

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

20 November 2017

To: MEMBERS OF THE LICENSING AND APPEALS COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Licensing and Appeals Committee to be held in the Civic Suite, Gibson Building, Gibson Drive, Kings Hill, West Malling on Tuesday, 28th November, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
|----|--------------------------|-------|
| 1. | Apologies for Absence | 5 - 6 |
| 2. | Declarations of Interest | 7 - 8 |

3. Minutes 9 - 10

To confirm as a correct record the Minutes of the meeting of Licensing and Appeals Committee held on 28 September 2017

4. Minutes of Panel 11 - 22

To receive the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on the following dates:

4 October 2017

26 October 2017

17 November 2017 (To Follow)

Decisions to be taken under Delegated Powers

5. Review of Fees and Charges 2018/19 - Licensing Fees 23 - 38

Matters submitted for Information

6. Consultation on Fixed Odds Betting Terminals (FOBTs) 39 - 58

7. Urgent Items 59 - 60

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

8. Exclusion of Press and Public 61 - 62

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items 63 - 64

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Mrs J A Anderson (Chairman)
Cllr Mrs S M Barker (Vice-Chairman)

Cllr O C Baldock
Cllr M C Base
Cllr Mrs P A Bates
Cllr Mrs B A Brown
Cllr M A Coffin
Cllr B T M Elks
Cllr D Keers

Cllr Mrs F A Kemp
Cllr S M King
Cllr H S Rogers
Cllr R V Roud
Cllr M Taylor
Cllr F G Tombolis

This page is intentionally left blank

Apologies for absence

This page is intentionally left blank

Declarations of interest

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Thursday, 28th September, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker (Vice-Chairman), Cllr O C Baldock, Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr Mrs F A Kemp, Cllr S M King, Cllr H S Rogers, Cllr R V Roud and Cllr F G Tombolis

Councillor A K Sullivan was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, M A Coffin, D Keers and M Taylor

PART 1 - PUBLIC

LA 17/48 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/49 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 9 May 2017 be approved as a correct record and signed by the Chairman.

LA 17/50 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 28 July and 4 August 2017 be received and noted.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/51 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Director of Central Services and Monitoring Officer presented a review of the Hackney Carriage and Private Hire Policy 2018-2023. The report highlighted the main changes from the current policy adopted on 1 May 2013 and outlined the timescale for the consultation to be undertaken between 1 October and 31 December 2017. Particular reference was made to the proposed changes set out at paragraph 1.3 of the Draft Policy, attached as Annex 1 to the report and, following consideration by the Committee, the inclusion of guidance on tinted rear

passenger windows, 'cross-boundary' plating of vehicles, voluntary sector transport and the production of original documents. The report outlined the arrangements for public consultation on the policy including further taxi drivers' liaison meetings which Members were welcome to attend.

RESOLVED: That the draft Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be approved for public consultation.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 17/52 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/53 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/54 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/55 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 13/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had disclosed a Caution for Possessing a Controlled Drug – Class B – Cannabis/Cannabis Resin dated 5 September 2013.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.4 of the Policy stated that an application would normally be refused when it has been made within 5 years of the date of conviction for a drug-related offence.

The Panel listened carefully to the Applicant's full and candid explanation of the circumstances of the offence and took into account her qualifications and experience as a care worker and the endorsement provided by her Mentor. The Panel concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For these reasons the Panel, therefore

RESOLVED: That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 10.31 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/56 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/57 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/58 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 14/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had failed to declare a Conviction for Common Assault dated 28 November 2011.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety

was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public who entrusted themselves to the care of a driver both for their own safety and for fair dealing; and
- (5) that Section 12.3.1 of the Policy stated that, in general, a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably. In addition, an application would normally be refused when it has been made within 4 years of the date of conviction for an offence of common assault.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction. However, the Panel was not convinced that the explanations given were sufficient to overturn the position set out in the Council's Policy which required an 8 year period to have passed following a Conviction for Common Assault and, having considered all the circumstances, was not satisfied that the Applicant was a 'Fit and Proper' person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 11.41 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/59 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/60 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/61 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 15/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Director of Central Services and Monitoring Officer advised the Panel that, following the publication of the agenda, the applicant had advised that she was unable to attend the Hearing. The Panel therefore

RESOLVED: That consideration of Case No 15/2017 in respect of an application for a Probationary Private Hire Driver's Licence be DEFERRED to the next meeting of the Licensing and Appeals Panel scheduled to be held on Thursday 26 October 2017.

The meeting ended at 12.02 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and
Cllr O C Baldock

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/62 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 17/63 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/64 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 15/2017

(Reasons: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the DBS Certificate provided by the Applicant had disclosed a Conviction dated 8 December 2014 for Racially/Religiously aggravated harassment/alarm/distress by words/writing on 26 October 2014 – Crime and Disorder Act 1998 s.31(1)(c).

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to Cautions and Endorsable Fixed Penalties, Section 12.12.1 required that formal cautions and endorsable fixed penalties be treated as though they were convictions and must be disclosed; and
- (4) that, with regard to previous convictions, Section 12.1.2 of the Policy stated that an application would normally be refused when it has been made within 4 years of the date of conviction for a racially aggravated s.5 Public Order Act 1986 offence (causing harassment, alarm or distress) under s.31(c) Crime and Disorder Act 1998.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction and took into account that it was a sole offence with no history of similar misconduct. The Panel noted that the Applicant had pleaded guilty to the offence and appeared contrite. Having taken into account the circumstances the Panel concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For these reasons the Panel, therefore

RESOLVED: That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 9.50 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr O C Baldock

Together with representatives of the Licensing Authority, Mr F Prescott (Applicant), Mrs L Lane (Owner of the premises), representatives of Environmental Health and Kent Police (Responsible Authorities) and Councillor M Base (Interested Party)

PART 1 - PUBLIC

LA 17/65 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 17/66 APPLICATION FOR NEW PREMISES LICENCE FOR HENGIST VILLAGE RESTAURANT AND BAR, 7 - 9 HIGH STREET, AYLESFORD

The Panel gave consideration to an application for a Premises Licence made by Mr Francis Walter Prescott under Section 17 of the Licensing Act 2003 in respect of premises known as Hengist Village Restaurant and Bar, 7-9 High Street, Aylesford. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representations received during the statutory consultation period (as set out at Annexes 4, 5, 6 and 7 to the report).

The Panel listened carefully to the representations made by Mr F Prescott, Ms E Shaw on behalf of Kent Police, Mr C Kennard of the Environmental Protection Team and local resident Councillor M Base.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003 which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. In addition the Panel had particular regard to

the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act and to the Council's Statement of Licensing Policy.

