 3.4 In order for any changes to be implemented in time for the next local government elections which will take place in May 2023, a decision to proceed will need to be taken at the November Council meeting.
- 3.5 Several parish/ town councils have informally requested a review of their respective areas.

4 Alternative Options Considered

- 4.1 The Council could decide not to undertake a full community governance review of the parish electoral arrangements in its area. This would result in no changes to the external boundaries of the town/parishes. The Commission's changes to the parish arrangements for Binfield, Bracknell Town, Sandhurst Town, Warfield and Winkfield would be treated as the default position and adopted even if no further changes are made by the Council.

5 Supporting Information

- 5.1 The Local Government and Public Involvement in Health Act 2007 which gives local authorities the power to make changes to parish/ town areas within the local authority boundary also sets out the legal processes required to complete a review. These can be segmented into three distinct stages:

Stage one - undertaking a review

- 5.2 It is proposed that the cross-party Boundary Review Group (BRG) established by the Leader of the Council, works with officers to undertake the community governance review and make recommendations to Council for any changes to the town/parish arrangements. For the location of polling stations to be considered as part of the review it is further proposed that the terms of reference of the BRG are widened to cover the work usually undertaken by the Electoral Review Steering Group (ERSG) to review polling districts and polling places. Three of the four members of the ERSG are also members of the BRG. The fourth member, Councillor Turrell will be invited to join the BRG for this piece of work.
- 5.3 The Council must produce and publish terms of reference for the review, setting out the review timetable, the geographic area covered by the review, the scope and other relevant information. Officers will prepare draft terms of reference for consideration by the Boundary Review Group at its first meeting. Whilst authorities must consult with affected stakeholders including electors, other local authorities that may have an interest and any other impacted party, there is no prescribed way to undertake the required consultation process. The consultation process will be set out in the terms of reference.
- 5.4 The indicative review timetable is set out in the table below.

Activity	Timeline
Terms of reference published	By 31 December 2021
First stage public consultation	February/March 2022
Draft proposals published	June/July 2022
Second stage public consultation	August/September 2022
Final proposals completed	October 2022
Order made by Council	30 November 2022 Council meeting
Order takes effect	Full Borough/Parish elections in May 2023

Stage two - making recommendations

- 5.5 Representations received as part of the consultation process must be considered when drafting recommendations and judged against the review criteria set out in the terms of reference.
- 5.6 Recommendations must be published with the reason for them. Interested and affected parties such as the existing town/parish councils, must be notified of the recommendations.

Stage three - implementing the review

- 5.7 Once the review is complete Bracknell Forest Council will make a Reorganisation Order to implement any changes. The Order will take effect from the borough/parish elections in May 2023.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The statutory basis for conducting community governance reviews is set out in the Local Government and Public Involvement in Health Act 2007. The Authority must also have regard to the contents of guidance published jointly by the Local Government Boundary Commission and the (then) Department for Communities and Local Government in 2010 when conducting such reviews.

Financial Advice

- 6.2 There are no material financial implications arising from consideration of this report.

Other Consultation Responses

- 6.3 Not sought.

Equalities Impact Assessment

- 6.4 An Equalities Impact Assessment has been completed and has highlighted the need to ensure that, in the commissioning and running of the consultation, those with a disability or any accessibility issues can respond to the consultation via a method that is open to them.

Strategic Risk Management Issues

- 6.5 There are no strategic risk management issues arising directly from this report.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO₂ due to the nature of the exercise which is predominantly administrative using existing resources.

Background Papers

None

Contact for further information

Ann Moore, Head of Democratic & Registration Services

Delivery Directorate - 01344 352260

Ann.moore@bracknell-forest.gov.uk

Philip Sadler, Electoral Services Manager

Delivery Directorate – 01344 352140

Philip.sadler@bracknell-forest.gov.uk

To: Council
24 November

Meetings Arrangements Executive Director: Delivery – Democratic & Registration Services

1 Purpose of Report

- 1.1 This report seeks council approval to the governance arrangements for councillor decision-making meetings when the current arrangements expire on 31 December 2021.

