

Notice of Meeting

Licensing and Safety Committee – Advisory Meeting

Councillor Porter (Chairman),
Councillor Brossard (Vice-Chairman),
Councillors Allen, Atkinson, Dr Barnard, Brown, Brunel-Walker,
Finch, Ms Gaw, Gbadebo, Mrs Ingham, Kirke, Leake,
Mrs McKenzie-Boyle and Tullett

Thursday 21 October 2021, 7.30 - 9.00 pm

Online Only - Zoom



Agenda

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

Item	Description	Page
1.	Apologies for Absence	
	To receive apologies for absence.	
2.	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>	
3.	Minutes	
	To approve as a correct record the minutes of the meeting held on 24 June 2021	
4.	Urgent Items of Business	
	Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.	
5.	Notice of Public Speaking	
	To note those agenda items which have received an application for public speaking	

EMERGENCY EVACUATION INSTRUCTIONS

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6.	Statement of Gambling Principles Reporting: Moira Fraser	3 - 48
7.	Fees and Charges 2022/23 Reporting: Sean Murphy	49 - 76
8.	Annual Report 2020/21 Reporting: Julia O'Brien	77 - 88
9.	Licensing Act 2003 Delegations Reporting: Sean Murphy	89 - 92
10.	Taxi Liaison Update Reporting: Moira Fraser	Verbal Report
11.	Forward Plan Reporting: All to note	93 - 94

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Published: 12 October 2021

EMERGENCY EVACUATION INSTRUCTIONS

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To: Licensing and Safety Committee for Recommendation/ **Council for Decision**
21 October 2021/ 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 make a recommendation to Council that it adopts the Statement of Licensing Policy Principles under the Gambling Act 2005 (hereafter referred to as The Statement) as set out in Appendix A

2 Recommendation

2.1 That the Licensing Committee

- a. **NOTES** the outcome of the **consultation**
- b. **CONSIDERS** any amendments needed to be made to the draft Statement of Gambling Principles arising from the consultation;
- c. **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 inclusion in the council agenda;
- d. **RECOMMENDS** to Full Council that the Statement be adopted.

2.2 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 recommended to Full Council for approval subject to any changes recommended by the Licensing and Safety Committee at the October 2021 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.

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.
- 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 A be recommend to full Council for adoption.

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 A - 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

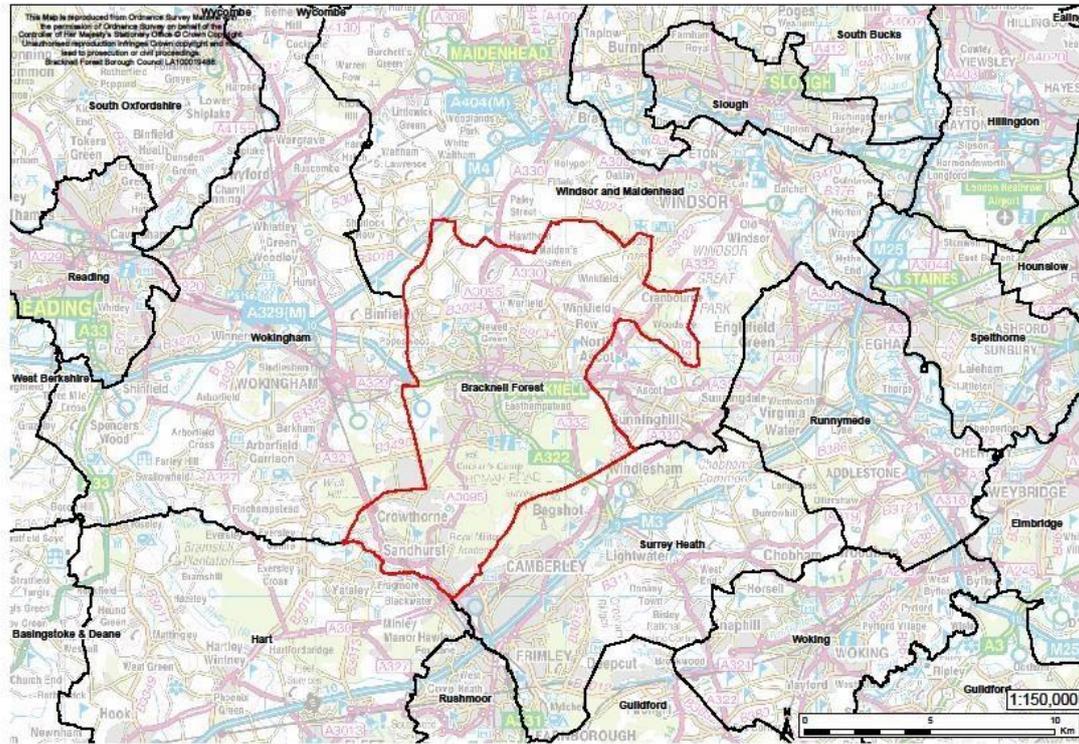
Website: www.gamblingcommission.gov.uk

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: LICENSING AND SAFETY COMMITTEE
DATE 21 October 2021

FEES AND CHARGES 2022/2023

Public Protection Manager

1 PURPOSE OF REPORT

- 1.1 This report sets out the Fees and Charges which have been proposed by the Joint Public Protection Committee at its meeting on the 13 September 2021.
- 1.2 Each Council is required to review the fees and charges on an annual basis. **Appendix A** details the fees and charges for 2022/23 proposed for the Public Protection Service.

2 RECOMMENDATION

- 2.1 That, save for the private hire operator, and hackney carriage and private hire vehicle licence fees, the Committee **RECOMMENDS** to the Executive the new fees and charges detailed in Appendix A, for public consultation.
- 2.2 That the Committee **AGREES** that the proposed charges for operators and vehicle licence fees are:
 - a) put forward for statutory consultation;
 - b) if no objections are received, implemented for any licences commencing from 1 April 2022; or
 - c) if objections are received they be considered by the Committee at the meeting on 03 Feb 2022 and any changes be recommended to full Council for approval.
- 2.3 The Committee **AGREES** that the fees for Taxi and Private Hire Vehicles and Private Hire Operators are subjected to a twenty eight day statutory consultation period from 10 November 2021 to 08 December 2021.
- 2.4 The Committee **AGREES** that a public notice pertaining to the Taxi and Private Hire Vehicles and Private Hire Operators fees is placed in the Bracknell News.
- 2.5 The Committee **AGREES** that a consultation letter is posted to all Taxi and Private Hire Drivers and Private Hire Operators and that a copy of the consultation is posted on the Public Protection Partnership website.

3 REASONS FOR RECOMMENDATION

- 3.1. Discretionary fees and charges relating to licences and registrations are based on cost recovery, and should they not reflect the cost of providing the service, there is a risk of generating a surplus or deficit

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 The Joint Public Protection Committee (JPPC) is required by the Inter-Authority Agreement (IAA) that set up the Public Protection Partnership (PPP) shared service to recommend a draft set of fees and charges to each of the member Councils.
- 5.2 It is noted that a significant number of fees within the licensing field are set by Government Regulation and cannot therefore be changed by the Council.
- 5.3 As a matter of principle, all fees and charges should be set on the basis of full cost recovery. Also aligning fees across the Public Protection Service authorities is proposed where appropriate.
- 5.4 During the discussion at the JPPC meeting on the 13 September 2021 the Chairman of the Licensing and Safty Committee raised the issue of the disparity between the Street Trading Consent fees in Bracknell when compared to West Berkshire Council. Officers were asked to revisit these fees and an amended proposal in relation to these set of fees is therefore including in Appendix A. For information we have also attached the Street Trading Consent - Standard Conditions at Appendix B for information.
- 5.5 At the meeting of the JPPC in December 2017 (when it considered the 2018/19 fees and charges) a number of matters were decided. It was agreed that as a matter of principle that all fees and charges should be set on the basis of full cost recovery. In 2018/19 a generic hourly rate for the service was set at £55 p/h as the basis of cost recovery. This was increased in 2019/20 to £57 per hour and was held at this level for 2020/21. For 2021/22 the full cost of the service, including internal support service re-charges (as per Council budget build processes) and the current establishment lists were updated which resulted in a new rate of £59 p/h. Given the uncertainty of the staffing changes for 2022/23 it is proposed to maintain the hourly rate at £59p/h for 2022/23 and conduct a full review once the structure is settled.
- 5.6 In calculating this rate a range of factors have been considered including the wide variety of council overheads each of the partners must contribute to, the levels of staffing, their costs, contracts and the necessary training to maintain a competent workforce.
- 5.7 The most significant issue this year affecting the fees has been the imminent introduction of the new single system for premises and licences. This will be in place by the 1st April 2022 and will improve efficiency in the licensing administration process by allowing on-line applications and automated reminders at key times. It will also allow for on-line payments at the time of application which will significantly reduce the amount of invoicing. The cost recovery aspect of the fees has been considered in this context and consequently a number of discretionary fees have been reduced.