The Panel was satisfied that the hours of operation for sale of alcohol and live and recorded music as agreed between the applicant and Kent Police was acceptable. However, the Panel was not satisfied that the Licensing objective of preventing public nuisance would be met were any late night refreshment to be permitted because the provision of this service after 2300 hours would extend the length of time customers would remain on the premises and consequently lead to an increase in noise later into the night. The Panel determined that late night refreshment should be excluded from the licence.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule, those conditions agreed by the applicant with the Responsible Authorities (Kent Police, Kent Trading Standards and Tonbridge and Malling Borough Council Environmental Protection) and the following additional conditions:-

- A condition requiring a log to be kept of all training undertaken by staff, to be made available for inspection by the licensing authority or other responsible authority at all reasonable times;
- An amendment to the agreed condition requiring staff to be trained, to require such training to be carried out only with an accredited body;
- A requirement that the complaints log would be made available for inspection to the licensing authority or other responsible authority at all reasonable times.

The Panel also considered that the following additional conditions were required to further the licensing objective of the prevention of public nuisance:-

- A condition ensuring an appropriate facility for communication between local residents directly to the Designated Premises Supervisor (DPS) would be set up and maintained for the premises in the event of any issues;
- A condition requiring notices to be placed in prominent locations advising patrons to leave the premises quietly;
- A condition requiring all doors and windows to be kept closed at all times save for ingress and egress.

The Panel also made the following observations:-

- The issues surrounding the extractor fan, whilst not a matter for licensing, should be addressed as a matter of urgency;
- Staff should be advised that if they are requested to call taxis for customers, the drivers should be asked that the pick-up takes place in the car park rather than on the High Street.

Having had regard to the above the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence be granted subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application and the following conditions:-

Section E	Live music: Monday to Sunday from 12:00 hours until 23:00 hours
Section F	Recorded music: Monday to Sunday from 12:00 hours until 23:00 hours
Section I	Late Night Refreshment: None
Section J	Supply of alcohol: Monday to Sunday from 12:00 hours until 00:00 hours

Conditions:

1. CCTV to be installed inside covering the bar areas on all floors and the reception area, and outside the premises covering areas including the front, side and rear of the venue including the patio and garden areas.
2. CCTV must be operational at all times that the premises are open to members of the public.
3. CCTV recordings must be securely stored digitally and retained for a minimum of 14 days.
4. CCTV system must be regularly maintained and records of maintenance kept at the premises.
5. Signs to be displayed at all exits and in outside public areas requesting patrons to respect neighbours and leave/use the areas quietly.
6. Staff to oversee outside areas and engage with patrons to ensure noise levels are minimised to prevent nuisance to residents.

7. A log must be maintained on the premises of any incidents or complaints received and action taken and will be available for inspection.
8. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including refresher training) will be logged and provided not less than every twelve months. The training log will be made available for inspection by the Licensing Authority and responsible authorities at all reasonable times.
9. All staff training will be carried out by an accredited body.
10. The premises licence holder will ensure that there is a facility in place (such as a direct dial telephone number) that allows local residents to communicate directly with the designated premises supervisor in the event of any issues arising.
11. All doors and windows will be kept closed at all times except for ingress and egress.
12. The Challenge 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or Home Office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.
13. A refusals log must be kept at the premises and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the Designated Premises Supervisor and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - the identity of the member of staff who refused the sale
 - the date and time of refusal
 - the alcohol requested and the reason for refusal
 - description of the person refused alcohol

14. Posters of A4 size shall be displayed conspicuously on the premises in the customer facing areas.
 - 'Challenge 25' to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25
 - 'Proxy purchasing' intended to warn adults not to buy alcohol for those under 18 years of age.

LA 17/67 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.08 pm
having commenced at 10.04 am

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

28 November 2017

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Delegated

1 REVIEW OF FEES AND CHARGES 2018/19 - LICENSING FEES

1.1 Executive Summary

1.1.1 The responsibility for setting the licensing fees and charges for 2018/19 is with the Licensing & Appeals Committee.

1.1.2 The review has been carried out by the Interim Head of Service for Licensing, Customer Services and Community Safety and the report sets out the recommended changes to the existing fee structure.

1.1.3 The licensing regimes listed within this document cover a wide range of activities and services ranging from the sale and supply of alcohol to individuals keeping dangerous wild animals. The purpose of the licensing regimes are specific to the regulation that govern it but in general, licensing is required to protect the public, protect and support businesses practices and ensure fair trading; and ensure the welfare of animals.

1.1.4 The council has the power to set some fees for certain licensing regimes. However, a number of licensing regimes have fees that have been set by the specific Act or associated regulations. There are three fee regime types that have been set out within this document. These fee regime types relate to how the fees have been set.

Type 1	Type 2	Type 3
Fees that are set by statute for which the council has no power to amend.	A maximum fee cap set by statute that permits councils to set a reasonable fee to recover its costs up to that cap.	The relevant statute permits councils to set their own local fees that will enable it to recover its reasonable costs.

1.1.5 All of the fees within type 2 up to the relevant cap and all of the fees within type 3 fee regimes have been set to recover the council's reasonable costs in carryout its functions for each specific regime. The fees relate to that regime only and all the

income received from fees is used to offset those costs. The council cannot and does not use the income from one specific licensing regime to cover deficits in other regimes.

- 1.1.6 The council will aim to undertake a review of type 2 and 3 licensing regime fees every year. When considering the fees the council will take into account the costs that it has incurred from the previous year and set a fee based on those costs. If the council does, in reviewing the fees identify a surplus or a deficit it will adjust the fees accordingly to either reduce the fee levels to reduce the surplus or increase the fee levels to repay that deficit in costs from previous years. This means that the fees will fluctuate year on year based on the review of income and cost associated with that relevant licensing regime.

European Service Directive

- 1.1.7 The European Union Services Directive -2006/123/EC (the Directive) was given effect in UK law via the Provision of Services Regulations 2009 (SI2009/2999). This Directive and the Regulations contain provisions about the fees which may be charged under relevant licensing regimes within the scope of the Directive. In particular licensing authorities may not set fees that are dissuasive, and any fees must be reasonable and proportionate to the cost of the licensing process and the issuing of the licence.
- 1.1.8 These provisions have been taken into account in setting the fees set out in this document.
- 1.1.9 In addition, a recent judgment of the Supreme Court in a case involving Westminster City Council has provided further clarification of the type of costs which may be taken into account when setting fees, and when fees may be payable. Pending further guidance from the European Court of Justice, the judgment of the Supreme Court established a licensing regime may operate on the basis that an applicant must pay:
- i. on making the application, the costs of the application process and,
 - ii. on the application being successful, a further fee to cover the costs of the running and enforcement of the licensing regime.
- 1.1.10 The council has following this decision reviewed the Type 3 regime fees, for which the Directive relates so that they identify the costs for processing the application through to determination (Part A) and the cost for running and the enforcement of the licensing regime (Part B).
- 1.1.11 Taxi Licensing is exempt from this ruling.
- 1.1.12 A table showing the existing and proposed fees is attached as **Annex 1**.

