

Reading Borough Council

Statement of Gambling Licensing Principles

Effective from 01st March 2022

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU
Email: licensing@reading.gov.uk
Web: www.reading.gov.uk



www.reading.gov.uk



Reading
Borough Council
Working better with you

Reading Borough Council
Statement of Gambling Licensing Principles

CONTENTS

1. Introduction	3
2. Interpretation Section	4
3. Who may make representations	5
4. Licensing objectives	6
5. Types of Licence	6
6. Licensable Premises and Permits	6
7. Applications	6
8. Determination of Applications	7
9. General Principles	8
10. Application for a Premises Licence and Primary Gambling Activity	9
11. Location Policy	11
12. Prevention of Crime and Disorder Objective	12
13. Ensuring that gambling is conducted in a fair and open way objective	13
14. Designation of Brighter Futures for Children as responsible authority	13
15. Protection of children and other vulnerable persons objective	14
16. Vulnerable Persons and Harm	14
17. Licensing Reviews	15
18. Enforcement	15
19. Legislation	16
20. Complaints against licensed premises	16
21. Assessment of Need	16
22. Casinos	16
23. Gaming Permits	17
24. Family Entertainment Centres (FECs)	17
25. Track Betting	17
26. Equality	17
27. Information exchange	17
28. Relationship with Planning Policies	18
29. National Strategies	18
30. Local Strategies and Policies	18
31. Integrating Strategies	18
32. Relevant plans and strategies include:-	19
33. Committee Terms of Reference	19
34. Allocation of Decision Making Responsibilities	20
35. Consideration of representations	21
36. Further information	21
Appendix A - Map of Reading Borough	24
Appendix B - Table of delegations of licensing functions	25
Appendix C - Category of gaming machines	26
Appendix D - Local area profile map	27

STATEMENT OF GAMBLING LICENSING PRINCIPLES

1. Introduction

1.1 Section 2 of this Statement is the interpretation section.

1.2 The Council is the Licensing Authority under the Act. The Council is responsible for granting premises licences in the Borough of Reading in respect of:-

Casino premises;
Bingo premises;
Betting premises, including tracks;
Adult Gaming Centres;
Family Entertainment Centres.

1.3 The Act requires the Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The Act requires that the Statement be reviewed every three years. This Statement was last reviewed in 2019.

1.4 This Statement has been prepared having regard to the provisions of the Guidance issued by the Commission and the licensing objectives of the Act and will be available on the Council's website.

1.5 This Statement will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

1.6. The Borough of Reading

The Borough is some 4040 hectares in size with a current population of 161,780 persons within its boundary and a population of 233,000 persons within the greater Reading urban area. 35% of the population is made up from Black and Minority Ethnic communities. The strategic location of M4 and the proximity to Heathrow Airport and London has permitted Reading to develop into a major employer in computer companies. In the centre of Reading is located a major shopping and leisure area, which also has a thriving evening economy. Unemployment in Reading is generally low. The areas surrounding the town centre are generally residential with some industrial zones, small shopping precincts and leisure facilities.

1.7 Consultees

The following have been consulted in respect of this Statement: -

- (a) Thames Valley Police;
- (b) Representatives of the holders of the various licences for premises within the Borough who will be affected by this Statement;
- (c) Persons/bodies representing the interests of persons likely to be affected by this Statement.

2. Interpretation Section

Within this Statement, the following words and terms are defined as stated:

Act:	The Gambling Act 2005
Applications:	Applications for licences and permits as referred to in Section 6 of this Statement
Borough:	The area of Reading administered by Reading Borough Council (Map appended at Appendix A)
Code of Practice:	Means any relevant code of practice under section 24 of the Act
Commission:	The Gambling Commission
Council:	Reading Borough Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by the Council
Interested Party:	For the purposes of the Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: - (a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; (b) Has business interests that might be affected by the authorised activities; (c) Represents persons who satisfy a) or b) above.
Licences:	As defined in Section 5 of this Statement
Licensing Objectives:	As defined in Section 4 of this Statement
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Notifications:	Means notification of temporary and occasional use notices
Premises:	Any place, including a vehicle or vessel.
Regulations:	Regulations made under the Act
Responsible Authority:	For the purposes of the Act, the following are responsible authorities in relation to premises:

The Licensing Authority in whose area the premises are wholly or mainly situated;
The Gambling Commission;
Thames Valley Police;
Royal Berkshire Fire and Rescue Service;
Planning Department, Reading Borough Council;
Health & Safety Team, Reading Borough Council;
Environmental Protection Team, Reading Borough Council;
Brighter Futures for Children;
HM Customs and Excise.
Any other person prescribed by regulation made by the Secretary of State.