2 Recommendations

- 2.1 **That the current arrangements for council, executive and committee meetings agreed at the 28 April 2021 council meeting remain in place for a further three months until 31 March 2022.**
- 2.2 **That before the arrangements expire, the decision whether to extend them for a further three months until 30 June 2022 is delegated to the Chief Executive in consultation with the Leader of the Council.**
- 2.3 **That in the limited circumstances where a decision is reserved in law to the council and cannot be delegated a quorate in-person meeting of the council will be held.**
- 2.4 **That all non-decision-making meetings continue to take place remotely.**
- 2.5 **That the suspension of the six-month councillor attendance rule, set out in s85 of the Local Government Act 1972, is extended to the next Annual Council meeting currently scheduled for 18 May 2022. Should the interim meetings arrangements continue beyond that date a decision to extend the suspension further is delegated to the Chief Executive in consultation with the Leader of the Council.**

3 Reasons for Recommendations

- 3.1 The Local Government Act 1972 requires that all councillors must be physically present at decision-making council/committee and executive meetings to be part of the quorum and to vote. The council agreed specific meeting arrangements to enable effective decision-making in a covid secure way, which cease to be in place from 31 December 2021 and the council is asked to agree meeting arrangements going forward, taking account of the high and rising covid infection rate in the Borough.
- 3.2 The suspension of the six-month councillor attendance rule should not be required beyond the next Annual Council Meeting.

4 Alternative Options Considered

- 4.1 Options to ensure the council can conduct its business are limited while measures to work covid-securely are in place and wholly remote meetings for council/committee/executive meetings are not legally permissible.

5 Supporting Information

- 5.1 From 7 May 2021 Regulations permitting remote council, executive and committee meetings ceased to be in force. In response to this the council agreed interim meeting arrangements at the Annual Council Meeting on 28 April 2021 which enabled the council to undertake its business in a covid-secure way. These arrangements are:
- Non-executive decision making is delegated to the Chief Executive who can further delegate decisions to officers as appropriate
 - Executive decisions are delegated to individual executive members
 - The executive, council and its committees meet on an informal advisory basis only, to advise the decision-maker of their views. These meetings are held virtually and in public for transparency. The final decision is made by the relevant executive member or the Chief Executive/officer taking account of the views expressed at the informal remote meetings. Where a report contains an officer recommendation that is not supported at the informal meeting, a quorate in-person meeting of the committee is set up to consider the matter as soon as practicable. These meetings are held in accordance with the statutory access to information rules relating to the publication of notice of the agenda and public meetings. There have been four such meetings since the arrangements have been put in place.
- 5.2 There is no statutory requirement for non-decision-making meetings to be held in person and these continue to be held remotely.
- 5.3 These arrangements were reviewed in July 2021 and there was no proposal to end them at that time.
- 5.4 Since the interim arrangements have been put in place the covid compliant requirements have been relaxed, and the council has been considering how to move back to in-person council/committee/executive meetings in a covid-secure way whilst maintaining the benefits that holding meetings remotely has brought which include:
- Public meetings are accessible to a wider range of members of the public as proceedings can be watched live or at a later date, providing greater democratic transparency and accountability
 - Public engagement at meetings is better, particularly at overview and scrutiny
 - Councillors' attendance at remote meetings is on average 10% better and increased engagement with overview and scrutiny activity is even greater
 - Councillors with other commitments can more easily join a remote meeting and move between them
 - Officers and councillors have been able to achieve a better life balance when they don't have to travel to meetings
 - The council's green footprint is lower due to reduced travel/lighting/heating
 - Meeting rooms can be freed up for community events
- 5.5 It has proved to be quite a challenge to be able to live stream the in-person quorate meetings with some participants in the room, others joining remotely and members of the public in the room seeing and hearing remote contributions. Members of the public have not wished to attend these meetings in person, preferring to contribute remotely so the impact to date has been minimal. The council's ICT team is investigating audio-visual meeting room solutions to resolve this issue however a solution is unlikely to be in place before mid-January 2022.

- 5.6 The impact of the Time Square building works has also been a factor affecting the council's ability to hold even the small quorate public meetings in Time Square while building works are on-going and the building is not open to the public.

Proposals for meetings

- 5.7 The increasing covid rates at present in the Borough indicate that the council should exercise caution moving to in-person meetings and it would make sense to extend the current decision-making arrangements for a further three to six months.
- 5.8 It is therefore proposed that the current arrangements for council/committee/executive meetings agreed at the 28 April 2021 council meeting remain in place for a further three months until 31 March 2022. Before the interim arrangements expire the Chief Executive, in consultation with the Leader of the Council, will decide whether to extend the arrangements for a further three months until 30 June 2022.
- 5.9 For clarity the following will continue to meet as informal advisory bodies only with decision-making delegated to an executive member or officer:
- Council
 - Executive (and Executive Committees/Boards)
 - Appeals Committee
 - Appointment Committee
 - Employment Committee
 - Governance & Audit Committee (and sub-committees/panels)
 - Licensing & Safety Committee (and sub-committees/panels)
 - Planning Committee
- 5.10 In the limited circumstances where a decision is reserved in law to the council and cannot be delegated a quorate in-person meeting of the council will be held.
- 5.11 All non-decision-making meetings will continue to take place remotely.