1.2 Hackney Carriage & Private Hire

- 1.2.1 Fee levels for hackney carriage and private hire licensing are subject to various statutory controls. Whilst these controls provide the Council with some discretion as to the level of fee, the cost of a licence must be related to the overall cost of the licensing scheme itself.
- 1.2.2 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 provides that, in respect of hackney carriage and private hire drivers, the Council may charge 'such a fee as they consider reasonable with a view to recovering the costs of issue and administration'. No fee is chargeable, or recoverable, in respect of enforcement in relation to these licences.
- 1.2.3 For vehicle (both hackney carriage and private hire) and private hire operators' licences, fee levels are governed by s70 of the 1976 Act. This section allows the Council to charge such fees as may be sufficient in aggregate to cover in whole or in part –
- (a) the reasonable cost of carrying out inspections of hackney carriages/ 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;
 - (c) any other reasonable administrative or other costs in connection with the above and with the control and supervision of hackney carriage and private hire vehicles.

Fee model

- 1.2.4 The fee model sheets for the main Taxi fee increase show officer cost and time in the validating, processing, issuing and enforcement cost where applicable. These sheets are shown as **Annex 2**.

Costs for plates, holders and door insignia

- 1.2.5 The costs for plates, holders and door insignia are not set by the Licensing and Appeals Committee.
- 1.2.6 The cost show are the current manufacturer's costs and are subject to change anytime during the year, without reference to the Licensing and Appeals Committee.

Other licensing & registration fees

- 1.2.7 A review has also been undertaken of the fees charged for a number of miscellaneous licences/ consents, including street trading, animal welfare and acupuncture/ tattooing etc. The proposed fees for 2018/19 are also contained in the table at **Annex 1**.

1.3 Legal Implications

1.3.1 As set out above.

1.4 Financial and Value for Money Considerations

1.4.1 As set out above.

1.5 Risk Assessment

1.5.1 The recommended fee levels have been calculated in order to ensure that the service remains self-financing, whilst at the same time not making a profit.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 It is RECOMMENDED that the proposed scale of fees for licences, consents and registrations set out in Annex 1 of this report be adopted with effect from the 1 April 2018.

Background papers:

Nil

contact:

Anthony Garnett 6151

Adrian Stanfield

Director of Central Services and Monitoring Officer

Licensing Fee Review for 2018/2019 – Recommended changes

	Current Fee 2017/18	Proposed Fee 2018/19	Notes
Driver licences			
Probationary Badge – Private Hire	45.00	50.00	A six month licence where the applicant has to work for one Operator
Hackney Carriage/Private Hire Licence (3 years)	185.00	190.00	Applicants pay an additional fee of £44 for DBS check
Dual Hackney Carriage/Private Hire Licence (3 years)	210.00	215.00	Applicants pay an additional fee of £44 for DBS check
Vehicle licences			
Hackney Carriage – (1 year) – New licence *	230.00	235.00	Plate holders not included in pricing (sold separately as required)
Hackney Carriage – (1 year) – Renewal **	210.00	215.00	
Private Hire –(1 year) – New licence ** Plus Operator Licence fee of £16 per vehicle	220.00	235.00	
Private Hire –(1 year) – Renewal ** Plus Operator Licence fee of £16 per vehicle	210.00	225.00	
Private Hire – (6 months) New Licence for Probationary Drivers	110.00	112.50	
* Includes cost of plates and door insignia			
** Includes cost of plates and £10 for Private Hire Operators Licence			
Operator licences			
5 Year Licence – Operator Licence	80 per vehicle	100.00	£50 per vehicle will be collected as part of the Private Hire Vehicle licence (£50 divided by 5 = £10

											Current Fee 2017/18	Proposed Fee 2018/19	Notes
Transfer of vehicle licence													
Hackney Carriage - Cost of renewal for a 1 year vehicle licence– months left on current plate -													
1	2	3	4	5	6	7	8	9	10	11	12		
18	36	54	72	89	107	125	143	161	179	197	215		
Private Hire - Cost of renewal for a 1 year vehicle licence– months left on current plate – including Operator Licence Costs													
1	2	3	4	5	6	7	8	9	10	11	12		
19	38	56	75	94	113	131	150	169	188	206	225		
Change of Ownership – same licensed vehicle							25	25					
Plate exemption certificate							42	42					
Insurance plates													
Hackney Carriage Vehicle (first month)							62	63					
Hackney Carriage Vehicle (for each additional month)							21	22					
Private Hire Vehicle (first month)							48	49					
Private Hire Vehicle (for each additional month)							18	20					
Administration charges													
General							40	40					
Transfer of vehicle - HCV to PHV or PHV to HCV							20	20					
Change of name and address / replacement paper or card licences							10.50	10.50					
Plates – (For information only - subject to manufacturer prices)													
Long External Licence Plate and holder							24.00	24.00					
Long External Licence Plate only							7.00	7.00					
Long External Licence Plate holder only							17.00	17.00					
Square External Licence Plate and holder							22.00	22.00					
Square External Licence Plate only							7.00	7.00					

	Current Fee 2017/18	Proposed Fee 2018/19	Notes
Square External Licence Plate holder only	15.00	15.00	
Internal Plate and Holder	5.00	5.00	
Internal Plate only	2.50	2.50	
Internal Plate Holder only	2.50	2.50	
Door Insignia (per pair)	8.50	8.50	
Knowledge Test			
Attempting knowledge test	40	40	
Attempting knowledge test again after first failure	40	40	

Driver Licences	New licence	Renewal licence
Probationary Badge	89.00 *	
Hackney Carriage <u>or</u> Private Hire	229.00 *	229.00 *
Both (Dual)	254.00 *	254.00 *

* Includes cost of DBS check at £44

Vehicles Licences	New licence	Renewal licence
Hackney Carriage	230.00 *	210.00 **
Private Hire	220.00 **	210.00 **
Internal Plate Holder		2.00
Plate Exempt Fee	42.00	42.00

* Includes cost of plates and door insignia in case of Hackney Carriage – (does not include plate holders)