3. Who may make representations

3.1 Responsible authorities and interested parties are entitled to make representations in response to applications for premises licences, provisional statements and applications for review of premises licences.

3.2 The Council will give due consideration to each case in deciding whether a person is an interested party. The factors which the Council shall take into consideration in determining whether a person lives sufficiently close to the premises to be likely to be affected by the authorised activities include: -

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises (number of customers, and routes likely to be taken by those visiting the establishment);
- The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interest of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

3.3 In determining whether a person has a business interest that might be affected by the authorised activities, the Council will take a flexible approach. Such persons may include partnerships, charities, churches, medical practices, residents' associations, trade associations, trade unions and landlords.

3.4 In principle, the Council may allow any person to represent an interested party, although it may initially seek written confirmation that the person authentically represents the interested party. Generally, evidence shall be required that a person or body represents someone. However, this will not apply to a person's legal representative. The requirement will also not apply to interested parties' Councillors or Members of Parliament.

4. Licensing objectives

In carrying out its functions in respect of applications for, and review of, premises licences, and applications for provisional statements, and consideration of temporary use notices, the Act requires that the Council shall aim to permit the use of the premises for gambling insofar as the Council thinks it reasonably consistent with the three licensing objectives which 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 carried out in a fair and open way; and

Protecting children and other vulnerable persons from being harmed or exploited by gambling.

It must be noted that 'aim to permit' does not mean 'will permit'. An applicant must ensure that their application is not in conflict with the legislation and this policy. For more information, please see paragraphs 8.1.2 and 8.1.3 below.

5. Types of Licence

This Statement sets out the policies that the Council will apply when making decisions upon applications made for: -

Premises Licences;
Provisional Statements;
Temporary Use Notices;
Permits as required under the Act;

6. Licensable Premises and Permits

This Statement relates to the following:-

- (a) Casinos Premises;
- (b) Bingo Premises;
- (c) Betting Premises;
- (d) Tracks;
- (e) Adult Gaming Centres;
- (f) Family Entertainment Centres (Licensed & Unlicensed)
- (g) Club Gaming Permits;
- (h) Prize Gaming Permits;
- (i) Gaming machines on alcohol licensed premises;

7. Applications

7.1 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, or has made an application for an operating licence which has not yet been determined.

7.2 Applications for the grant, transfer or variation of a premises licence and provisional statement must demonstrate how the applicant will prevent the

licensing objectives being adversely affected. The applicant may ask the Council for advice as to the scope of information to be provided.

7.3 An applicant can apply for a provisional statement in respect of premises:

- (a) That he expects to be constructed,
- (b) That he expects to be altered, or
- (c) That he expects to acquire a right to occupy

8.Determination of Applications

The Council shall take into consideration the following in determining applications for the below:-

(a) Premises Licences, provisional statement and temporary use notices

Codes of Practice issued by the Commission, guidance issued by the Commission, the licensing objectives, this Statement and other relevant factors.

(b) Unlicensed Family entertainment centre gaming machine permit

The licensing objectives, guidance issued by the Commission and this Statement.

(c) Club gaming permit and club machine permit

The licensing objectives, guidance issued by the Commission and this Statement.

(d) Licensed premises gaming machine permit

The licensing objectives, guidance issued by the Commission, other relevant matters and this Statement.

(e) Prize gaming permit

The licensing objectives and guidance issued by the Commission and this Statement.

8.1 Determination of Applications for a Gambling Premises Licence

8.2 Whilst the Licensing Authority shall aim to permit the use of a premises for gambling - as per section 153 of the Gambling Act 2005 - it shall only do so if the applicant can demonstrate how their application is:

- a) In accordance with any relevant code of practice issued under Section 24 of the Gambling Act 2005.
- b) In accordance with any relevant guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005.
- c) Reasonably consistent with the licensing objectives.

- d) In accordance with the Council's Statement of Licensing Policy issued under Section 349 of the Gambling Act 2005.

8.3 If the applicant is able to demonstrate that their application for a premises licence meets the above requirements, then the Licensing Authority shall aim to permit the application. If an application is contrary to the Council's licensing policy or an applicant has not demonstrated that their application is in accordance with points a-c above, then the application is likely to attract representations.