Six-month rule for councillor attendance at meetings

- 5.12 At the Annual Council meeting on 28 April 2021 the six-month councillor attendance rule set out in the Local Government Act 1972 s85 was suspended for 12 months. This suspension was agreed so that any councillor who sat predominantly on decision-making committees would not fall foul of the rule due to the meeting arrangements which were put in place. This suspension will no longer be required as decision-making committees move to meet in person. It is proposed therefore that the suspension is extended to the next Annual Council Meeting, currently scheduled for 18 May 2022. From then the legal provisions will apply and any councillor who fails to attend any of the meetings of the bodies listed in the membership list agreed at each Annual Council Meeting will not have satisfied the requirements of s85. If the interim meetings arrangements continue beyond 18 May a decision to extend the suspension further will be taken by the Chief Executive in consultation with the Leader of the Council.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Until March 2020 the council adhered to the national consensus within local government that Schedule 12 of the Local Government Act 1972 required meetings

to be held 'in person' (i.e. with participants gathering to meet face to face at a physical location with observers coming to the same location).

On 25 March 2020 in response to the covid 19 pandemic, Parliament passed the Coronavirus Act 2020, Section 78 of which authorised the making of regulations providing for the holding of remote meetings. Such regulations (the 'Flexibility Regulations') were issued on 1 April 2020 but were time limited until 7 May 2021. They were not extended despite the continuing effect of the pandemic on public health. Judicial Review proceedings were issued against the Secretary of State for Housing, Communities and Local Government by Hertfordshire County Council and other parties seeking judicial clarification of whether the 1972 Act would in effect permit remote meetings in England when the Flexibility Regulations ceased to have effect. The court's judgement was handed down on 28 April 2021 and held that they did not. In doing so it concluded that "once the Flexibility Regulations cease to apply, such meetings must take place at a single, specified geographical location; attending a meeting at such a location means physically going to it; and being 'present' at such a meeting involves physical presence at that location". The court also held in an addendum judgement that references to a meeting being 'open to the public' in the 1972 Act meant physical attendance by the public.

It is against this backdrop that the current meeting arrangements, as set out in this report were approved by council on 28 April 2021. The council's decision had due regard to its overarching statutory responsibilities under Health and Safety Legislation and the Common Law duty of care towards councillors, officers and the public as well as Public Health Guidance in response to the Pandemic.

The Borough Solicitor is satisfied that neither executive nor non-executive meeting arrangements infringe the requirements set out in the 1972 Act. The council's constitution has always provided for single member decision making in relation to executive decisions and the current arrangements are an extension of this. Moreover, by holding advisory meetings of the executive (with public access and advance publication of agendas and reports) from which an executive portfolio holder can receive recommendations, the council is ensuring transparency of process in its decision making. In respect of non-executive decisions of the council and committees, the council is able to adopt similar processes by applying constitutional flexibilities.

It should be noted that in exceptional circumstances where decisions are reserved to council by law, the current arrangements will need to be set aside and a quorate in person meeting of the council held. A notable example is the council's statutory duties in relation to budget setting under S67 of the Local Government Finance Act 1992.

Financial Advice

- 6.2 There are no additional revenue implications arising from the above recommendations.

Other Consultation Responses

- 6.3 None

Equalities Impact Assessment

- 6.4 Not relevant to this report.

Strategic Risk Management Issues

- 6.5 It is critical for robust arrangements to be in place for the council to conduct its business without procedural challenge. The current and proposed meeting arrangements satisfy this requirement.

Climate Change Implications

- 6.6 As more councillors and officers attend meetings in Time Square there will be an impact on emissions of CO₂. The current arrangements have reduced emissions as the council's green footprint was lowered due to no travel to meeting venues and reduced lighting and heating. The impact of the proposals will be minimised if most meetings continue to be held remotely.

Background Papers

None

Contact for further information

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To: **Council**
24 November 2021

Schedule of Meetings 2022-23 **Executive Director: Delivery**

1 Purpose of the Report

1.1 To seek approval to the proposed Schedule of Meetings 2022-23.

2 Recommendation

2.1 **That the schedule of meetings 2022-23 as set out in the annex to this report be approved.**

3 Reasons for the Recommendation

3.1 To enable arrangements for the next municipal year's meetings to be put in place and assist members plan their diaries for the year ahead.

4 Alternative Options Considered

4.1 The timetable has been designed, as far as possible, to ensure that the schedule provides for meetings when decisions are required so that all matters are dealt with on a timely basis. Adjustments could be made to the timetable but adjusting one meeting date is likely to have an impact on a number of others given the inter-relationship between meetings and the limited number of dates available throughout the year.