- 5.8 The PPP has also sought to review some of the additional fees that the taxi and private hire trade asked the PPP to consider through the liaison meetings. Having reviewed the fees for drivers a reduction for drivers has been proposed, based on the efficiency gains from the single system efficiency. This has enabled the incorporation of the fees for safeguarding and disability awareness training into the driver licence fee for only a small increase in overall cost. The plan is to deliver this training in house.
- 5.9 The total lost revenue budget from these adjustments will be in the order of £60K per annum. This is a saving that will be passed on directly to the licence holders. This loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.
- 5.10 The Council is required to undertake a statutory consultation in respect of the Taxi and Private Hire Vehicles and Private Hire Operator's fees and the proposed mechanism and timescales are set out in recommendations 2.2 to 2.5 for Members to consider and approve.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The legal implications are identified within the report.

Fees for drivers licences

s.53 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such a fee as they consider reasonable with a view to recovering the costs of issue and administration and may remit the whole or part of the fee in respect of a private hire vehicle in any case in which they think it appropriate to do so."

Section 53 above therefore limits the cost of a driver's licence to the council's administration costs associated with the "...the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle...".

Fees for vehicle and operators' licences

s.70 of the Local Government (Miscellaneous Provisions) Act 1976: "...a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part:

- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles."

The licensing costs recoverable by a district authority in respect of vehicles and operators is limited to vehicle inspection costs for the specific purpose of determining their suitability to be licensed, reasonable cost of providing hackney carriage stands, reasonable administration costs for processing the licence application and finally reasonable costs associated with "...control and supervision of hackney carriages and private hire vehicles."

Borough Treasurer

- 6.2 The total lost revenue budget from the adjustments to the Taxi and Private Hire Vehicles and Private Hire Operator's fees will be in the order of £60K per annum. This is a saving that will be passed on directly to the licence holders. This loss of income will be managed through the reconfiguration process for the new two authority Public Protection Service.

Equalities Impact Assessment

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

Strategic Risk Management Issues

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

Background Papers

The report of the Joint Public Protection Committee can be found here:
<http://decisionmaking.westberks.gov.uk/ieListDocuments.aspx?CId=449&MId=6420&Ver=4>

Appendices

Appendix A - Proposed Fees and Charges for 2022/23
Appendix B – Bracknell Forest Borough Council Street Trading Consent – Standard Conditions

Contact for further information

Sean Murphy 01635 519 840 sean.murphy@westberks.gov.uk

PROPOSED FEES AND CHARGES 2022/2023

The Public Protection Partnership (PPP) provides chargeable services on behalf of two authorities, Bracknell Forest Council and West Berkshire Council.

Fees effective from 1 April 2022

Please Note:

- All Statutory Fees and those linked to national schemes are based on fees published on 16th August 2021 and may be subject to change by Central Government or the management of the schemes.
- The Hourly rate is **£59ph** for 2022/23, if there is a minimum number of hours or it is capped it is indicated in the text below.
- Class A Statutory Fees are marked with **Pale Gold** and Class B Discretionary Fees are headed **Blue**
- There are some additional fees which will be due when making an application, these listed separately (if known) and with a note if varied amounts
- If you have any questions regarding the fee amount please complete

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LICENCES, REGISTRATIONS AND CONSENTS

Pre Application Advice

We provide chargeable pre-application advice for the following licenses and consents:

License/Consents	Published 2021/22 Fee	Proposed 2022/23
Gambling Act	£59ph	£59ph
Licensed Premises Notifications	£59ph	£59ph
Licensing Act 2003	£59ph	£59ph
Scrap Metal	£59ph	£59ph
Sex Establishments	£59ph	£59ph
Skin Piercing & Dermal Treatments	£59ph	£59ph
Street Trading Consents	£59ph	£59ph

Animal Licences

Animal Licences – (Class A – Fee Discretionary)			
*The granting fee includes initial inspection and mid-term inspection totalling 4 hours (unless stated differently). Inspections required beyond this due to additional visits, aborted visits will be charged at an additional fee **Additional vets fee payable		Published 2021/22 Fee	Proposed 2022/23
NEW - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Animal Boarding Establishment - combined (dogs and cats)	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum

NEW - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum
RENEWAL - Animal Boarding Establishment - single species (dogs or cats))	Application Fee	£177	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£325 minimum
NEW - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£118	£118
	Granting Fee	£153.85	Minimum 2 hours at £118*
	Total Fee (minimum)	£271.85	£236 minimum
RENEWAL - Home boarder (midterm inspections to be charged in addition to revisits and aborted visit charges)	Application Fee	£118	£89
	Granting Fee	£123.85	Minimum 2 hours at £118*
	Total Fee (minimum)	£241.85	£207 minimum
NEW - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£147.50	£118
	Granting Fee	£59	Per inspection at hourly rate
	Total Fee (minimum)	£206.50	£118 + host inspection fee
RENEWAL - Home Boarder - Franchisee arrangers licence (excludes inspection fee per host)	Application Fee	£118	£89
	Granting Fee	£59	Per inspection at hourly rate
	Total Fee (minimum)	£177	£89 + host inspection fee
Assessment of hobby host as part of a franchisee licence	Host inspection fee	£118	£118
NEW - Dog Day Care	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Dog Day Care	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum

NEW - Dog Breeding Establishment (**excluding vet fee)	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Dog Breeding Establishment	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£531	£384 minimum
NEW - Dog Breeding Establishment (in domestic dwelling)(**excluding vet fee)	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum**
RENEWAL - Dog Breeding Establishment (in domestic dwelling)	Application Fee	£118	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum
NEW - Pet Vending / Sale of pets	Application Fee	£177	£118
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum
RENEWAL - Pet Vending / Sale of pets	Application Fee	£118	£89
	Granting Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum
NEW - Animal for Exhibition	Application Fee	£236	£177
	Granting Fee	£354	Minimum 4 hours at £236*
	Total Fee (minimum)	£590	£413 minimum
RENEWAL - Animal for Exhibition	Application Fee	£177	£148
	Granting Fee	£354	Minimum 4 hours at £236*
		£531	£384 minimum

Riding Establishment - Inspections are carried out annually, regardless of the star rating or length of licence, by a qualified Veterinarian Officer. **Vets fees will be recharged separately.			
NEW - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£177	£118
	Renewal Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£472	£354 minimum**
RENEWAL - Main inspection fee, plus fee per horse (**excluding vets fee)	Application Fee	£118	£89
	Renewal Fee	£295	Minimum 4 hours at £236*
	Total Fee (minimum)	£413	£325 minimum**
Fee per horse, for the first 10 horses		£15	£15
Fee per horse, for next 11-50 horses		£10	£10
Fee per horse, for every horse 51 & over		£8	£8
Other Fees			
Additional mid licence visit			£118
Variation to the licence fee (inclusive of one visit)		£224	£177
Replacement licence fee (lost or stolen paperwork, change of name, etc.)		£59	£30
Re-evaluation of star rating (inclusive of one visit)		£112	£118
Transfer due to death of licensee	Admin cost	£56	£30