9. General Principles

9.1 Nothing in this Statement shall undermine the rights of any person to apply for any licence under the Act and have the application considered on its individual merits or override the right of any person to make representations on any application for a licence or a review of a licence where they are permitted to do so under the Act.

9.2 On consideration of an application for a premises licence, provisional statement or on consideration of a temporary use notice the presumption shall be to grant the application without conditions. Mandatory and default conditions are the only conditions that are required to be attached to a licence at minimum and, in most cases, will be sufficient to promote the licensing objectives, however, additional conditions will be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case which is not already adequately addressed by the policies, procedures and mitigation measures described in an applicant's risk assessment. Conditions may also be considered if the application is contrary to this policy or has not taken into account the Council's Local Area Profile information. It is required for applicants to demonstrate how they will mitigate the risks within their local area and this should be done via a local area risk assessment and the submission of conditions if deemed appropriate. Any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

9.3 No conditions may be attached to permits.

9.4 Licensing is about the control of premises where facilities for gambling are provided. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

9.5 When considering any conditions to be attached to licences, the Council 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.

9.6 Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will draw upon advice and the guidance issued by the Commission and attach conditions relative to the given circumstances of each individual case.

9.7 Conditions attached to licences will, so far as possible, reflect local crime

prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

9.8 The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either “mandatory” or “default” conditions.

9.9 In determining an application for licences the Licensing Authority may not have regard to the expected demand for the facilities for gambling that it is proposed to provide.

9.10 Responsible authorities and interested parties who make representations must relate their representations to any relevant code of practice and guidance issued by the Commission, the licensing objectives and this Statement.

9.11 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including: -

- (a) Planning controls;
- (b) Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- (c) Regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour;
- (d) The power of the police, other responsible authorities or local residents and businesses to seek to have premises licences reviewed.

9.12 When determining an application, the Council cannot take into account irrelevant matters. In determining an application for a premises licence or a provisional statement, it cannot take into consideration whether the applicant’s application for planning or building control permission in respect of the premises will be successful.

10. Application for a Premises Licence and Primary Gambling Activity

10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- (a) casino premises
- (b) bingo premises
- (c) betting premises, including tracks and premises used by betting intermediaries
- (d) adult gaming centre premises
- (e) family entertainment centre premises

10.2 In betting premises, gaming machines may be made available for use only where there are also substantive facilities for non-remote betting, as per social responsibility code 9.1.1. The Code of Practice and Guidance set out the requirements on operators to ensure that their premises meet the terms of the Act and the relevant conditions.

10.3 Buildings divided into more than one premises

10.3.1 Part 7, paragraph 7.5 of the Commissions Guidance states that “there is no reason in principle why a single building could not 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”. Examples are given of multiple unit premises, such as pleasure parks, tracks, or shopping malls. A shopping mall will have multiple self-contained units (premises) which are located within one building. It is also possible for licensed premises to be located next to each other as long as there are no restrictions regarding direct access between these premises imposed on that category of gambling premises from its mandatory conditions. The council will follow this guidance.

10.3.2 In considering whether different areas of a building are genuinely separate premises the council will take into account factors which will include: whether there are separate registrations for business rates in place for the premises, whether the premises are owned or operated by the same person, and whether the premises are operated independently of each other.

10.4 Separation of premises within a single building

10.4.1 When considering proposals to divide a building into genuinely separate premises the council will also need to be satisfied that the form of separation between the premises is appropriate. The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The council would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.

10.5 Access to Premises

10.5.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the council will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

10.5.2 The relevant provisions of the regulations relating to access are set out in paragraph 7.23 of the Commission’s Guidance. In a number of types of licensed premises there are provisions on access that prevent customers from being able to enter the premises directly from other licensed premises.

10.5.3 The Commission Guidance at paragraph 7.22 states “There is no definition of ‘direct access’ in the Act or regulations, but licensing authorities may consider that there should be an area separating the premises concerned, for example a street or café, which the public go to for purposes other than gambling, for there to be no direct access.”

In particular, where premises are not accessed from the street, the council has sought to define the nature of the area which must separate licensed premises and through which the premises are accessed, so as to prevent direct access between

premises in order to comply with the provisions of the Act and regulations. It is the council's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.

11. Location Policy

When determining an application for the grant or review of a premises licence, the grant of a provisional statement or when considering a temporary use notice, regard will be given 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. Applicants should consult the Council's Local Area Profile Map - attached at appendix D to this policy - and ensure that any application submitted provides a robust risk assessment to mitigate any potential risks to these groups. It is very important in such circumstances that applicants demonstrate how the licensing objectives will not be adversely affected. 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.