** Includes cost of replacement external and internal Plates - (does not include plate holders)

Transfer of vehicle licence

Cost of renewal for 1 year vehicle licence – the current month you are in

1	2	3	4	5	6	7	8	9	10	11	12
18	35	53	70	88	105	123	140	158	175	193	210

Includes cost of replacement external and internal Plates (does not include plate holders) – Numbers rounded up

Operator Licence	fee
5 Year Licence – per vehicle	80.00
Current Operators Licence	
During first year	80.00
During second year	64.00
During third year	48.00
During fourth year	32.00
During fifth year	16.00

Plates	fee
Long External Licence Plate and holder	24.00
Long External Licence Plate only	7.00
Long External Licence Plate holder only	17.00
Square External Licence Plate and holder	22.00
Square External Licence Plate only	7.00
Square External Licence Plate holder only	15.00
Internal Plate and Holder	5.00
Internal Plate only	2.50
Internal Plate Holder only	2.50
Door Insignia (per pair)	8.50

Insurance Plates	fee
-------------------------	------------

(Hackney Carriage Vehicle)– first month	62.00 *
(Hackney Carriage Vehicle)– each additional month	21.00
* Includes cost of external / internal Plates, Fare Chart and Insignia (does not include holders)	
(Private Hire Vehicle) – first month	48.00 **
(Private Hire Vehicle) – each additional month	18.00
** Includes cost of external / internal Plates (does not include holders)	

Administration charges	fee
General	40.00
Replacement Plates and Admin	20.00
Change name and address / Replacement Paper Licence / Replacement Card Licence	10.50

Knowledge Test	
Attempting knowledge test*	40.00
Attempting knowledge test again after first failure	40.00

Note: cheques etc payable to “Tonbridge & Malling Borough Council” or “TMBC”.

In event of query call 01732 876368 to speak to the Licensing Team

Pleasure Boats and Boatmen	Part A Fee	Part B Fee	Total Fee
Pleasure boats – 1 year (multi-seated)	£65	£100	£165
Pleasure boats – 1 year (other)	£12	£20	£32
Boatmen – 1 year	£12	£20	£32

Scrap Metal Dealers	Part A Fee	Part B Fee	Total Fee
Scrap Metal – Mobile Collectors Licence (new and renewal)	£74	£206	£280
Scrap Metal –Site Licence	£94	£266	£360
Scrap Metal – Renewal of Site Licence	£88	£252	£340

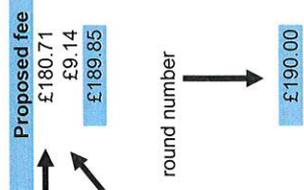
Animal Licensing	Part A Fee	Part B Fee	Total Fee
Animal welfare/boarding	£170	£100	£270.00
Home Boarding licence	£94	£56	£150.00
Home Boarding licence renewal	£32	£18	£50.00
Breeding and sale of dogs	£129	£76	£205.00
Pet shop	£164	£96	£260.00
Riding establishments	£220	£130	£350.00
Dangerous wild animals	£500	£290	£790.00
Zoo	£470	£275	£745.00

Street trading consents - Tonbridge street Trading Control Area:	Part A Fee	Part B Fee	Total Fee
Fixed pitch – annual consent	£778	£477	1255.00
Fixed pitch – occasional consent	£200	£125	325.00
Other - annual consent	£715	£435	1150.00
Other - occasional consent	£38	£22	60.00

Sex Establishments	Part A Fee	Part B Fee	Total Fee
Sex Establishments: sex shop or sex cinema	£1,000	£1,000	£2,000

This page is intentionally left blank

Activity	Officer rates per hour										total TMBC						
	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin							
Driver badge	LM	LO															
Legal TMB Committee																4	
Fin																6	
telephone costs																	
Documents cost																	
Financial admin																	
production of information documentation / awareness																	
Assistance to applicant	0.02	0.35															£13.09
Check information	0.15	0.3															£0.00
Medical/DBS/DVLA checks	0.2	0.4															£20.52
process application fee					0.1												£27.36
load application onto computer	0.1	0.3															£6.68
Print card / paper licence		0.35															£17.02
contact applicant to clarify details																	£11.69
Office - overheads																	£0.00
representations																	£60.00
negotiation																	£0.00
inspection visit																	£0.00
Enforcement																	£0.00
determine application																	£0.00
sub total	0.47	1.9	0	0	0	£32.90	£63.46	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£180.71
hearing to be arranged	2	1				£140.00	£33.40	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£173.40
determine application - Hearing	2	1.5	4	3		£140.00	£50.10	£297.60	£136.50								£624.20
notify relevant persons	0.5	0.5	0.03	0.03		£35.00	£16.70	£2.23	£1.37								£55.30
application granted	0.75	0.25				£52.50	£8.35	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£60.85
update register		0.25				£0.00	£8.35	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£8.35
hearing & Members allowance																	
sub total	20	5	12	1		£400.40	£180.36	£299.83	£137.87								£913.75
application rejected - prepare for an appeal						£1,400.00	£167.00	£892.80	£45.50								£2,505.30
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£967.20	£0.00								£967.20
post appeal hearing		2.5	3	0		£0.00	£83.50	£223.20	£0.00								£306.70
total	25.72	12.9	32.03	4.03		£1,800.40	£430.86	£2,383.03	£183.37								£3,779.20