Wild Animals and Zoos

Wild Animals & Zoos	Duration	Published 2021/22 Fee	Bracknell Forest Proposed 2022/23	Published 2021/22 Fee	West Berkshire Proposed 2022/23
Dangerous Wild Animal Consent	2 years	N/A	N/A	£460.00	N/A
Dangerous Wild Animal Consent – New (** excluding vets fee)	2 years	£489.00	£472	N/A	£472
Dangerous Wild Animal Consent - Renewal	2 years	£284.00	£295	N/A	£295
Zoo Licences (new & renewals) Periodical inspections (** excluding Vets Fees)	Up to 6 years	£2,066.00	£2065	£2,066.00	£206588

Explosives Licences – Statutory

Description	Duration	All Council Areas
New licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£111.00
	2 years	£144.00
	3 years	£177.00
	4 years	£211.00
	5 years	£243.00
Renewal of licence for explosives below 250kg Net Explosive Content (NEC)	1 year	£55.00
	2 years	£88.00
	3 years	£123.00
	4 years	£155.00
	5 years	£189.00
New licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£189.00
	2 years	£248.00
	3 years	£311.00
	4 years	£382.00
	5 years	£432.00
Renewal of licence for explosives above 250kg Net Explosive Content (NEC)	1 year	£88.00
	2 years	£150.00
	3 years	£211.00
	4 years	£272.00
	5 years	£333.00
Varying the name of licensee or address of site		£37.00
Any other kind of variation		Cost Recovery
Transfer of licence		£37.00
Replacement Licence		£37.00
Full year registration for sale of fireworks (capped fee)		£500.00

Gambling Act 2005 – Statutory

Description	Type	All Council Areas
Casinos (regional)	New Application	£15,000
	Provisional Statement	£15,000
	Application with Provisional Statement	£8,000
	Variation	£7,500
	Transfer/Reinstatement	£6,500
	Annual Fee	£15,000
Casinos (large)	New Application	£10,000
	Provisional Statement	£10,000
	Application with Provisional Statement	£5,000
	Variation	£5,000
	Transfer/Reinstatement	£2,150
	Annual Fee	£10,000
Casinos (small)	New Application	£8,000
	Provisional Statement	£8,000

	Application with Provisional Statement	£3,000
	Variation	£4,000
	Transfer/Reinstatement	£1,800
	Annual Fee	£5,000
Bingo Clubs	New Application	£3,500
	Provisional Statement	£3,500
	Application with Provisional Statement	£1,200
	Variation	£1,750
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Betting Premises	New Application	£3,000
	Provisional Statement	£3,000
	Application with Provisional Statement	£1,200
	Variation	£1,500
	Transfer/Reinstatement	£1,200
	Annual Fee	£600
Tracks	New Application	£2,500
	Provisional Statement	£2,500
	Application with Provisional Statement	£950
	Variation	£1,250
	Transfer/Reinstatement	£950
	Annual Fee	£1,000
Family Entertainment Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£950
	Variation	£1,000
	Transfer/Reinstatement	£950
	Annual Fee	£750
Adult Gaming Centres	New Application	£2,000
	Provisional Statement	£2,000
	Application with Provisional Statement	£1,200
	Variation	£1,000
	Transfer/Reinstatement	£1,200
	Annual Fee	£1,000
Lotteries & Amusements	New Application	£40
	Annual Fee	£20
All licences	Notification of change	£50
	Copy of licence	£25
Club gaming or machine permit	New Application	£200
	Existing holder	£100
	Renewal	£200
	Annual Fee	£50
	Variation	£100
	Copy of licence	£15
Club Gaming or Machine Permit (holds a club Premises Certificate under Licensing Act 2003)	New Application	£100
	Renewal	£100

Licensed Premises Notifications		All Council Areas
To make available up to 2 gaming machines on premises which hold on-premises alcohol licence	Notification of intention	£50
Gaming Machine Permit (more than 2 machines) on-premises which hold on premises alcohol licence	Application (existing holder)	£100
	New Application	£150
	Annual Fee	£50
	First Annual Fee (payable within 30 days of date permit takes effect)	£50
	Variation	£100
	Transfer	£25
	Change of name	£25
	Copy of permit	£15

Hackney Carriage and Private Hire Licences

Vehicle Licences		Bracknell Published 2021/22 Fee	West Berkshire Published 2021/22 Fee	Proposed 2022/23 Fee
Hackney Carriage Vehicle – New		£290	£288	£266
Hackney Carriage Vehicle – Renewal		£290	£288	£236
Private Hire Vehicle – New		£290	£288	£266
Private Hire Vehicle – Renewal				£236
Home to school – New and renewal		£148	N/A	£148
Private Hire Vehicle with Dispensation		£290	£288	£266
Temporary Vehicle Licence	Up to 3 months	£232	£232	£236
Driver Licences				
Driver – New	3 year Includes initial tests, safeguarding and disability trainings	£271	£271	£301
Driver –Renewal		£271	£271	£272
Home to school – New & Renewal	3 year Includes initial tests, safeguarding	£186	N/A	£207

	17	£1,482.00	£1,505.00
	18	£1,553.25	£1,578.00
	19	£1,624.50	£1,652.00
	20	£1,695.75	£1,726.00
	20+	£1,695.75	£1,726.00

Other Private Hire & Hackney Carriage Charges

Other charges		Published 2021/22 Fee	All Council Areas – where applicable
Variation to PHO licence	To include reissue of licence with additional vehicle registration added plus extra fees for these for length of licence	£59	£59
Transfer of vehicle to new owner		£118	£118
Change of vehicle		£74	£74
Replacement Licence		£41	£30
Replacement Badge		£41	£30 + Badge Costs
Replacement Vehicle Licence Plate		£59	£30 + Plate Costs (£26)
Knowledge Test		£74	£74
Missed Appointment		£37	£30
Disclosure and Barring Service Check (DBS)		£67 (Bracknell Forest) £89.50 (West Berks)	£94
Advertising on a Hackney carriage - New	Bracknell Only	£47	£59
Advertising on a Hackney Carriage - Renewal	Bracknell Only	£32	£30
Change of address (PH & HC)		£14	£10.50
Backing Plate		£26	£26 at cost
Medical Exemption		£22	£30
Refund Processing Fee		£59	£30
Change of vehicle registration	Including	£57	£30 + sticker and licence costs
Age of vehicle Inspection – initial & renewal	Bracknell Only	£59	£59
Pre-application advice, hourly rate	Min 1 hour	£59	£59
Disability Awareness Training		POA	Included in driver application fee
Safeguarding Training		POA	Included in driver application fee

First aid Training	Bracknell Only	POA	
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Hairdresser Registration (Bracknell Forest Only)

Description	Published 2021/22 Fee	Bracknell Forest Only Proposed 2022/23 Fee
Hairdresser/barber registration	£43	£30

Licensing Act 2003 - Statutory

Premises Licence – “one off” fees set by statute based upon rateable value (RV) of premises (Class B – Statutory Fee)	PPP Areas
Band A – RV up to 4,300	£100
Band B – RV 4,300 to 33,000	£190
Band C – RV 33,001 to 87,000	£315
Band D – RV 87,001 to 125,000	£450
Band E – RV 125,001 and above	£635
Pre-application advice, hourly rate	£59
Premises Licence – Annual Fee (Class B – Statutory Fee)	
Band A	£70
Band B	£180
Band C	£295
Band D	£320
Band E	£350
Personal Licence - (Class B – Statutory Fee)	£37
Temporary Event Notices (TENS) - (Class B – Statutory Fee)	£21
Application for copy licence	£10.50
Application to vary DPS/transfer licence/interim notice	£23
Application for making a provisional statement	£315
Minor variation	£89
Application to disapply mandatory DPS condition	£23
Pre-application work, hourly rate	£59

Petroleum Licences - Statutory

Petroleum Licences	All Council Areas
Not exceeding 2,500 litres	£45
Not exceeding 50,000 litres	£61
Exceeding 50,000 litres	£128

Scrap Metal

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Scrap Metal site –New	3 Years	£501	£472
Scrap Metal site - Renewal	3 Years	£501	£443

Scrap Metal mobile collector - new	3 Years	£267	£236
Scrap Metal mobile collector - renewal	3 Years	£267	£207
Scrap Metal - Variation of Licence		£368	£236
Scrap Metal - change of site manager		£68	£59
Scrap Metal - copy of licence		£11	£11
Scrap Metal - Change of Name		£36	£30