11.1 Local Area Profile and Local Area Risk Assessments

11.1.1 The Licensing Authority shall expect all applicant's for grants or variations of a gambling premises licence to include full details of their local risk assessment as part of their applications. This is per the Social Responsibility Code 10.1.1 and Ordinary Code Provision 10.1.2 which both have effect from 6th April 2016.

11.1.2 Applicants will be expected to demonstrate how their operation shall not exacerbate issues of anti-social behaviour in the locality or undermine the licensing objectives - particularly in relation to the protection of children and other vulnerable people should the proposed site be located near schools or treatment centres. Applicants shall be expected to demonstrate how their application will be consistent with the licensing objectives during the submission of an application by taking into account the Local Area Map and other sources of readily available information and, if necessary and relevant, propose conditions that may mitigate the potential risks of being granted a licence in their proposed area. Failure to do this could lead to the application attracting representations.

11.1.3 A copy of Reading Borough Council's Local Area Profile Map is attached at Appendix D to this policy. This map shows the location of all gambling premises licences and their proximity to places of worship, schools and treatment centres. Levels of Anti-Social Behaviour are included on the map. Applicants are expected to take cognisance of this information when submitting applications for a gambling premises licence as it will inform any risk assessment that they will be required to submit.

11.1.4 If a licence is granted or varied, applicants are required to revise their local area risk assessments regularly to reflect any significant changes in the local environment, for example, the opening of a new treatment centre. Licensees shall be expected to share and produce a copy of their updated risk assessment to the Licensing Authority upon request.

11.1.5 As well as the Licensing Authority's Local Area Profile Map, applicants as well as current licence holders should take cognisance of the following sources of information when compiling and reviewing their local area risk assessments:

- a) crime statistics from the police.uk website - in particular the type of crime within the relevant locality;
- b) any neighbourhood group website containing information about specific localities;
- c) any relevant online mapping tools;
- d) other policies, initiatives or strategies issued or undertaken by Reading Borough Council concerning public health initiatives or protection of vulnerable groups. Particular attention should also be paid to the Council's policies on safeguarding children and vulnerable adults. It is strongly advised that Applicants and Licence Holders be aware of the Council's planning policy, particularly the Reading Borough Local Plan which deals with clustering of gambling premises, before making an application under the Gambling Act 2005 to ascertain whether their proposal conflicts with the Local Plan.

11.1.6 There is publicly available data that shows the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms. This resource is provided by GambleAware and can be accessed via: <https://www.begambleaware.org/gambleaware-gb-maps>. We would expect applicants to take cognisance of this resource to assist in the creation of their local area risk assessment.

12. Prevention of Crime and Disorder Objective

12.1 The Council places a considerable importance on the prevention of crime and disorder and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is, therefore, expected to be exercised over licensed premises.

12.2 The Council will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

12.3 Public nuisance is not specified in the Act as a licensing objective. However, the Council may take cognisance of it, when considering applications for premises licences and a provisional statement and when considering a temporary use notice if it is of the opinion that in the circumstances of the case public nuisance may be tantamount to crime and/or disorder.

12.4 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Thames Valley police before making a formal application.

12.5 In considering licence applications, the Council will particularly take into account the following: -

- (a) The design and layout of the premises;

- (b) The training given to staff in crime prevention measures appropriate to those premises;
- (c) Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- (d) Provision of door supervisors;
- (e) Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- (f) The likelihood of any violence, public order or policing problem if the licence is granted.

13. Ensuring that gambling is conducted in a fair and open way objective

13.1 Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and, therefore, relevant to the operating licence), or will be in relation to the suitability and actions of an individual (and, therefore, relevant to the personal licence). Both of these options fall under the purview of the Commission. However, if the Council suspects that gambling is not being conducted in a fair and open way, this will be brought to the attention of the Commission so that it may consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.

13.2 Without prejudice to paragraph 13.1 above, for the purpose of ensuring that gambling is conducted in a fair and open way the Council may take into consideration the following:-

Whether the applicant has been, and is, willing to co-operate with enforcement agencies checking compliance with the licensing objective;

The history of the applicant in complying with advice given by enforcement agencies, in particular, officers of the Council, about compliance with the licensing objectives.