5 Supporting Information

5.1 The timetable has been drawn up having regard to the usual limitations:

- Avoiding meetings during the school holidays as far as possible.
- Leaving a gap of at least 8 days between meetings of the Executive and Council to allow time for the Executive report (and any recommendations) to be published either with the Council agenda or the next day.
- Avoiding 7.30 meetings on Fridays.
- Scheduling each committee's meetings on the same day of the week throughout the year, as far as possible.
- Avoiding a gap of more than 5 weeks between meetings of the Planning Committee.

5.2 If the schedule is agreed, it is hoped that members will only seek to change these dates in exceptional circumstances as to do so inevitably causes problems for some

people. With a significant number of twin-hatted members, concerns have been expressed about clashes with parish and town council meetings. By setting the dates for this Council's meetings now, the parish and town councils have the opportunity to plan around our meetings. It is therefore all the more important to avoid in-year changes unless absolutely necessary so that potential clashes can be avoided.

- 5.3 Council is accordingly invited to approve the schedule set out in the annex to this report.

6 Consultation and Other Considerations

Legal Advice

- 6.1 Not sought.

Financial Advice

- 6.2 Not sought.

Other Consultation Responses

- 6.3 The representation received are reflected in the proposed schedule.

Equalities Impact Assessment

- 6.4 Not applicable.

Strategic Risk Management Issues

- 6.5 Not applicable.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO2 as it is maintaining a similar programme of activity to 2021-22.

Background Papers

None

Contact for further information

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SCHEDULE OF MEETINGS – 2022/23

	Day	Start Time	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN 2023	FEB	MAR	APR	MAY
COUNCIL	Wed	7.30	18		13		14		30		11	22		19	24
Portfolio Review Groups (Closed)	-	6.30/8.00	3/4 23/24	27/28		30/31	26/27	17/18	21/22		3/4 16/17	27/28			
Executive Briefing (closed)	Tue/ Wed*	5.00	10	7	5		6	4	1/29		10/18*		7		
EXECUTIVE	Tue	5.00	24	21	19		20	18	15	13	24	7	21		
Bracknell Town Centre Regeneration Committee	Mon	5.30	16		11		12		7		30		20		
School Improvement Accountability Board	Thu	5.00	5		14		22		24		5		2		
Corporate Parenting Advocacy Panel	Tue	5.00		14			13			6			14		
OVERVIEW & SCRUTINY COMMISSION	Thu	7.30	12	9	7	4	1	6	3		12	9		6	30
Planning Committee	Thu	6.30	19	16	21	18	15	13	10	15	19	23	23	20	25
Licensing & Safety Committee	Thu	7.30		23				20				2			
Employment Committee	Wed	7.30			6			12		7		8			
Education Employment Sub	Wed	5.30			6			12		7		8			
Local Joint Committee	Wed	4.00			6			12		7		8			
Governance & Audit Committee	Wed	7.30		22	20		21				25		22		
Health & Wellbeing Board	Thu	2.00		7			7			1		21			
Disability Advisory & Access Forum	Wed	7.30		15				5					1		
Parish & Town Councils' Liaison Group	Wed	7.30		29					16			1			
Local Countryside Access Forum	Tue	7.00		7				11			31				
Schools Forum	Thu	4.30		23			15		17	8	12		9		
SACRE		5.00			4				8				15		
Climate Change Advisory Panel	Thu/ Wed*	6.00		8*			29		2*		26		16		

Executive (Tuesdays 5pm)	Finance Portfolio Review Group (Mondays)	Environment Portfolio Review Group (Mondays)	Community Portfolio Review Group (Tuesdays)	Care Portfolio Review Group (Tuesdays)	Executive Briefing (Tuesdays)
24 May 2022	3 May 2022	3 May 2022	4 May 2022	4 May 2022	10 May 2022
21 June 2022	23 May 2022	23 May 2022	24 May 2022	24 May 2022	7 June 2022
19 July 2022	27 June 2022	27 June 2022	28 June 2022	28 June 2022	5 July 2022
20 September 2022	30 August 2022	30 August 2022	31 August 2022	31 August 2022	6 September 2022
18 October 2022	26 September 2022	26 September 2022	27 September 2022	27 September 2022	4 October 2022
15 November 2022	17 October 2022	17 October 2022	18 October 2022	18 October 2022	1 November 2022
13 December 2022	21 November 2022	21 November 2022	22 November 2022	22 November 2022	29 November 2022
24 January 2023	3 January 2023	3 January 2023	4 January 2023	4 January 2023	10 January 2023
7 February 2023	16 January 2023	16 January 2023	17 January 2023	17 January 2023	18 January 2023
21 March 2023	27 February 2023	27 February 2023	28 February 2023	28 February 2023	7 March 2023