Sex Establishments - Statutory

Description	Type	All Council Areas
Sex Establishments - (Class A – Fee Discretionary)	Cinema	min £3,100 to max £5,150
	Shop	min £3,100 to max £5,150
	Entertainment Venue	min £3,100 to max £5,150

Skin Piercing & Dermal Treatments

Description	Type	Published 2021/22 Fee	Proposed 2022/23 Fee
Skin piercing Registrations (one off registration) - (Class A – Fee Discretionary)	Individual (4hrs)	£180	£236
	Premises (5hrs)	£282	£295
	Joint application (7hrs)	£451	£423
Pre-application work, hourly rate	Min. 1 hour	£59	£59

Street Trading Consents

Description	Type	Published 2021/22 Fee	Bracknell Forest Proposed 2022/23	Published 2021/22 Fee	West Berkshire Proposed 2022/23
Street Trading Consents - (Class A – Fee Discretionary)	1 Week	£139	£144	N/A	£144
	Monthly Rate	£372	£241	£228	£241
	3 months	£876	£642	N/A	£642
	6 months	£1,433	£803	£805	£803
	Annual Fee	N/A	£1365	£1,378	£1365
	6 months max. 2 trading days a week incl. Fri, Sat & Sun	£859	£642	N/A	N/A
	6 months max. 2 trading days a week Mon-Thurs only	£572	£482	N/A	N/A
	Ice cream van (per van) 6 month	£717	£717	N/A	N/A

	Ice cream van (per van) 1 month	£186	£186	N/A	N/A
Variation fee		£91	£89	£91	£89
Refund for Street Traders	In the event that following consultation the application is refused or deemed withdrawn by officers, a sum of 50% of the application fee is payable as a refund. If the application is refused by a Panel, no refund of the application fee is payable.				
Pre-application work, hourly rate	Min. 1 hour	£59	£59	£59	£59

ENVIRONMENTAL PROTECTION

Abandoned vehicles – Statutory

Description		Bracknell Forrest Only
Removal (prescribed fee)	Less than 3.5 tonnes	£150
Daily Storage (prescribed fee)	Less than 3.5 tonnes	£20
Enforcement Disposal costs (prescribed fee)	Less than 3.5 tonnes	£75
Fixed Penalty Notice	Reduced to £120.00 if paid within 7 days	£200
Enforcement invoice costs		£77

Anti-Social Behaviour Act

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Anti-Social Behaviour Act	High Hedges Fee (Class A – Fee Discretionary)	£1,206	£1,206

Dog Warden Services

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Stray Dogs – not taken to kennel	£73	£73
Stray Dogs – taken to kennel	Fees based on charges & cost recovery. Vet fees separate as applicable	£73 plus Cost recovery and Vets fees separate.
Kennels cost	Recharge based on cost	Recharge based on cost
Dog fouling fixed penalty charge	£75	£75
Miscellaneous stray dog activities e.g. taxi, relocating, microchipping	Cost recovery charged at £59	Cost recovery charged at £59

Environmental Permitting Regulations 2016 - Statutory

Scheduled Processes – (Class B – statutory Fee)		All Council Areas
Standard Process		£1,650
Service Stations (PVI & PVII)		£257
Dry Cleaners		£155
Vehicle Refinishers		£362
Mobile Screening & Crushing Plant		£1,650
Mobile Screening & Crushing Plant for the 3 rd to 7 th applications		£985
Mobile Screening & Crushing Plant for the 8 th and subsequent applications		£498
Substantial changes		
Standard Process		£1,050
Reduced Activities		£102
Annual Subsistence Charge (Statutory)		

Standard Process	Low	£772
	Medium	£1,161
	High	£1,747
Service stations PVR2	Low	£113
	Medium	£226
	High	£341
VR and other reduced fees	Low	£228
	Medium	£365
	High	£548
Dry cleaners/PVR1	Low	£79
	Medium	£158
	High	£237
Mobile Screening & Crushing Plant	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 2 nd permit	Low	£646
	Medium	£1,034
	High	£1,506
Mobile Screening & Crushing Plant for 3 rd to 7 th permit	Low	£385
	Medium	£617
	High	£924
Mobile Screening & Crushing Plant for the 8 th and subsequent permits	Low	£198
	Medium	£316
	High	£473
Late payment charge	If invoice issued & not paid within 8 weeks	£52
Transfer and Surrender		
Transfer		£169
Partial Transfer		£497
Surrender		£0
Transfer Reduced fees		£0
Partial Transfer Reduced Fees		£47

Private Sector Housing

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Inspection of Housing Premises for Immigration purposes (Class A – Fee Discretionary)	£402	£404
Enforcement Notices served under Housing Act 2004	£116	£118
HMO Licence NEW - assisted application	£1,204	£1180
HMO Licence RENEWAL	£805	£797
Caravan Site Licences		
Site licence new (plus additional fee per pitch)	£440	£443
New licence additional fee per pitch	£14	£16
Transfer of licence	£186	£187
Alteration of conditions	£341	Hrly Rate
Annual inspection fee	£14	Hrly Rate
Enforcement action -per hour	£59	£59
Deposit, vary or deleting site rules	£117	£118
Mobile Homes Regulations 2020		
Application Fee – Fit and Proper Test (any application taking more than two hours to process will be charged at an additional hourly rate of £59/ph or part thereof)	£118	£118
Annual Check Fee – Fit and Proper Test	£59.00/hour	£59.00/hour
Where the authority has to assist with appointing a site manager the costs will be specified in the agreement between the parties		

Private Water Supplies (Statutory Cap)

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Risk assessment	Every 5 years. Min. charge 1 hour, simple risk assessment and report typically 5 hours	£59/hour	£59 hourly rate
Sampling	Charge for a visit, taking a sample and delivery to the laboratory. Typically 2.5 hours	£59/hour	£59 hourly rate
Private water and pool samples	Includes cost of testing	£60	£59
Investigation	Carried out in the event of a test failure, can be substituted by the risk assessment - this does not include any required analysis costs.	£109	£118
Analysis – Regulation 10	Where a supply provides <10m ³ /day or serves <50	£28	£28

	people and is used for domestic purposes		
Analysis of Group A Parameters		Cost of laboratory analysis will be recovered and will depend on type of suite being analysed. Customer will be advised of cost.	Hourly Rate + Laboratory Costs
Analysis of Group B Parameters		Additional parameters sampled less often to ensure the water complies with all safety standards - Hourly rate applies	Hourly Rate + Laboratory Costs
Hourly charge		£59	

Other Fees

	Hourly rate applies minimum of 2 hours	Published 2021/22 Fee	Proposed 2022/23 Fee
Environmental Information Request - Individual, Non-Commercial	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Environmental Information Request - Commercial and Government	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Civil Actions (Class A – Fee Discretionary)		£118	£118 minimum
Safety Certification and administration	Hourly rate applies minimum of 2 hours	£118	£118 minimum
Pre-Application Advice, hourly charge		£59	£59

TRADING STANDARDS

Buy with confidence

Description	Employee numbers	Published 2021/22 Fee	Proposed 2022/23 Fee
Application Fee (set nationally by Buy with Confidence scheme)	1-5 employees	£125	£125
	6-20 employees	£167	£167
	21-49 employees	£208	£208
	50+ employees	POA	POA
Annual fee (set nationally by Buy with Confidence scheme)	1-5 employees	£250	£250
	6-20 employees	£375	£375
	21-49 employees	£500	£500
	50+ employees	POA	POA
Members before 2017/18 Annual Fee (Bracknell Forest legacy members only)	1-5 employees	£125	£125
	6-20 employees	£189	£189
	21-49 employees	£252	£252

* West Berkshire & Wokingham schemes administered by Hampshire County Council

Primary Authority

Description	Published 2021/22 Fee	Proposed 2022/23 Fee
Primary Authority Work hourly chargeable rate	£59	£59 Hrly Rate
Annual charge - previous year usage 10 hours or less	£516	£531
Annual charge - previous year usage 20 hours	£1031	£1062
Anything likely to be in excess of 20 hours	Full recovery of costs - Individually assessed	Individually assessed

Support with Confidence

Description	Employee numbers	Published 2021/22 Fee	Proposed 2022/23 Fee
Application fee	1-5 employees	£59	£59
	6-20 employees	£120	£120
	21+ employees	£300	£300

Weights and Measures

Description		Published 2021/22 Fee	Proposed 2022/23 Fee
Weights and Measures Fees	Includes the cost of maintaining calibration of equipment annually (Based on ACTSO guidance)	£64	£64

Other Fees

Description		Published 2021/22 Fee	Proposed 2022/23 Fee

Food export certificates	Full cost recovery based on hourly rate	£59	£59 minimum
Food Hygiene Rating Scheme rescore	2 hours	£118	£118
General Business Advice (Non-Primary Authority)	Hourly rate (first 30 minutes free)	£57	£59
Resident Request for Advice	Hourly rate	£57	£59

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**BRACKNELL FOREST BOROUGH COUNCIL
STREET TRADING CONSENT - STANDARD CONDITIONS**

Local Government (Miscellaneous Provisions) Act 1982

"The Council" means the Bracknell Forest Borough Council.