14. Designation of Brighter Futures for Children as responsible authority

14.1 The Council is legally required to specify the principles which it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a competent body to advise it about the protection of children from harm. The principles are: -

- i. the need for it to be a body in Reading and be responsible for, or interested in, matters relating to the protection of children from harm;
- ii. the Council's desire that the body should act responsibly in performing the function and be such that would be willing to advise the Council if necessary.

14.2 As Brighter Futures for Children is a responsible authority for the purposes of the Licensing Act 2003, the Council hereby designates it as the responsible authority for the purpose of the Act.

15. Protection of children and other vulnerable persons objective

15.1 With limited exceptions, the access of children and young persons to those gambling premises that are adult only environments will not be permitted.

15.2 The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

15.3 The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

- (a) Supervision of entrances;
- (b) Segregation of gambling areas from areas frequented by children;
- (c) Supervision of gaming machines in non-adult gambling specific premises.

15.4 The Act provides for the Commission to issue one or more code of practice on access to casino premises by children and young persons and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

15.5 In determining applications the Council shall take into consideration: -

Whether the applicant has been, and is, willing to co-operate with enforcement agencies checking compliance with this licensing objective;

The history of the applicant in complying with this licensing objective;

15.6 The applicant for premises licences, provisional statements and review of premises licences is required to serve a notice of the application on Brighter Futures for Children, which is a responsible authority.

15.7 Public Health are not specified in the Act as a Responsible Authority. However, the Council may have regard for their input particularly in relation to any local or national strategy involving the safeguarding of vulnerable adults or children and their exposure to potential harm, when considering applications for premises licences, provisional statements or temporary use notices.

16. Vulnerable Persons and Harm

16.1 It is noted that the Act and Commission Guidance does not define the term vulnerable persons. The Commission 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

or other circumstances”. This is the definition of vulnerable persons the council will use in its consideration of applications.

16.2 It is noted that the Act does not contain a definition for the word harm or its context. The Council considers harm to mean anything from the physical and mental which is not confined to an individual. For example, a problem gambler at harm from gambling can have negative effects on their families, friends and communities. This is the broad interpretation of ‘harm’ that the Council proposes to use when assessing applications and local risk assessments and licence holders are expected to put into place measures to identify problem gamblers and any harm they may cause to themselves or people around them and take appropriate steps to promote the licensing objective in this regard.

17. Licensing Reviews

17.1 The Council will carry out a review of a premises licence where it has received a formal application for a review, or of its own volition, in accordance with the Act. The review must be relevant to any relevant code and guidance issued by the Commission, the licensing objectives and this Statement. Representations may include, amongst others, issues relating to the following:-

Use of licensed premises for the sale and distribution of controlled substances and/or the laundering of the proceeds of crimes;

Use of licensed premises for the sale and distribution of illegal firearms;

Use of licensed premises for prostitution or the sale of unlawful pornography;

Use of licensed premises as a base for organised criminal activity;

Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

Use of licensed premises for the sale of smuggled tobacco or goods;

Use of licensed premises for the sale of stolen goods.

18. Enforcement

18.1 Principles to be applied by the Council in exercising its functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified in that Section are as follows: -

18.2 All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Council’s Corporate Enforcement Policy.

18.3 The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.

18.4 The Enforcement Concordat (available upon request) proposes that a graduated response is taken where offences against legislation occur. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to

Sub-Committee for a review of the premises licence or may result in a prosecution. Each case will be considered on its merits.

18.5 In deciding whether to institute criminal proceedings the Council shall take cognisance of the public interest test and the realistic prospect of a conviction test as specified in the Attorney General Guidelines.

18.6 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises. The Council shall authorise officers for such purposes.

18.7 The Act provides for the Commission to issue one or more code of practice on access to casino premises by children and young persons and the Council will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

18. Legislation

18.1 In undertaking its licensing function under the Act the Council is also bound by other legislation, including:-

Section 17 of the Crime and Disorder Act 1988; Human Rights Act 1998.

18.2 This Statement is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

19. Complaints against licensed premises

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

19.2 Where an interested party or reasonable authority has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

19.3 This process will not override the right of any interested party or responsible authority to ask that the licensing committee consider their valid representations or for any licence holder to decline to participate in a conciliation meeting.

20. Assessment of Need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence or provisional statement under the Act.

21. Casinos

There are currently 3 Casinos operating within the Borough. In addition to this there is a further premises currently licensed, but not operating. There are no plans under section 166 of the Act to limit or restrict the number of casinos operating within the Borough.