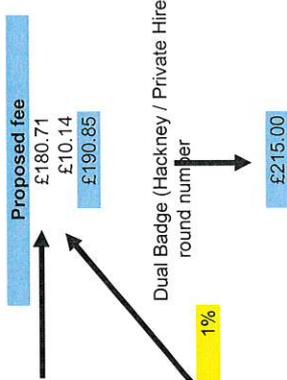


Dual Driver badge

LM
LO
Legal TMB
Committee
Fin

← Officer rates per hour

	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	total TMB
telephone costs											4
Documents cost											6
Financial admin											6
production of information documentation / awareness											
Assistance to applicant											
	0.02	0.35				£1.40	£11.69	£0.00	£0.00	£0.00	£13.09
Check information											
Medical/DBS/DVLA checks	0.15	0.3				£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
process application fee	0.2	0.4				£10.50	£10.02	£0.00	£0.00	£0.00	£20.52
load application onto computer					0.1	£14.00	£13.36	£0.00	£0.00	£0.00	£27.36
Print card / paper licence	0.1	0.3				£0.00	£6.68	£0.00	£0.00	£0.00	£6.68
		0.35				£7.00	£10.02	£0.00	£0.00	£0.00	£17.02
						£0.00	£11.69	£0.00	£0.00	£0.00	£11.69
						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Office - overheads											
representations						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
negotiation						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
inspection visit						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Enforcement						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
determine application						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
sub total	0.47	1.9	0	0		£32.90	£63.46	£0.00	£0.00	£0.00	£180.71
hearing to be arranged	2.2	2				£154.00	£66.80	£0.00	£0.00	£0.00	£220.80
determine application - Hearing	3	1	4	3		£210.00	£297.60	£136.50	£1.37	£0.00	£677.50
notify relevant persons	0.5	0.5	0.03	0.03		£35.00	£16.70	£2.23	£1.37	£0.00	£55.30
application granted	0.75	0.25				£52.50	£8.35	£0.00	£0.00	£0.00	£60.85
update register		0.25				£0.00	£8.35	£0.00	£0.00	£0.00	£8.35
hearing & Members allowance											
sub total	20	2	12	1		£484.40	£197.06	£299.83	£137.87	£0.00	£1,014.45
application rejected - prepare for an appeal		0	13	0		£1,400.00	£66.80	£892.80	£45.50	£0.00	£2,405.10
appeal hearing (1st Meeting / PTR)		2.5	2	0		£0.00	£967.20	£0.00	£0.00	£0.00	£967.20
post appeal hearing		10.4	31.03	4.03		£0.00	£83.50	£148.80	£0.00	£0.00	£232.30
total	26.92	10.4	31.03	4.03		£1,884.40	£347.36	£2,308.63	£183.37	£0.00	£3,604.60



Vehicles - renewals

LM
LO

← Officer rates per hour →

Legal TMB
Committee
Fin

	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	total	
	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	TMBC	
	Time											
	Cost											
telephone costs												
Documents cost												
Financial admin												
production of information												
documentation / awareness												
Assistance to applicant	0.04	0.36				£2.80	£12.02	£0.00	£0.00	£0.00	£14.82	
Check information	0.15	0.4				£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	
Pairing up garage documentation		0.2				£10.50	£13.36	£0.00	£0.00	£0.00	£23.86	
process application fee		0.2				£0.00	£6.68	£0.00	£0.00	£0.00	£6.68	
load application onto computer		0.2			0.1	£0.00	£6.68	£0.00	£0.00	£0.00	£6.68	
Printplates / paper licence	0.12	0.4				£8.40	£13.36	£0.00	£0.00	£0.00	£21.76	
contact applicant to clarify details	0.1	0.4				£7.00	£13.36	£0.00	£0.00	£0.00	£20.36	
Office - overheads						£0.00	£0.00	£0.00	£0.00	£0.00	£60.00	
Cost of plates						£0.00	£0.00	£0.00	£0.00	£0.00	£9.50	
negotiation						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	
inspection visit						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	
Enforcement						£11.20	£6.68	£0.00	£0.00	£0.00	£17.88	
determine application	0.16	0.2				£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	
sub total	0.57	2.16	0	0	0.1	£39.90	£72.14	£0.00	£0.00	£0.00	£205.89	
hearing to be arranged	2.2	0.5				£154.00	£16.70	£0.00	£0.00	£0.00	£170.70	
determine application - Hearing	3	1			3	£210.00	£33.40	£223.20	£136.50	£0.00	£603.10	
notify relevant persons	0.5	0.5	0.03			£35.00	£16.70	£2.23	£1.37	£0.00	£55.30	
application granted	0.75	0.25				£52.50	£8.35	£0.00	£0.00	£0.00	£60.85	
update register		0.25				£0.00	£8.35	£0.00	£0.00	£0.00	£8.35	
hearing & Members allowance												
sub total						£491.40	£155.64	£225.43	£137.87	£0.00	£889.95	
application rejected - prepare for an appeal	20	2	12	1		£1,400.00	£66.80	£892.80	£45.50	£0.00	£2,405.10	
appeal hearing (1st Meeting / PTR)		0	13	0		£0.00	£0.00	£967.20	£0.00	£0.00	£967.20	
post appeal hearing		2.5	2			£0.00	£83.50	£148.80	£0.00	£0.00	£232.30	
total	27.02	9.16	30.03	4.03		£1,891.40	£305.94	£2,234.23	£183.37	£0.00	£3,604.60	

Proposed fee

£205.89

£8.90

£214.79

round number

£215.00

1%

Boatman

LM
LO

← Officer rates per hour →

Legal TMB
Committee
Fin

	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	total
	LM	LO	legal	COM	Fin	LM	LO	legal	COM	Fin	TMBC
telephone costs											
Documents cost											
Financial admin											
production of information											
documentation / awareness											
Assistance to applicant		0.4				£0.00	£13.36	£0.00	£0.00	£0.00	£13.36
Check information						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Pairing up garage documentation	0.1	0.4				£7.00	£13.36	£0.00	£0.00	£0.00	£20.36
process application fee						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
load application onto computer					0.1	£0.00	£6.68	£0.00	£0.00	£0.00	£6.68
Print badges / paper licence						£0.00	£14.36	£0.00	£0.00	£0.00	£14.36
contact applicant to clarify details						£0.00	£10.02	£0.00	£0.00	£0.00	£10.02
Office - overheads						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Cost of plates						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
negotiation						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
inspection visit						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
Enforcement						£14.00	£16.70	£0.00	£0.00	£0.00	£30.70
determine application						£0.00	£0.00	£0.00	£0.00	£0.00	£0.00
sub total	0.3	2.23	0	0	0.1	£21.00	£74.48	£0.00	£0.00	£0.00	£173.33
hearing to be arranged	2.2	0.5				£154.00	£16.70	£0.00	£0.00	£0.00	£170.70
determine application - Hearing	3	1				£210.00	£33.40	£223.20	£136.50		£603.10
notify relevant persons	0.5	0.5	0.03			£35.00	£16.70	£2.23	£1.37		£55.30
application granted	0.75	0.25				£52.50	£8.35	£0.00	£0.00		£60.85
update register		0.25				£0.00	£8.35	£0.00	£0.00		£8.35
hearing & Members allowance						£472.50	£157.98	£225.43	£137.87		£889.95
sub total	20	2	12	1		£1,400.00	£66.80	£892.80	£45.50		£2,405.10
application rejected - prepare for an appeal						£0.00	£0.00	£967.20	£0.00		£967.20
appeal hearing (1st Meeting / PTR)						£0.00	£83.50	£148.80	£0.00		£232.30
post appeal hearing	26.75	9.23	30.03	4.03		£1,872.50	£308.28	£2,234.23	£183.37		£3,604.60
total											

Part A

Proposed fee

Part A £64.78

Part B £90.70

£8.90

Total AB £164.38

round number

£165.00

TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

28 November 2017

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Information

1 CONSULTATION ON FIXED BETTING TERMINALS (FOBT'S)

1.1 Executive Overview

1.1.1 In 2016 the Government launched a review of gaming machines and social responsibility measures which began with a call for evidence.