"Assistant" means any person working at the street trading vehicle, stall or trailer.

The following conditions apply in respect of all Street Trading Consents granted by the Council. The Council reserves the right to vary or modify these conditions or apply new conditions from time to time as it may in its absolute discretion think fit. The granting of a Consent does not imply approval under any other legislation or activity controlled by the Council.

- 1) These "Standard Conditions" may be supplemented or varied by any "Special Conditions" relating to a particular location as issued with the Consent.
- 2) At all times the Consent Holder and/or any Assistant shall comply with all statutes, statutory instruments and byelaws currently in force.
- 3) On land other than the highway, the permission of the landowner and any necessary Planning Permission shall have been obtained. Confirmation of such shall be provided to the Council prior to the commencement of trading.
- 4) The type, colour and dimensions of any vehicle, stall, trailer, cart or similar to be used under any Consent will be subject to approval by the Council. No change of any approved stall/vehicle or similar is permitted without prior agreement, in writing, from the Council.
- 5) The Consent Holder shall ensure that the stall/vehicle is positioned only on the Consent pitch of the Consent Street for which the Consent is held. The Consent pitch may only be changed mid-term of any Consent period with the agreement of the Council.
- 6) Whilst the granting of a Consent is specific to a particular location, the Council reserves the right to vary the same at any time.
- 7) If a Consent Holder or Assistant is requested to remove or reposition the stall/vehicle by a Council Officer or Police Officer he/she shall immediately comply with that request.
- 8) The hours of trading shall be only within the times specified on the Consent.
- 9) The Consent only specifies those hours during which trading may take place provided that all other legal requirements are satisfied. The Consent does not confer the right to station the stall/vehicle on the Consent pitch at any particular time(s).
- 10) A readily identifiable name shall be conspicuously displayed on the stall/vehicle.
- 11) A copy of the Consent shall be displayed conspicuously on the stall/vehicle and a copy of the "Standard Conditions" and any "Special Conditions" which apply to that Consent shall be carried by whoever is operating the stall/vehicle when trading and shall be produced when requested by any officer of the Council or a Police Officer.
- 12) The Consent Holder shall have and maintain a valid insurance policy against public liability and third party risks. The minimum insurance cover shall be £1,000,000 and shall include cover for any risks arising from the use of the Consent Holder's vehicle, or stall and any additional equipment under his/her control such as generators, etc.
- 13) The Consent Holder may terminate the Consent by written notice to the Council. A refund of the fee will be payable on pro-rata basis calculated to the nearest full week but the Council shall be entitled to retain the first £50 of any fee to be returned to cover administration costs. No refunds are payable if a Consent is suspended or revoked.

- 14) The Consent is personal to the Consent Holder and is not transferable except in the case of the death of the Consent Holder when the Consent may be transferred, by agreement with the Council, to a member of the Consent Holder's immediate family.
- 15) The fee for a Consent shall be paid in advance. Failure to renew the consent prior to the expiry date may lead to a Consent for the pitch being issued to another applicant.
- 16) The Consent Holder and/or any Assistant shall not sell or offer or expose for sale any goods or articles other than those described within the terms of the Consent.
- 17) The Consent Holder shall not place any advertising signs, boards or notices within the area for which the Consent Holder holds a Consent.
- 18) The Consent Holder, any Assistant or their business shall not be the cause of any nuisance or undue disturbance to any other user of the highway, or the occupier of any land or building.
- 19) The Consent Holder and/or any Assistant shall, on all occasions when carrying on business, conduct themselves in a civil and orderly manner.
- 20) The Consent Holder's stall/vehicle shall be kept in a clean, safe and well maintained condition.
- 21) No waste water or other waste material shall be discharged on to the highway or any adjacent property.
- 22) At least one refuse container shall be provided by the Consent Holder and placed on the pavement near to the stall/vehicle and be available for use by customers. A notice shall also be displayed requesting customers to deposit litter in a waste container.
- 23) The Consent Holder shall ensure that all waste produced, including waste oil, is disposed of in accordance with the Duty of Care under the Environmental Protection Act 1990. All waste must be disposed of via a Licensed Waste Carrier or direct to a Licensed Waste Disposal facility, and records must be retained for at least 2 years.
- 24) The Consent Holder shall ensure that the immediate area in the vicinity of the stall/vehicle is kept clear at all times of all litter originating from their trade and from customers and in particular, shall leave the site clear of such refuse at the completion of trading.
- 25) Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at the stall/vehicle. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided.
- 26) The Consent Holder shall ensure that all heat generating equipment is not operational during any vehicle movements, and the fuel supply to such equipment is switched off at the source. During movement, operation and storage all gas cylinders will be restrained in an upright position within a locked compartment which is ventilated at both high and low levels. The compartment will be clearly labelled "Extremely Flammable LPG" and will provide a minimum of 30 minute fire resistance.'
- 27) All persons handling food shall have a basic food hygiene certificate. It is recommended that refresher training is attended every 3 years. Where an officer authorised under the Food Safety Act 1990 is of the view that a staff member is demonstrating a level of knowledge or competence below the required level that person may be required to attend a basic food hygiene course. Failure to comply with this requirement within a reasonable period will result in a breach of this condition.
- 28) If the Consent Holder is selling food or drink the stall/vehicle shall be registered with the local authority where it is normally kept under the provisions of the Food Premises (Registration) Regulations 1991.

- 29) If a Consent Holder fails to comply with any of the "Standard Conditions" or "Special Conditions" attached to the Consent he/she will risk having the Consent revoked and being prosecuted.

ICE CREAM VANS AND MOBILE TRADERS: SPECIAL CONDITIONS

- 30) The vehicle shall not remain in the same position for a period longer than 30 minutes unless prior permission is obtained from the Head of Regulatory Services.
- 31) The vehicle must not stop or park so as to cause a dangerous obstruction in the road. The vehicle must at all times comply with any parking restrictions as specified at the location, in the Highway Code and within Road Traffic Regulations.
- 32) The vehicle must not stop or park near a school entrance between the hours of 8.00 and 9.00 or 14.30 and 16.00.
- 33) The vehicle must not stop or park anywhere within Bracknell Town Centre. This is defined by the Council as being on or within the roads shown in the plan attached to the Consent. The plan may from time to time be amended by the Council.

TOWN CENTRE: SPECIAL CONDITIONS

- 34) Prior to vehicles entering the town centre a vehicle entry permit shall be obtained and authorised by the Council and no other vehicle shall be used without the knowledge and consent of the Council. Entry to the town centre for vehicles shall be in accordance with the permit conditions.
- 35) The Consent Holder shall be liable for dealing with any claims arising out of the use of their vehicles or trading stalls in the town centre and shall report to the Council any damage to street furniture, paving slabs, etc.
- 36) Any towing vehicle shall only be parked in the town centre for the purposes of loading and unloading and shall be removed immediately such use has ended.
- 37) Unless otherwise agreed, a Consent Holder shall trade in the town centre for a minimum of four days a week.
- 38) The stall/vehicle shall be at the trading location by no later than 07:00 and must be removed along with all waste no earlier than 16:00 and no later than 18:00. Failure to arrive at the site by 07:00 will mean that the trader will not be able to be able to access the area to trade on that day.