22. Gaming Permits

With regard to the number of gaming machines permitted on premises, the Council will grant permits in accordance with the Act as outlined in Appendix C to this policy. However, should applications be received for extra machines, where permitted, the council will determine each case on its merits giving due regard to the three licensing objectives.

23. Family Entertainment Centres (FECs)

23.1 Children and young persons may enter FECs but are not permitted to play Category C machines. The Council will expect the applicant to ensure that there will be sufficient measures in place to prevent under 18 years olds having access to the adult only gaming machine area.

23.2 Under section 247 of the Act, if premises have only Category D machines, a Family Entertainment Centre Gaming Machine Permit can be issued by the authority without the need to have an operator's Licence. The lack of a requirement to have an operator's licence means that the Commission will not have considered the suitability of the applicant. As a result of this, in these circumstances, the applicant shall be required to provide a criminal record check to enable the licensing authority to check the suitability of the applicant.

23.3 In exercising its functions in respect of Family Entertainment Centre Permits the Council need not, but may have regard to, the licensing objectives and must have regard to any guidance issued by the Commission.

24. Track Betting

24.1 Tracks are horse racecourses, dog tracks, or other premises on any part of which a race or other sporting event takes place or is intended to take place.

24.2 An application can be made for a premises licence for a betting track even though the applicant does not have an operator's licence.

24.3 If a betting premises licence is granted for a track the holder of the licence must ensure that anyone coming on to the track to take benefit of the premises licence must have a betting operator's licence.

24.4 The Council will require a plan to be submitted with an application for a betting premises licence showing the areas of the premises where betting will take place.

25. Equality

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

26. Information exchange

26.1 In fulfilling its functions under the Act the Council will exchange relevant information with other regulatory bodies, including persons and bodies identified pursuant to section 350 of and schedule 6 to the Act to enable them to perform their statutory functions and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. The Council will also have regard to any relevant guidance issued by the Commission and regulations made by the Secretary of State.

26.2 Pursuant to section 29 of the Act the Commission may require the Council to provide information that forms part of the Council's register maintained under the Act or information which is in the Council's possession in connection with a provision of the Act. The Council shall endeavour to provide to the Commission such information as it requires, without delay, mindful of the Commission's:-

- Power to request the information.
- Duty to issue codes and guidance.
- Duty to promote the licence objectives.
- Duty to advise the Secretary of State on matters relating to gambling.
- Power to carry out activities for the purpose of assessing compliance with the Act and whether offences have been committed under the Act.
- Duty to determine whether to grant an operating licence, and to enable it to be in possession of such information as it considers necessary about the provision of gambling facilities in licensed premises in the Council's area.
- Enforcement duties pursuant to the Act.

27. Relationship with Planning Policies

The granting of planning permission and or building control approval is a separate process, which is carried out by other departments within the Council. However, applicants should have regard to planning policy when submitting their local area risk assessments and/or application. It is strongly advised that Applicants and Licence Holders be aware of the Council's planning policy, particularly the Reading Borough Local Plan which deals with clustering of gambling premises, before making an application under the Gambling Act 2005 to ascertain whether their proposal conflicts with the Local Plan.

28. National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

29. Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following: -

The Council's Corporate Strategy;
The Community Safety Strategy;

Enforcement policy.

30. Integrating Strategies

30.1 There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

30.2 The Council recognises, in particular, the importance of the co-ordination and integration of this Statement with other plans aimed at the management of town centres and the night-time economy.

31. Relevant plans and strategies include:-

31.1 Crime and Disorder Reduction Strategy - The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences will reflect local crime prevention strategies.

31.2 Local Transport Plan - the Council will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.

31.3 Racial Equality - The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. As far as possible, licensing decisions will take account of racial equality.

31.4 Human Rights - The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

Article 8 that everyone has the right to respect for his home and private and family life;

Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, which may in certain circumstances include a licence.

31.5 Proper integration will be assured by the Council's Licensing Committee providing reports, when appropriate, to its Planning Committee on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Planning Committee to have regard to such matters when taking its decisions.

31.6 Tourism and Town Centre Management - The Council aims to promote a high quality, thriving night-time economy.

32. Committee Terms of Reference

32.1 A Licensing Sub-Committee normally made up of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. The quorum of two Councillors may comprise the Sub-Committee. Ward Councillors will not normally sit on a Sub-Committee involving an application within their ward.

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

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

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

32.5 The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

32.6 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for premises licences, provisional statements or review of premises licence should be referred to the Licensing Committee or Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible save for by way of judicial review to the High Court.