1.1.2 The Government's objective in initiating this review was to ensure we have the right balance between a sector that can grow and contribute to the economy, while also ensuring it is socially responsible and doing all it should to protect consumers and communities, including those who are just about managing.

1.1.3 On 31 October, the Government published a consultation that covers proposals relating to:

- Maximum stakes and prizes for all categories of gaming machines permitted under the Gambling Act 2005;
- Allocations of gaming machines permitted in all licensed premises under the Gambling Act 2005;
- Social responsibility measures for the industry as a whole to minimise the risk of gambling-related harm, including on gambling advertising, online gambling, gaming machines and research, education and treatment (RET).

1.1.4 This consultation seeks views on the Government's proposals related to gaming machines and social responsibility measures.

1.2 Background

1.2.1 Tonbridge & Malling Borough Council (TMBC) has issued ten licences for Betting Shops to the following premises:

Trading name	Address
Betfred	1A High Street, Tonbridge
Betfred	20/22 Holborough Road, Snodland
Coral	28 High Street, Snodland
Coral	Unit 2/3 Adjacent Henry Simmonds Public House, Wrotham Road, Borough Green
Betfred	9 And 13 Martin Square, Larkfield
Metrobet	15 York Parade, Shipbourne Road, Tonbridge
Coral	First Floor, 79 High Street, West Malling
Betfred	85/87 High Street, Tonbridge
Ladbrokes	2/3 Quarry Hill Road, Tonbridge
William Hill	92A High Street, Tonbridge

1.2.2 The number of Betting Shops within TMBC has been stable at 10 for many years.

1.2.3 Tonbridge & Malling Borough Council Licensing Team have not received any complaints about any of the Betting Shops.

1.2.4 TMBC has one Adult Gaming Centre

Trading name	Address
Mr P's Classic Amusements Limited	Unit 1, 75 High Street, Tonbridge

1.2.5 The Economic Regeneration Officer has kindly undertaken some research as follows:

- In 2016, the gambling industry as a whole contributed around £3.2bn to UK GDP, directly employed around 55,000 in betting shops and supported around 100,000 jobs in the wider economy. It also contributed £1bn in paid taxes.
- According to the Campaign for Fairer Gambling, the economic benefits (in terms of jobs) of FOBTs are pretty low – 4,500 jobs for every £1bn of FOBT spending, in comparison to £1bn of general consumer spending, which supports around 21,000 jobs. In addition, there are the economic impacts on those that use FOBTs – around 3-4% of adults in the UK use FOBT but they account for 66% of all gambling losses.

- Although the number of betting shops has not increased in recent years and the number per 1,000 population is much less than many other parts of Kent – on a quick scan, there are 8 betting shops that are located in Tonbridge & Malling (4 in Tonbridge Town Centre, 1 in each of Snodland, Martin Square, Borough Green and West Malling) - they are generally located in areas which are accessible to less affluent parts of the borough, even if they are not directly located within these areas (indeed, nationally, the growth in betting shops has been felt most acutely in poorer areas).
- As such, a limitation on FOBT spend would have a positive impact on our most vulnerable residents, without having a noticeable impact on jobs in the local economy.
- However, according to the Gambling Commission, around 32% of the market share is now in the remote sector (online) and this is a cause for concern - in a very minor sense, in terms of local jobs, but more so in terms of transferring the problem elsewhere and making it more hidden.

1.3 Consultation

- 1.3.1 The consultation can be found at the following web site link which is 62 pages in length: <https://www.gov.uk/government/consultations/consultation-on-proposals-for-changes-to-gaming-machines-and-social-responsibility-measures>

A copy of the current summary of gaming machine categories and entitlements are shown at **Annex 1**

A copy of the current summary of machine provisions by premises is shown at **Annex 2**

Consultation - Summary of Questions

Question	Notes	Response
<p>Q1. Do you agree that the maximum stake of £100 on B2 machines (FOBTs) should be reduced?</p> <p>If yes, what alternative maximum stake for B2 machines (FOBTs) do you support?</p>	<p>Allowed premises for B2 are Betting premises and tracks occupied by pool betting and Casinos</p> <p>Current Maximum stake - £100 Current Maximum prize - £500</p>	
<p>Q2. Do you agree with the government's proposals to maintain the status quo on category B1?</p>	<p>Allowed premises for B1 are Casinos</p> <p>Current Maximum stake - £5 Current Maximum prize - £10,000 (£20,000 linked progressive jackpot on a premises basis)</p>	
<p>Q3. Do you agree with the government's proposals to maintain the status quo on category B3?</p>	<p>Allowed premises for B3 are Bingo premises, Adult Gaming Centre and all of the above (Q1 and Q2)</p> <p>Current Maximum stake - £2 Current Maximum prize - £500</p>	
<p>Q4. Do you agree with the government's proposals to maintain the status quo on category B3A?</p>	<p>Allowed premises for B3A are Members' club, commercial club or Miners' welfare institute only</p> <p>Current Maximum stake - £2 Current Maximum prize - £500</p>	
<p>Q5. Do you agree with the government's proposals to maintain the status quo on category B4?</p>	<p>Allowed premises for B4 are Members' club or Miners' welfare club, commercial club and all of the above (Q1 – Q4)</p>	

Question	Notes	Response
	<p>Current Maximum stake - £2 Current Maximum prize - £400</p>	
<p>Q6.Do you agree with the government's proposals to maintain the status quo on category C?</p>	<p>Allowed premises for C Family Entertainment Centre, Qualifying alcohol licensed premises and all of the above (Q1 – Q5).</p> <p>Current Maximum stake - £1 Current Maximum prize - £100</p>	
<p>Q7.Do you agree with the government's proposals to maintain the status quo on category D?</p>	<p>Allowed premises for D all of the above (Q1 – Q6). See Annex 1 for type of Cat D machine</p>	
<p>Q8. Do you agree with the government's proposals to increase the stake and prize for prize gaming, in line with industry proposals?</p>	<p>Note 3.24 from consultation We are content that industry proposals to increase stake from £1 to £2 and prizes from £70 to £100 (£1,000 aggregate) on prize gaming are in keeping with the objective of this review and that these activities are low risk. We therefore propose to take these changes forward.</p>	