LONGSHOT LANE: SPECIAL CONDITIONS

- 39) All packaging used must be marked in such a way that it would be clearly and easily identifiable that it has originated from the street trader.
- 40) At all trading times the Consent Holder must ensure that Thames Water has permanent, unrestricted and unobstructed access to its site at the sewerage pumping station.

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**TO: LICENSING AND SAFETY COMMITTEE
21st OCTOBER 2021**

ANNUAL REPORT OF THE LICENSING AND SAFETY COMMITTEE Public Protection Manager

1 Purpose of Report

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

2 Recommendation

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

3 Reasons for Recommendation

- 3.1 It has been requested through previous Committee meetings that an Annual Report is provided to assist Members of the Committee to oversee the activity undertaken in the previous year and to provide direction for future activity.

4 Alternative Options Considered

- 4.1 None.

5 Supporting Information

Introduction

- 5.1 The Public Protection Partnership (PPP) delivers all regulatory functions but Licensing is distinct in the way it is governed. Whilst all decisions related to the PPP go through the Joint Public Protection Committee, each partner retains its individual Licensing Committee's to set policy. This requires careful co-ordination and clear governance arrangements have been put in place to ensure this happens, overseen by the Principal Officer for Policy and Governance.
- 5.2 As part of the PPP, Licensing considers and issues a range of licences, consents, notices and permits required by businesses in order that they can deliver a range of services and goods to residents and visitors to Bracknell. Legislation requiring a licence/consent/notice/permit for a business activity is generally enacted in order to protect users of a service or the wider community such as those that might be affected due to their proximity to the licensed premises or their interaction with an individual licence holder. Animal Welfare licensing provisions are there to protect the health and wellbeing of animals in regulated settings such as kennels or performances.
- 5.3 It is acknowledged by the licensed sector that an effective licensing regime, effectively administered and founded on sensible and effective policies creates consumer confidence which in turn is positive for licence holders. The service is aware that the licensing function, whilst offering protection, can also act as a barrier to others who wish to deliver services or supply goods and every effort is made to assist businesses

to understand and progress rapidly through the licensing process. The service therefore has a number of functions including business advice, processing of applications, monitoring compliance and where necessary taking enforcement action.

Licensing and Safety Committee

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

5.5 The Licensing and Safety Committee comprises 15 Members and the 2020/21 and 2021/22 membership is set out below:

Conservative Group (fourteen Members)	Nick Allen, Nigel Atkinson, Dr Gareth Barnard, Michael Brossard (Vice Chairman), Marc Brunel-Walker, Alvin Finch, Moira Gaw, Michael Gbadebo, Sandra Ingham, Ian Kirke, Ian Leake, Tina McKenzie-Boyle , John Porter (Chairman), Malcolm Tullett
Labour Group (one Member)	Tricia Brown

5.6 Over the 2020/21 period the Licensing and Safety Committee met on 22nd October 2020 and the 16th December 2021. The Committee considered a number of matters including the annual review of fees and charges, an initial consideration of the impact of the Statutory Taxi and Private Hire Vehicle Standards (which have been incorporated into the Hackney Carriage and Private Hire Licensing Policy which will be included on next meeting agenda) and revisions to the Statement of Licencing Policy which was adopted at the Full Council meeting on the 13th January 2021.

5.7 The Chairman, under delegated authority and consultation with the relevant officer, also agreed an Urgent Decision taken between meetings to vary the licence condition (14.1) for 6 monthly taxi vehicle inspections. The decision had been taken during and because of the COVID-19 crisis, and in the absence of a Committee meeting. The variation was to grant a 6-month extension to 6-monthly inspections due between 24th March 2020 and 31st March 2021 where the set conditions of the scheme are satisfied. The urgent delegated decision was made as a result of a direct request from the trade as most taxis had done little mileage during COVID lockdown. This was reported to Members at the 22nd October 2020 meeting.

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

- The Statement of Gambling Principles (October 2021)
- The Hackney Carriage and Private Hire Licensing Policy (February 2022)
- Review of Hackney Carriage Tariffs (June 2021)

5.9 It is also proposed that the next Annual Report will be brought to the June 2022 meeting to assist with forward planning.

Licensing Panel

5.10 While the Licensing and Safety Committee carries out functions relating to policy formulation the Licensing Panel determines appeals in relation to licence applications (with the exception of licence applications made under the Licensing Act 2003) where there is no statutory right of appeal. The Licencing Panel also determines applications and other matters (with the exception of functions under the Licensing Act 2003), where the Licensing and Safety Committee has determined that a person has a right of hearing before the Panel or the Director of Environment has decided that the matter should be referred to the Panel for determination. The membership of each Licencing Panel is normally three, drawn from the members of the Licensing and Safety Committee.

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

Type of Application	Premise	Outcome
New Premise Licence	Hall and Woodhouse, Crowthorne	Granted
Vary Street Trading Consent	Kings Kebabs, Bagshot	Granted
New Club Premises Licence	Crowthorne Rugby Football Club	Granted

5.12 The number of Licensing Panels held in 2020/21 was lower than in previous years. In 2019/20 seven Panel meetings took place, ten were held in 2018/19 and nine in 2017/18.

Taxi Trade Meetings (TTM)

5.13 The Taxi Trade Meetings have been arranged to provide a forum to meet with and consider comments from representatives of the taxi trade and seek advice from licensing officers on a range of issues that affect existing and proposed licences, policies, tariffs and fees and other matters of common interest. The outcome of these discussions is reported back to the Licensing and Safety Committee with any recommendations for alterations to the existing or proposed licences, policies, tariffs and fees.

5.14 The TTM is formed from the following and is be chaired by the Chairman of the Licensing and Safety Committee or in their absence the Vice Chairman of the Committee:

1. The Chairman of the Licencing and Safety Committee (or their nominated representative)
2. The Vice Chairman of the Licensing and Safety Committee (or their nominated representative)
3. Members of the Licensing Committee
4. The Public Protection Manager (or their nominated representative)
5. The Licensing Team Manager (or their nominated representative)
6. The PPP Licensing Officer (or their nominated representative)
7. The Team Manager - Operations Support (or their nominated representative)
8. Representatives from the Hackney Carriage Trade

9. Representatives from Private Hire Trade.

- 5.15 During 2020/21 two meetings of the TTM took place one on the 27th July 2020 and the second meeting on the 14th August 2020. The trade had requested that consideration be given to increasing the fares at these meetings. Officers worked with the trade to agree a proposal and a set of revised fares were adopted post consultation on the 01 August 2022.

Impact of COVID- 19 on the PPP Licensing functions

- 5.16 The PPP, including officers from Licensing, has had a significant role to play in investigating, managing and preventing outbreaks during the 2020/21 financial year. The team provided support monitoring outbreaks on an ongoing basis. The Team also carried out investigations in care homes, learning difficulty care settings and early years when asked to do so in accordance with Bracknell Forest Council's outbreak plans.
- 5.17 The Service provided targeted pro-active advisory calls and visits to settings which saw increases in cases to look at how outbreaks were occurring and provide advice on how they could be reduced and contained. They also carried out both daytime and evening visits to businesses to ensure compliance with relevant restrictions affecting hospitality and other retail and business settings. A small number of prohibition notices were issued on businesses that should not have been operating. In other cases where improvements were needed advice was offered and follow up visits undertaken.
- 5.18 Officers use a risk based assessment programme to visit licensed premises to check compliance and provide assistance and advice for those businesses.
- 5.19 Information about the number of active licences are set out in Appendix A. Appendix B provides details around the number of applications received and the outcome of those applications. The performance data is set out in Appendix D. In essence this shows that fewer complaints have been received and this is likely to be ascribed to reduced activity as a result of the pandemic. This has however resulted in more inquiries and requests for advice. There has been a reduction in the number of some applications and are also related to the impact COVID-19 has had on a range of businesses.