33. Allocation of Decision Making Responsibilities

33.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them as and when required or necessary.

33.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established Sub-Committees to deal with them.

33.3 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences

and permits where no representations have been made, will be delegated to Council Officers.

33.4 The table shown at Appendix B sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

33.5 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

34. Consideration of representations

34.1 Due consideration will be given to all relevant representations unless they fit the following:-

The grounds are frivolous;

The grounds are vexatious;

The grounds are irrelevant;

The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;

The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or

The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

35. Further information

Further information about the Gambling Act 2005, this Statement of gambling licensing principles or the application process can be obtained from:-

The Licensing Team

Reading Borough Council

Civic Offices

Bridge Street

Reading

RG1 2LU

Tel: 0118 937 3762

E-mail: licensing@reading.gov.uk

Website: www.reading.gov.uk

Information is also available from:-

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Tel: 0121 230 6500

Email: info@gamblingcommission.gov.uk

Website: www.gamblingcommission.gov.uk

Other Responsible Authorities Contact Details: -

Noise and Nuisance Team

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Tel: 0118 937 3787

Email: Environment.ProtectionTeam@reading.gov.uk

Environmental Health

(Health and Safety)
Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Tel: 0118 937 3787

Email: consumer.protection@reading.gov.uk

Thames Valley Police

Licensing Team Oxford
Road Kidlington
Oxon
OX5 2NX

Email: Licensing@thamesvalley.police.uk

Royal Berkshire Fire & Rescue Service

Newsham Court
Pincents Kiln
Calcot
Reading
RG31 7SD

Tel: 0118 945 2888

Email: westhubfiresafety@rbfrs.co.uk

Planning Department

Reading Borough Council
Civic Offices
Bridge Street
Reading
RG1 2LU

Tel: 0118 937 3787

Email: plgadmin@reading.gov.uk

Brighter Futures for Children

Reading Borough Council

Civic Offices

Bridge Street

Reading

RG1 2LU

Tel: 0118 937 3787

Email: LADO@brighterfuturesforchildren.org

HM Revenue and Customs

HM Revenue and Customs

Excise Processing Teams

BX9 1GL

United Kingdom

Phone: 0300 322 7072 Option 7.

Email: NRUBetting&Gaming@hmrc.gsi.gov.uk

APPENDIX A - MAP OF READING BOROUGH



Title: Ward Map 2022

Drg.No.: GIS00347

Date: 10/08/2021 Scale at A2: 1:22,900

Produced by GIS & Mapping Services

Ref: G:\MapInfo\Data\Master Datasets\Boundary Line\Ward map workspaces\Wards



Reading Borough Council

Working better with you

APPENDIX B - TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licence (new, variation & transfer) and provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	X (for non-payment of fee)
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Revocation of premises licence due to failure to pay annual fee			X
Registration of small society lotteries			X
Registration of small society lotteries			X