Question	Notes	Response
	<p>However, while the current use of prize gaming does not pose significant risks, we will ask the Gambling Commission to alert us to any developments which would change this assessment.</p>	
<p>Q9. Do you agree with the government's proposals to maintain the status quo on allocations for casinos, arcades and pubs?</p>	<p>Note 4.18 from consultation The Government notes that this proposal was only submitted by one pub chain and was not supported by the trade body representing the pub industry. It also notes that the Gambling Act 2005 allows pubs two category C or D gaming machines as of right and that Local Authorities (LAs) can permit an increase in this number if it deems appropriate. In addition, the Government notes that pubs are ambient gambling establishments and therefore lack both dedicated staff for the gambling function and more thorough social responsibility codes as there are with premises that are permitted more gaming machines. The Government is therefore minded to retain the status quo with local authorities determining the appropriate number of machines in pubs beyond two.</p> <p>Note 4.20 from consultation While government recognises the case for innovation in the sector, there are concerns around the introduction of a new category of machine on the high street in light of potential changes to B2 machines. We would want to evaluate the impact of other changes outlined in this document before considering further changes to gaming machine regulation. We would also seek to explore in more detail how this machine would function and any corresponding player</p>	

Question	Notes	Response
	protection measures. We are therefore not minded to agree to this request for a new category of higher stakes machine at this time.	
<p>Q10. Do you agree with the government's proposals to bar contactless payments as a direct form of payment to gaming machines?</p>	<p>Note 4.22 from consultation Current legislation prevents the use of credit or debit cards as a means of direct payment for gaming machines and so the introduction of contactless payments would be a significant shift from the current regulatory framework. The rationale for not allowing the use of credit and debit cards as a means of direct payment to gaming machines is to give players more control over their play which may result from uninterrupted play generated by the use of cards as opposed to cash.³⁹ It remains the Government's view that the use of credit or debit cards as a direct form of payment to gaming machines would be a backward step in the protection of vulnerable players and it does not intend to progress this proposal.</p>	
<p>Q.11 Do you support this package of measures to improve player protection measures on gaming machines?</p>	<p>Notes from consultation</p> <p>5.7 - As part of the work that industry is taking forward under the objectives of the National Responsible Gambling strategy, we would therefore like to see industry trial and evaluate additional measures on B1, B2 and B3 gaming machines to improve player protections and to create parity across category B gaming machines, the majority of which are in highly accessible locations.</p> <p>5.8 - As previously referenced, we think there is particular merit in the introduction of the following measures across B1, B2</p>	

Question	Notes	Response
	<p>and B3 gaming machines based on stake and prize levels available and what we know about the way in which these machines are played, and would like to see industry work with the Gambling Commission on these issues. If there is insufficient progress in this space, we and the Gambling Commission will consider whether additional requirements need to be placed on affected licence holders:</p> <p>5.8.1. Evidence suggests that voluntary time and spend limit setting is more effective than compulsory limits in terms of players keeping to the limits that they set, but that take up has been negligible in regards to existing measures on B2s. We would like to see further work done to encourage take up on existing measures (on B2 gaming machines) and work done on the introduction of these measures on B1 and B3 gaming machines. ‘Hard stops’ when limits are met, i.e. the ending of sessions, should also be considered as an accompanying measure;</p> <p>5.8.2. Mandatory alerts when certain time and spend benchmarks are reached. Evidence suggests that these can be effective at improving player control but must be trialled and evaluated routinely to ensure effectiveness with players;</p> <p>5.8.3. Prohibiting mixed play between B2 and B3 (only applies in practice to gaming machines in betting shops). Industry data obtained by the Gambling Commission as part 44 of the call for evidence highlighted that session losses were high on sessions that contained mixed play. We think this measure will improve player control by making it more apparent to players when they are transitioning between different</p>	

Question	Notes	Response
	<p>content on a single terminal; and</p> <p>5.8.4. The utilisation of algorithms to identify problematic play on gaming machines. Although there is a long way to go to utilise the wealth of data available on gaming machines, we believe that this measure has the potential to be an effective intervention tool for those most at risk.</p> <p>5.9. In addition, we have asked the Gambling Commission to advise us on the costs and benefits of introducing a form of tracked play on B1, B2 and B3 gaming machines. By tracked play, we do not necessarily mean that players would be required to provide verified personal information about themselves to their gambling operators. It could be a process by which players would register and be given some way of tracking their play (e.g. a number, a QR code) without providing this information. An approach like this would address player concerns about sharing personal data with gambling operators, but still provide data to better understand harm and the effectiveness of interventions.</p> <p>We note that there are significant potential benefits to this measure, including improved data about gaming machine play and therefore enhanced ability to target interventions, prevent underage and self-excluded players from gambling, and to evaluate the impact of interventions. We would also welcome views from industry and others about this measure, including potential costings and process and timing of implementation. Finally, we would like to see industry establish a process with the RGSB, GambleAware</p>	

Question	Notes	Response
	and the Gambling Commission in which data on how gaming machines are played is routinely shared, for the purposes of monitoring, evaluation and research.	
<p>Q.12 Do you support this package of measures to improve player protection measures for the online sector?</p>	<p>Government position for consultation</p> <p>5.32. While we welcome the positive industry led initiatives outlined above, we also note concerns expressed by the Gambling Commission that the pace of change by the industry to enhance the measures currently in place to protect consumers and promote responsible gambling has not been fast enough.</p> <p>5.33. We expect the industry to accelerate its work wherever possible. In particular, we expect industry to:</p> <ul style="list-style-type: none"> ● Ensure that implementation of the new multi-operator online self-exclusion scheme is completed at the earliest opportunity. Industry must promote awareness of the scheme, and other responsible gambling tools that are available, so that more customers who would benefit from them use them. And there should be an evaluation of this scheme (GAMSTOP) to ensure it is delivering the benefits we want to see for those who want to self-exclude; ● Act on the findings of GambleAware’s existing research into harm minimisation in the online sector and trial a range of harm minimisation measures to strengthen their responsible gambling policies and processes; ● Evaluate the action they take and share outcomes among industry, to raise standards across the sector; ● Respond constructively to the interim findings from the next phase of GambleAware’s research into harm minimisation in the online sector, expected later this year, and adopt any findings which could strengthen 	

Question	Notes	Response
	<p>existing responsible gambling policies;</p> <ul style="list-style-type: none"> • Commit to adopt in full the final findings of the next phase of GambleAware’s research, expected to be completed in 2019. <p>5.34. We want to see a robust and consistent approach to harm minimisation and the prevention of gambling-related harm across the industry. We do not believe it is acceptable for operators to wait for the final outcome of the research to improve their processes when significant findings have already been published by GambleAware. While evidence of the most effective methods of identifying gambling-related harm and providing effective interventions continues to build, we consider that operators should look to adopt a more risk-based approach to their responsible gambling policies. The Government, and the Gambling Commission, will be paying close attention to industry progress in this area and will act accordingly.</p> <p>5.35. The Government welcomes and supports the Gambling Commission’s work on driving up standards across the online industry to address the risk of harm. It is essential that the regulatory action taken by the Commission results in better approaches to harm minimisation.</p> <p>5.36. The Gambling Commission has made clear it will consider restricting the use of bonus and promotional offers if operators cannot appropriately manage the risks presented by such offers. The Government is also concerned about the prevalence of free bet offers and fully supports the Commission’s stance in this area. We will continue to monitor closely</p>	