The Effect of COVID-19 on the Licensed Sector

- 5.20 This has been an extremely difficult and challenging year for many aspects of the licensed sector. The three lockdowns saw hospitality and non-essential retail completely closed down and reduced taxi and private hire trade to under 10% of normal levels. Other sectors were significantly affected by the 'stay home' legislation and bans on travel. These included home day care dog boarding and corporate and travel related private hire providers.
- 5.21 For those periods when the licenced sector in its various guises were able to trade they have done so under a raft of regulations and guidance covering everything from face coverings to QR codes and contact tracing information. During this period the hospitality trade went through at least five sets of changes to legislation. As a service we have worked with them every step of the way.
- 5.22 Event activity also very badly hit and most events in 2019/20 were cancelled although some events did take place under strict COVID controls and monitoring by the Public Protection Service. Again we sought to help organisers run the safest possible events within the prevailing legislative framework and infection levels.

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

Development of Single Case Management System

- 5.24 During the 2020/21 period officers have also been heavily involved in the work to streamline online interactions and reduce delivery costs to be able to pass on efficiency savings to the Licensing trades. For the first time data from West Berkshire and Bracknell will be stored in the same place, with improved customer management processes and less bureaucracy. This project is referred to as the Tascomi project due to the new software that will be online from April 2022.

Communication

- 5.25 A further aspect of the Committee's role, supported by officers, is that of assisting businesses to grow whilst complying with the legal requirements and conditions. The PPP provides a range of advice and information sheets via its [website](#) and Council's website. We have also expanded our social media presence with active Facebook and Twitter pages. Additionally officers regularly meet with applicants or licence holders to give guidance, such as attendance at Pubwatch meetings run by the trade, and meeting private hire operators at their offices and taxi drivers at the ranks.
- 5.26 PPP Licensing data shows that it dealt with 272 complaints and requests for service in 2020/21 (compared with 168 in 2019/20, 199 in 2018/19 and 210 in 2017/18). These figures include some general telephone enquiries, due to the adaptations which have had to be made due to the remote home working of many staff due to COVID-19. The majority as shown have been logged for further response.
- 5.27 The role of Licensing has always been a feature of the overall PPP customer satisfaction performance. Where issues have arisen there is a procedure for following these up (as on many occasions it has been interactions with other services that has resulted in a negative response). Service improvements are managed through the Quality Management System and recorded within our Improvement Action Logs.
- 5.28 The outturn position for 2020/21 is 79% of service users were satisfied with the Public Protection Service and a 100% of service users were satisfied with the Public Protection Service's business webinars.

Looking Ahead

- 5.29 This summer has seen the return of events and numbers are greater than pre-COVID-19 levels with notification and applications being received for a raft of events. The Service has also seen a significant increase in applications for Temporary Event Notices more generally. In terms of taxi and private sector a number of new drivers have licenced and a number of vehicles have returned to the fleet.
- 5.30 What is less obvious (as we go through recovery) is what the future will look like for aspects of the licenced sector. Parts of hospitality are seeing no return to pre-pandemic levels and the taxi and private hire fleets have all been scaled back. New ways of working, with many people working at home and the proliferation of online meetings, will impact those involved in corporate private hire and taxi services as well as those in the home boarding day care for dogs.

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

Background Papers

None

Appendices

Appendix A - Number of licence valid at date stated

Appendix B - Number of applications received by year, with application outcome

Appendix C - penalty points issued by year

Appendix D - Licensing Service KPI and key information

Contact for further information

Sean Murphy, Public Protection Partnership Manager

Appendix A – Number of licence valid at date stated

Type	01/04/17	01/04/18	01/04/19	01/04/20	01/04/21
Private Hire Operators	43	43	50	50	28
Private Hire Vehicles	174	169	176	184	107
Private Hire Vehicles (with dispensation)				5	5
Private Hire Drivers	139	153	167	145	94
Dual (Hackney Carriage and Private Hire) Drivers	165	164	157	160	140
Hackney Carriage Vehicles	85	85	77	78	52
Home to School Drivers	11	7	12	20	16
Home to School Vehicles	35	33	33	47	46
Home to school Operator	0	0	0	0	0
Animal Boarding Establishments and dog breeders	5	5	8	10	20
Home Boarders of Dogs	30	34	45	43	39
Riding Establishments	7	6	5	4	6
Performing Animals	4	5	5	0	0
Pet Shops	7	7	6	7	5
Scrap Metal Site	2	2	2	2	2
Scrap Metal Mobile Collectors	7	3	3	6	6
Dermal Personal and Premises Registration				206	216
Personal Licences	1292	1358	1424	1498	1532
Premises Licences	231	234	234	193	179
Premises Licences application (no alcohol)				47	47
Temporary Event Notices	239	271	280	294	26
Club Premises Certificates	21	21	20	18	17
Street Traders	12	17	17	22	23
Street Collections	26	30	33	29	4
House to House Collections	17	29	23	31	22
Lotteries	56	58	65	38	37
Licensed Premises Gaming Machine Permits	13	13	13	13	14
Notification of 2 or less Gaming Machines	30	29	29	29	29
Club Machine Permits	9	8	8	7	6
Club Gaming Permits	0	0	0	9	0
Bingo Premises	1	1	0	0	0
Adult Gaming Centres	1	1	1	0	0
Betting Premises	12	11	10	10	10
TOTALs	2734	2856	2966	3205	2728

Note: for TENs, street collections and house to house collections, the figure given is the total number of notices / applications received within the calendar year

Appendix B – Number of applications received by year, with application outcome

Type	2020/2021					2019/2020				
	Total	I	W	R	P	Total	I	W	R	P
Private Hire Operators						26	25			1
Private Hire Vehicles						219	208			11
Private Hire Drivers						82	66	2		14
Chauffeur Drivers						17	14	2		1
Dual (Hackney Carriage and Private Hire) Drivers						57	54			3
Hackney Carriage Vehicles						86	84			2
Home to School Drivers						25	16			9
Home to School Vehicles						48	47			1
Animal Boarding Establishments						13	12			1
Home Boarders of Dogs						20	16			4
Dog Breeder						0	0			
Riding Establishments						4	4			
Performing Animals						0	0			
Pet Shops						2	2			
Scrap Metal Site						2	2			
Scrap Metal Mobile Collectors						3	3			
Hairdressers						1	1			
Personal Licences						82	77			5
Premises licence - variation						12	12			
Premises licence - minor variation						11	10			1
Premises licence - vary DPS						70	70			
Premises licence - transfer						6	5			1
Premises licence - new						9	6			3
Late Temporary Event Notices						55	48	1		6
Temporary Event Notices						239	233	1		5
Club Premises Certificates						1			1	
Street Traders						42	39			3
Street Collections						29	28			1
House to House Collections						31	29			2
Lotteries						7	7			
Licensed Premises Gaming Machine Permits						0	0			
Gaming Machine Notifications						0	0			
Club Machine Permits						2	2			
Club Gaming Permits						0	0			
Bingo Premises						0	0			
Adult Gaming Centres						0	0			
Betting Premises						0	0			

Key:

I = licences issued, W = applications withdrawn, R = applications refused or rejected, P = applications pending decision, e.g. awaiting documentation before licence issued

Appendix C – penalty points issued by year

Offence	Times points issued		
	2018/2019	2019/2020	2020/2021
Failure to notify conviction/caution/FP	4	1	0
Failure to comply with traffic sign	1	0	0
Private Hire vehicle parked on rank	0	0	0
Failure to display plate or stickers	3	1	0

Licensing Service KPI and key information

KPI	Target	Q1	Q2	Q3	Q4	2019/20	Notes (Comments)
% of premises that have applied for a designated premise supervisor (DPS) variation visited within 28 days of application (reported cumulatively)	75%	2/7 28.6%	1/18 5.6%	1/23 4.4%	6/29 20.7%	10/77 13%	Lots of DPS changes taking place and unable to carry out many inspections. Identified low risk premises such as large supermarkets where staff change regularly
% of licensing applications processed within statutory timescales or 5 days	Base	124/150 82.7%	122/169 72.2%	134/156 85.9%	93/123 75.6%	473/598 79.1%	
% of Temporary Event Notices processed within statutory timescales (3 days)	Base	2/2 100%	5/5 100%	15/15 100%	4/4 100%	26/26 100%	
% of licensing complaints/requests for advice dealt with appropriately within 10 working days (Whole service KPI)	90%	175/200 87.5%	196/200 98%	154/158 97.5%	184/191 96.3%	709/749 94.7%	Q1 was in the very first lockdown period when the service was adjusting to new regulations and restructure to manage the responses across the 3 authorities.

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Measure of Volume	Target	Q1	Q2	Q3	Q4	2019/20	Notes (Comments)
Number of licences Revoked/Suspended	N/A	14	3	2	21	40	
Number of Licensing – General Inquiries/advice	N/A	42	42	35	28	147	
Number of Complaints made about those licenced (or unlicensed) by the authority	N/A	14	9	20	17	60	
Number of Contacts directly attributable to the trade making contact	N/A	9	4	4	5	22	
Number of Covid related inquiries	N/A	3	7	3	7	20	
Total Inquiries	N/A	68	62	62	57	249	

Detailed Breakdown of the types of demands

	Recorded Licensing interactions/advice	Covid Advice/Enforcement	General Inquiries and Requests	Requests from the trade for information, meetings, updates	Complaints about licence holders/premises, non-compliance or unlicensed activities
Licensing Area	2020	2020	2020	2020	2020
L - Animal	38	6	21	3	8
L - Premises	55	6	35	3	11
L - Street Trading	41	2	30	1	8
L - Taxi	85	6	36	14	29
L - TEN	11	0	10	0	1
Licensing	19	0	15	1	3
Total	249	20	147	22	60

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To: **Licensing and Safety Committee**
21 OCTOBER 2021

LICENSING ACT 2003 DELEGATIONS **Public Protection Partnership Manager**

1 Purpose of Report

- 1.1 To set out and seek approval for updated delegations under the Licensing Act 2003 (LA03).

2 Recommendations

That the Committee

- 2.1 To **CONSIDER** the suggested amendments to the delegations and to **RECOMMEND** that the Chief Executive sign off the changes in light of the authority delegated to them to do so at the Council meeting in April 2021.
- 2.2 To **DELEGATE** authority to the Monitoring Officer to make any changes to the Constitution arising from this report.

3 Reasons for Recommendations

- 3.1 The Licensing Act 2003 established that Bracknell Forest Council, as a unitary authority, would be the Licensing Authority for the District of Bracknell Forest. Section 7 of the Licensing Act 2003 requires the Council to establish a Committee for the purpose of the Act and to oversee the implementation of the Act in the District. The Committee must by law consist of between twelve and fifteen Members of Council and any Sub-Committee must consist of three members of the Committee. In accordance with the Constitution the Committee must appoint a Chairman and Vice Chairman and each Sub-Committee must appoint a Chairman. Section 10 of the Licensing Act 2003 permits the Licensing Authority to delegate functions under the Act to either a Sub-Committee or to an Officer of the Licensing Committee. A number of minor changes required to the Delegations have recently come to light.
- 3.2 It is important for both applicants, licence holders, responsible authorities and residents that the any scheme of delegation is clear in its intent. These amendments to delegations provide additional clarity about who is making decisions and on what legal basis. External specialist legal advice has been sought about the changes to the delegations.

4 Alternative Options Considered

- 4.1 None. It is a statutory requirement to have the delegations in place.

5 Supporting Information

- 5.1 The legal position regarding the delegation of licensing functions can be summarised as follows
- Section 101(1) of the Local Government Act (LGA) 1972 provides that (subject to any express statutory provision) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.

- Section 101(15), inserted by the LA03, states that section 101 does not apply to any function of a licensing authority under the LA03. This means that the usual mechanisms for delegation do not, and cannot apply to the Licensing Act, and by extension the Gambling Act.
 - Under section 7 of the LA03, the functions of the licensing authority (Council) are expressly delegated to, and must and can only be discharged by, the licensing committee which must be established by the authority, subject to the exceptions contained in subsection (2) and the circumstances described in subsection (9).
 - The exceptions contained in subsection (2) and the circumstances described in subsection (9) are the only functions that can be discharged by the licensing authority (full Council).
 - Section 10 of the LA03 allows a licensing committee to sub-delegate any functions to sub-committees and some functions to officers.
- 5.2 The delegation Schemes identifies in table form those matters that are matters for the Licensing and Safety Committee along with those that are matters for the Licensing Sub-Committee and those which are delegated to Officers.
- 5.3 Primarily the delegations to Officers are the administrative functions under the Act and include the authority to approve full applications, variations, minor variations for premise licences as well as personal licences and temporary event notices (under the Licensing Act 2003). In some cases these matters would automatically come before a sub-committee if objections are raised that cannot be mediated by Officers. The occasions when matters will go before the Sub-Committee are set out in the relevant scheme and reflect both the law and adopted local policy framework.
- 5.4 The activity of both Officers and Licensing Sub-Committee are reported annually to the Licensing Committee.

Background

- 5.5 It had recently come to light that a number of minor changes to the existing delegations need to be made. They are set out below:
- the references to section 134A has been corrected to refer to section 132A;
 - the power to suspend or revoke a personal licence under section 132A (12) has been identified as being a sub-committee decision;
 - the decision to make vary or revoke an early morning alcohol restriction order under Section 172A(1) has been corrected to refer to a Council decision, rather than a decision of the Executive;
 - footnote number 3 has been amended to reflect that change; and
 - footnote number 4 has been deleted and references to footnote number 7 have been altered to refer to footnote number 6.
- 5.6 In the interest of completeness the updated delegations are set out in Appendix A to this report.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The legislative provisions for the Licensing Authority's discharge and, where applicable, delegation of licensing functions are as set out in the body of this report and the footnotes to Appendix (A) "Delegation of Functions" thereto.

Financial Advice

- 6.2 There are no financial implications associated with this report.

Other Consultation Responses

- 6.3 External Legal advice has been sought from James Button of James Button & Co solicitors.

Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to:
Have no impact on emissions of CO₂.

Background Papers

Licensing Act 2003

Appendices

Appendix A – Appendix A – Licensing Act 2003– Proposed Scheme of Delegation

Contact for further information

Sean Murphy, Public Protection Partnership
Sean.Murphy@westberks.gov.uk

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Licensing and Safety Committee Forward Plan November 2021 to October 2022

No.	Ref No	Item	Purpose	Lead Officer	Comments
BF 03 February 2022					
1.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade	Moira Fraser	Councillor John Porter
2.		Fees for Taxi and Private Hire Vehicles, Drivers and Operators	To consider any issues arising from the consultation and their impact on the proposed fees which will be recommended to full Council for approval.	Julia O Brien	
3.		Hackney Carriage Tariffs	To consider any proposals for adjustments to tariffs, should they be requested by the trade, which would then be the subject of a consultation exercise	Julia O' Brien	
4.		Update on Environment Heath and Trading Standards	To provide Members with an Update on the activity of these teams.	Sean Murphy	
5.		Draft Hackney Carriage and Private Hire Vehicle Driver and Operator Policy	To consider the draft policy arising from the Statutory Taxi and Private Hire Vehicles Standards Report prior to it going out to the trade for consultation.	Julia O' Brien	This may need to go to a Special meeting James Button not available on the 03 February
June 2022					
6.		Annual Report 2021/22	To consider the annual report of the Committee.	Moira Fraser	
7.		Hackney Carriage and Private Hire Vehicle Driver and Operator Policy	To consider the results of the consultation and recommend that Council approve the revised policy.	Julia O' Brien	
October 2022					
8.		Taxi Liaison Update	To summarise the work of the Taxi Trade Group set up by the Licensing Team to advise on a way forward for issues raised by the trade.	Moira Fraser	

No.	Ref No	Item	Purpose	Lead Officer	Comments
9.		Fees and Charges 2023/24	To consider the proposals from the Joint Public Protection Committee in respect of fees pertaining to the Licensing Committee.	Sean Murphy	

Bracknell Forest Council Licensing and Safety Committee		
Item	Implemented	Due for Review
Gambling Policy	31 Jan 2019	31 Jan 2022
Licensing Policy	13 January 2021	12 January 2026