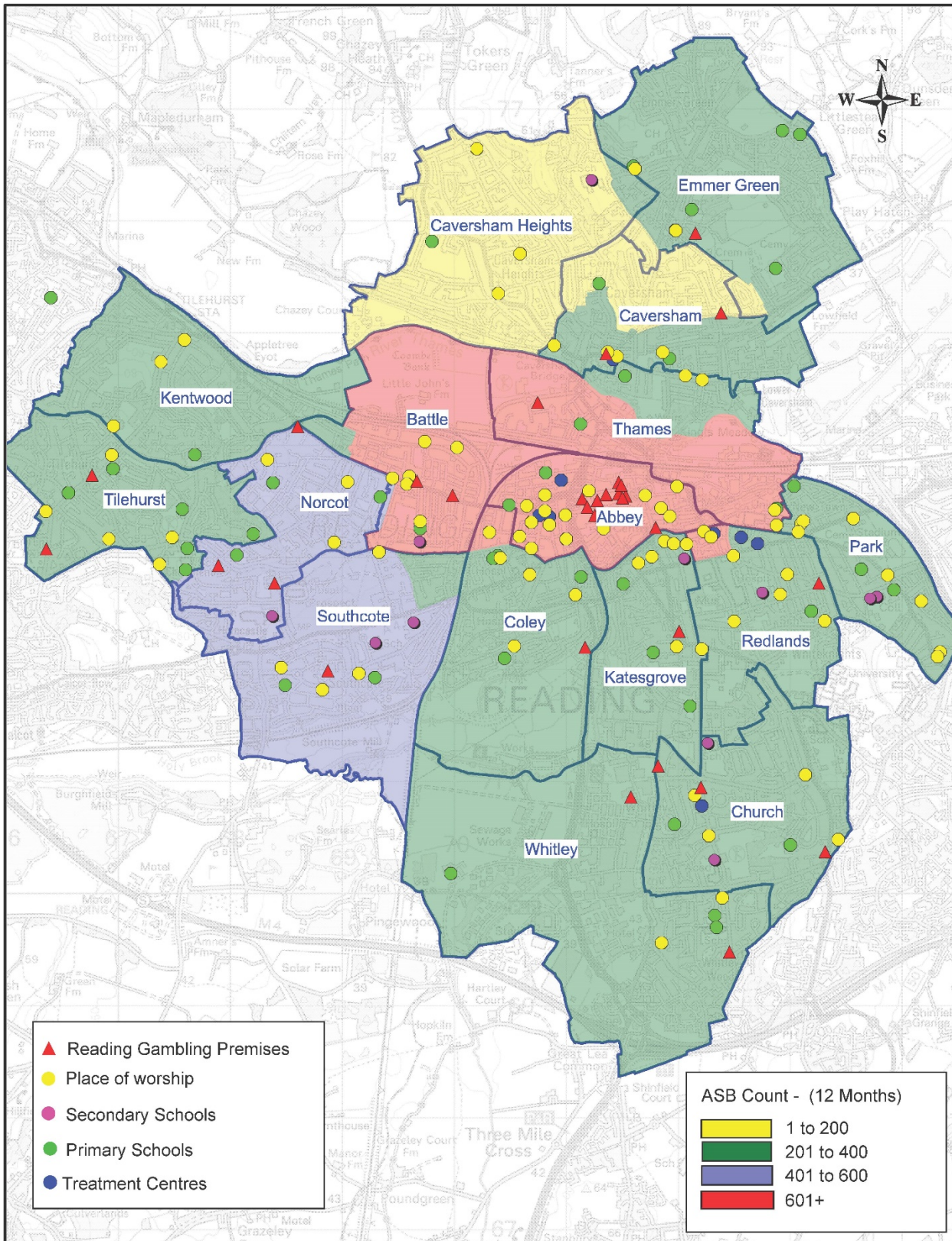
X indicates the lowest level to which decisions can be delegated

APPENDIX C - CATEGORY OF GAMING MACHINES

Type of Authorisation	Machine Categories Permitted						
	A	B1	B2	B3	B4	C	D
Betting (other) Premises Licence			Maximum of 4 machines Any combination from Categories B2/B3/B4/C/D				
Betting (track) Premises Licence			As Betting (other), but only if the licence-holder also holds a Pool Betting Operating Licence				
Bingo Premises Licence				20% of total gaming machines #		Unlimited	
Adult Gaming Centre Premises Licence				20% of total gaming machines #		Unlimited	
Family Entertainment Centre Premises Licence						Unlimited	
Family Entertainment Centre Gaming Machine Permit							Unlimited
Club Gaming Permit or Club Machine Permit				Maximum of 3 machines Members clubs - from Cat. B3a/B4/C/D Commercial clubs – from Cat. B4/C/D			
Alcohol-licensed premises Automatic entitlement						1-2 machines L.A. must be notified	
Alcohol-licensed premises Gaming Machine Permit						As allowed by permit	
Travelling funfair (no authorisation required)							Unlimited
Regional Casino Premises Licence	Maximum of 1250 machines (subject to a machine/table ratio) Any combination from Categories A/B1/B2/B3/B4/C/D						
Large Casino Premises Licence		Maximum of 150 machines (subject to a machine/table ratio) Any combination from Categories B1/B2/B3/B4/C/D					
Small Casino Premises Licence		Maximum of 80 machines (subject to a machine/table ratio) Any combination from Categories B1/B2/B3/B4/C/D					
Converted Casino Premises Licence		Maximum of 20 machines (no machine/table ratio) Any combination from Categories B1/B2/B3/B4/C/D					

Minimum age of 18 years to use Category A, B and C machines. No age limit on Category D machines.

APPENDIX D - LOCAL AREA PROFILE MAP



Title: Local Profile Map (Wards 2022)

Plan Ref: GIS00444

Produced by GIS & Mapping Services

Date: 29/09/2021

Scale at A4: 1:44,220

Ref: M:\D\C\Environment\Licensing\Reading Gambling Premises 2022



(c) Crown copyright and database rights 2021 Ordnance Survey 100019672