Question	Notes	Response
	<p>developments in this area and keep the need for further intervention under review.</p> <p>5.37. While gambling on virtual games on gaming machines is subject to stakes and prize limits, there are currently no limits placed on virtual games offered by online operators. The Responsible Gambling Strategy Board (RGSB) provided advice to the Gambling Commission in relation to the Government's call for evidence and commented that the justification for this could only be that, when compared to operators of gambling premises based in Great Britain, online operators have better (account based) data to monitor play and intervene where harm is identified. We agree with the RGSB that it is vital that the online sector capitalises on the data it holds and demonstrates it is actively supporting its customers and helping to manage the risk of harm from gambling. We are clear that the risk of harm should not be affected by whether individuals are gambling online or in land-based venues.</p> <p>5.38. As such, the Government acknowledges that the Commission has a broad range of powers to regulate and respond to changes in this sector. We want to see the Commission exercise the full breadth of the powers available to it to manage the risks arising from the rapid growth of the online sector. Wherever Gambling Commission identifies specific risks to the licensing objectives we expect it to take prompt action to ensure that young and vulnerable people are protected from gambling-related harm. If the Commission's powers prove insufficient to manage any new or emerging issue or risks, then the</p>	

Question	Notes	Response
	<p>Government will consider putting in place additional legislative controls.</p> <p>5.39. As part of the Gambling Commission's commitment to raise standards across all gambling sectors it is currently undertaking a wide-ranging review of the online sector. The Commission is examining data, market trends, consumer participation and action by online operators on social responsibility and crime. This will build the evidence base over the next year and inform any future action in relation to online gambling.</p>	
<p>Q.13 Do you support this package of measures to address concerns about gambling advertising?</p>	<p>Governments position starts at page 45 to 50</p>	
<p>Q.14 Do you agree the Government should consider alternative options including a mandatory levy if industry does not provide adequate funding for RET?</p>	<p>Government position for consultation</p> <p>5.105. Going forward, we support GambleAware's ambition to open more clinics regionally, and to connect them to the existing GambleAware-funded network of treatment services; in particular, the initiative currently under development with Leeds City Council to establish a Northern NHS Gambling Clinic that would provide treatment to cities across the region. We encourage further engagement with relevant authorities in England, Scotland and Wales that have an interest in investing in the sort of initiative being developed in Leeds.</p> <p>5.106. We also welcome the progress that has been made to bolster the current voluntary arrangements, including the work that has been done to cost the short term work of delivering the RGSB's National Responsible Gambling Strategy, providing</p>	

Question	Notes	Response
	<p>GambleAware with targets for 2017/18 and 2018/19. 5.107. The industry must step up and fulfil their duties under these new targets. We would also like to see more work done to understand the longer term funding requirements for RET, particularly around treatment. For example, if treatment were to reach a materially greater proportion of problem gamblers, and if prevention efforts were increased to pre-empt gambling-related harm more generally, then the funding requirement could be much greater. The voluntary arrangements must be ready to scale up as and when required.</p> <p>5.108. We will continue to work closely with the Gambling Commission, RGSB and GambleAware to monitor the progress made against objectives set out in both the RGSB's and GambleAware's strategies and on the issues set out above. We want to see all gambling operators engaging fully with the objectives set out in these strategies as well as the published funding targets. If there is insufficient support for the fundraising targets set by the RGSB, or related concerns about the ability of the current system to deliver the RGSB's strategy, the Government will consider alternative options, including the introduction of a mandatory levy.</p>	
<p>Q.15 Do you agree with our assessment of the current powers available to local authorities?</p>	<p>Government position for consultation</p> <p>6.4. The LGA, alongside a number of LAs, suggested that the introduction of local CIAs for gambling premises may be an effective tool in preventing further clustering, specifically of betting shops. We are keen to support LAs (in England and Wales) and Licensing Boards (in</p>	

Question	Notes	Response
	<p>Scotland) in their management of gambling at a local level, but we believe that their objectives can be achieved using existing powers. Specifically, LAs can already set out the same assessment of the risk in a given location under their licensing statement of policy. The Gambling Commission advise that the implementation of this tool varies from one LA to another, but where it is used effectively and updated regularly, for example in Westminster Council, it can be an effective tool at rejecting licence applications or imposing conditions on new licences, as would be the case with the introduction of CIAs. We encourage LAs to continue to work closely with the Gambling Commission to ensure the effective deployment of the existing tools at their disposal.</p> <p>6.5. In addition, where an increase in the number of betting shops is considered to be a local issue, having an up-to-date, relevant local plan policy in place will support the local planning authority in the determination of any applications for planning permission. The National Planning Policy Framework provides the framework within which local planning authorities and their communities can produce their own distinctive local plan which reflects the specific needs and priorities of their area.</p>	
<p>Q16. Are there any other relevant issues, supported by evidence, that you would like to raise as part of this consultation but that has not been covered by questions 1-15?</p>		

1.4 Legal Implications

- 1.4.1 This is an opportunity for TMBC to submit their views for consideration in determining future legislation.

1.5 Financial and Value for Money Considerations

- 1.5.1 None identified

1.6 Risk Assessment

- 1.6.1 None identified

Background :

Consultation paper on Gaming Machines and Social Responsibility Measures.
Gambling Act 2005 – TMBC Policy

contact: Anthony Garnett
6151

Adrian Stanfield
Director of Central Services and Monitoring Officer

Annex 1

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake	Maximum prize
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize	30p	£8
D – non-money prize (crane grab machine only)	£1	£50
D (money prize)	10p	£5
D - combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

Annex 2
Summary of machine provisions by premises

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises ¹					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines	
Adult gaming centre ²					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit on category C or D machines	
Licensed Family entertainment centre)							No limit on category C or D machines
Family entertainment centre (with permit) ³							No limit on category D machines
Clubs or miners' welfare institute (with permits) ⁴					Maximum of 3 machines in categories B3A or B4 to D*		

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Qualifying alcohol-licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D
<p>1- Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight¹⁰⁷ category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.</p> <p>2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.</p> <p>3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.</p> <p>4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.</p> <p>5 Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.</p>							

Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank

Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

This page is intentionally left blank

Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank