



Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
Surrey GU15 3HD
Telephone: (01276) 707100
Facsimile: (01276) 707177
DX: 32722 Camberley
Web Site: www.surreyheath.gov.uk

Department: Democratic Services
Division: Legal & Democratic Services
Please ask for: Eddie Scott
Direct Tel: 01276 707335
E-Mail: democratic.services@surreyheath.gov.uk

To: The Members of the **Licensing Committee**
(Councillors: Rodney Bates (Chairman), Dan Adams (Vice Chairman), Peter Barnett, Richard Brooks, Paul Deach, Tim FitzGerald, Shaun Garrett, David Lewis, David Mansfield, John Skipper, Pat Tedder, Helen Whitcroft and Valerie White)

In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.

Dear Councillor,

A meeting of the **Licensing Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Wednesday, 16 February 2022 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

AGENDA

	Pages
1 Apologies for Absence	
2 Minutes	3 - 4
To confirm and sign the minutes of the meeting held on 15 December 2021.	
3 Declarations of Interest	
Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.	

4	Gambling Act 2005- Draft revised Statement of Principles 2022-2025	5 - 42
5	Hackney Carriage (Taxi) and Private Hire (PH) Licensing fees and charges	43 - 56
6	Hackney Carriage (Taxi) Fares- Covering Report	57 - 72
7	Verbal Update – Tax Conditionality Checks from 4th April 2022	
8	Environmental Health and Licensing Teams Update	
	To receive a verbal update from the Environmental Health and Licensing Manager.	
9	Licensing Act 2003 - Summary of Decisions	73 - 76

Minutes of a Meeting of the Licensing Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 15 December 2021

- + Cllr Rodney Bates (Chairman)
- Dan Adams (Vice Chairman)

- | | |
|-----------------------|-------------------------|
| + Cllr Peter Barnett | + Cllr David Lewis |
| + Cllr Richard Brooks | +* Cllr David Mansfield |
| +* Cllr Paul Deach | + Cllr John Skipper |
| + Cllr Tim FitzGerald | + Cllr Pat Tedder |
| + Cllr Shaun Garrett | + Cllr Helen Whitcroft |
| | + Cllr Valerie White |

+ Present

- Apologies for absence presented

Members in Attendance: Cllr Adrian Page

Officers Present: Paula Barnshaw, Rebecca Batten, Louise Livingston
Helen Lolley and Frances Soper

17/L Minutes of the Previous Meeting

The minutes of the meeting held on 20 October were confirmed and signed by the Chairman.

18/L Review of Hackney Carriage (Taxi) and Private Hire (PH) Licensing fees 2022-2023

As the relevant licensing authority, Surrey Heath Borough Council was responsible for the licensing of taxis and private hire drivers, vehicles and operators. The Local Government(Miscellaneous Provisions) Act 1976 (the Act) included provisions that allowed district and borough councils to recover such fees as they consider reasonable with a view to recovering the costs of the issuing and administration of drivers' licences for both taxis and private hire vehicles (Section53(2)). Furthermore, Section 70 of the Act allowed the same for vehicle and operators' licences.

'A district [or borough] council may charge such fees for the grant of vehicle and operator licences sufficient in the aggregate to cover in whole or in part –

- The reasonable cost of carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed
- The reasonable cost of providing hackney carriage stands, and
- Any reasonable administrative or other costs in connection with the

foregoing and with the control and supervision of hackney carriages and private hire vehicles.'

The Committee were updated that following dialogue between Officers and the Chairman, a revised recommendation was proposed in order for the fees for operators' licences for 1 Vehicle for 5 years, and operators' licences for more than 1 vehicle for 5 years to remain unchanged, until further review was undertaken by the Head of HR, Performance and Communication to identify the costs of the administration of the licences to the Council. It was clarified that the rest of the proposed licence fees remained unchanged from those detailed in the agenda report.

It was noted that following the agreement of the Committee of the proposed fees, the Head of Human Resources, Communications & Performance would be asked to approve, in consultation with the Portfolio holder and Strategic Director, Finance and Customer Service, the fees. A notice detailing the proposed fees would then be placed for the statutory 28 days notice period and if no objections were received or where objections were made but subsequently withdrawn the new table of fees could come into effect from 1 April 2022.

RESOLVED that

- i. the contents of the report be noted, and**
- ii. the proposed revised fees and charges for the Taxi and PH trade be recommended for approval by the Head of HR, Performance and Communication in consultation with the Strategic Director- Finance and the Finance Portfolio Holder, subject to the 28 day notice period, as per the agenda report; and**
- i. the fees for PH Operators Licences - 1 Vehicle (5 years), and PH Operators Licences - more than 1 vehicle (5 years) remain unchanged but that the Head of HR, Performance and Communication be requested to further review these charges once further information on the costs were known.**

Chairman

**Surrey Heath Borough Council
Licensing Committee
16 February 2022**

Gambling Statement of Principles 2022-2025

Strategic Director/Head of Service	Nick Steevens
Report Author:	Helen Lolley
Key Decision:	No
Wards Affected:	All

Summary and purpose

The purpose of this report is to seek approval of the revised Statement of Principles 2022-2025 (SoP) in relation to exercising functions under the Gambling Act 2005 (the Act).

The Act requires all licensing authorities (LA(s)) to prepare and publish a statement of licensing principles. Statements have effect for a maximum of three years and must be reviewed thereafter. Surrey Heath's current SoP 2019-22 expires at the end of January 2022 and has been reviewed and revised as required.

In October 2021 the revised SoP 2022-2025 was considered by the Licensing Committee and approval was given for us to consult on it.

The period of consultation has now ended and we are therefore seeking approval of the revised SoP as outlined in this report.

Recommendation

The Licensing Committee is advised to RESOLVE that

- (i) Full Council be recommended that the revised Statement of Principles 2022-2025 (SoP) in relation to exercising functions under the Gambling Act 2005 be adopted.

1. Background and Supporting Information

- 1.1 Surrey Heath Borough Council through its licensing team is responsible for licensing and regulating a range of gambling activities as set out in the Act.

- 1.2 Section 349 of the Act requires each licensing authority (LA(s)) to prepare and publish a SoP that it proposes to apply in exercising its functions under the Act. The SoP applies for 3 years after which it must be reviewed and a new SoP published.
- 1.3 The current SoP came into effect on 31st January 2019 and expires on 30th January 2022.
- 1.4 On 20th October 2021 the Licensing Committee considered the draft revised SoP and made the following resolution:
 - i. The contents of the report be noted
 - ii. The draft Statement of Principles 2022-2025, as set out in the annex to the report, be approved for consultation.
- 1.5 Consultation on the draft revised SoP started on the 8th of November 2021 and lasted for 6 weeks. As part of the consultation we made contact with the groups and persons as outlined in the report presented to committee on the 20th October 2021. Annex A.
- 1.6 All Ward Councillors were contacted to give them an opportunity to comment.
- 1.7 The consultation period ended on the 19th December. No responses or comments were made on the revised draft SoP. As a result no amendments have been made to the SoP which is attached as Annex B.
- 1.8 Once approved we will be required to publish a notice of our intention to publish a new SoP, which will then come into effect four weeks later.

The notice will:

- a. Specify the date on which the revised SoP will be published and come into effect;
- b. Provide details of where the SoP can be found on our website and the Council's address and advise that the SoP will be available on our website for at least 4 weeks before it comes into effect;
- c. Be published in a local newspaper, placed on a public notice board in the Council's offices and on public notice boards on the premises of public libraries located in Surrey Heath;
- d. Advise that the SoP will be available for inspection at public libraries in Surrey Heath

2. Reasons for Recommendation

- 2.1 LA(s) are required by the Act to prepare and publish a SoP, which has effect for a maximum of three years and must be reviewed thereafter.

2.2 The current SoP 2019- 2022 has been revised in accordance with section 349 of the Act. Following consultation on the revised SoP 2022-2025 no comments were received and we are now seeking approval of the SoP 2022-2025.

2.3 If approved we will publish the notice as outlined in 1.8, the SoP will take effect four weeks after publication of the notice.

3. Proposal and Alternative Options

3.1 That approval is given to the SoP 2022-2025.

3.2 No other option is available as the SoP has already been considered by the Licensing Committee in its current format.

4. Contribution to the Council's Five Year Strategy

4.1 The licensing objectives of the draft Gambling SoP relate to the prevention of gambling being a source of, or associated with, crime or disorder or being used to support crime; ensuring gambling is conducted in a fair and open way and protecting children and other vulnerable persons from being harmed or exploited by gambling. These objectives align with the Council's 2022- 2027 Five Year Strategy priorities with regard to Health and wellbeing; Economy and Effective and responsive Council:

5. Resource Implications

5.1 Placing a notice in the local newspaper etc. will cost in the region of £500.

5.2 No other resource implications have been identified.

6. Section 151 Officer Comments:

6.1 None.

7. Legal and Governance Issues

7.1 The Council as licensing authority has a statutory duty under the Gambling Act 2005 to prepare and publish a statement of licensing principles.

8. Monitoring Officer Comments:

8.1 None

9. Other Considerations and Impacts

Environment and Climate Change

9.1 No direct impacts.

Equalities and Human Rights

9.2 No direct impacts.

Risk Management

9.3 The Council is fulfilling its statutory duty by reviewing the SoP after three years.

Community Engagement

9.4 Consultation on the draft SoP has taken place and there will be a public notice of the intention to publish a new SoP, as outlined in section 1.0

Annexes

A: Report presented to the Licensing Committee on 20th October 2021- Agenda item 4 Gambling Act 2005, Draft Revised Statement of Principles 2022-2025

B: Gambling Act 2005- Statement of Principles 2022-2025.

Background Papers

Gambling Commission – Guidance to licensing authorities (Published April 2021)

**Gambling Act 2005
Draft revised Statement of Principles
2022-2025**

Portfolio	Corporate
Ward(s) Affected:	n/a

Purpose

To consider the draft revised Statement of Principles 2022-2025 in relation to exercising functions under the Gambling Act 2005.

Wards Affected: All

Recommendation

The Licensing Committee is advised to note the contents of this report and to approve the attached draft revised Statement of Principles 2022-2025 for consultation.

Background

1. Surrey Heath Borough Council through its Licensing team is responsible for licensing and regulating a range of gambling activities as set out in the Gambling Act 2005(the Act).
 - 1.1 Section 349 of the Act requires each licensing authority (LA(s)) to prepare and publish a Statement of Principles (SoP) that it proposes to apply in exercising its functions under the Act.
 - 1.2 The Statement applies for 3 years after which it must be reviewed and a new Statement published.

Statement of Principles 2019-2022 (SoP)

- 2 The current SoP came into effect on 31st January 2019 and therefore expires on 30 January 2022.
 - 2.1 The Gambling Act 2005(Licensing Authority Policy Statement) (England and Wales) Regulations sets out requirements as to the form and publication of licensing authority's SoP and subsequent revisions of statements.
 - 2.2 The attached draft revised SoP has been prepared taking the above regulations and the Gambling Commission's recently published updated Guidance to local authorities. (published 1 April 2021) into account.

- 2.3. The principles that we are recommended to follow remain largely unchanged. However there is a greater emphasis on the requirement that all applicants and existing licensees should prepare and maintain a local risk assessment. Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to keep these under review and update them as necessary.
- 2.4. In addition to this it is recommended that the LA complete their own assessment of the local environment as a means of mapping our areas of local concern. This is referred to as a local area profile.
- 2.5. We recognise that this may help applicants and licensees to better understand the local area and help them when preparing and reviewing their own risk assessments. It will also ensure that we are able to assess the potential risks posed by the gambling taking place or proposed and thereby allow us to target our interventions more effectively.
- 2.6 We are therefore proposing to develop a LAP during the next 12-18 months. In light of our limited activity in this area (see table below) we will be taking a proportionate approach when undertaking this work.

Licensed Premises/Gambling Activities

3. We currently have a relatively small number of licensed premises/ gambling activities in the Borough as shown in the table below.

Betting Premises Licences Issued (GBET)	8
Number of Gaming Notifications (GNOT)	26
Licensed Premises Gaming Machine Permits (LPGMP)	12
Club Machine Permits (CMP)	6
Small Society Lotteries (GALOT/LOT)	38

Consultation

4. Section 349(3) of the Act requires LAs to consult with the following on their SoP or any subsequent revision.
 - 4.1 The Chief Officer of Police for this area;
 - 4.2. One or more persons who appear to be the authority to represent the interests of persons carrying on gambling businesses in the authority's area
 - 4.3 One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

- 4.4 The list of consultees is deliberately wide as it enables licensing authorities to consult with anyone who may be affected by or otherwise have an interest in the SoP.
- 5.5 In addition to the statutory consultees we are proposing to consult with the following:
- All ward councillors.
 - Parish Councils
 - Surrey County Council- Children's Services
 - Other Local Authorities in Surrey
- 5.6 We are planning to commence consultation on the attached draft SoP week commencing November 8th. As part of this we will be contacting all ward councillors by email to give them an opportunity to comment. The consultation will last for a minimum of 6 weeks.
- 5.7 The results of this consultation will be reported to the Licensing Committee in February 2022, together with the final draft SoP for recommendation to Full Council on the 23rd February.
- 5.8 The current SoP will expire on the 30th January 2022. There will therefore be approximately three weeks between the old SoP expiring and the new SoP being adopted. We do not envisage this causing us any difficulties as there is no significant changes to the principles we must apply when considering new applications for licences under the Act.
- 5.9 The start of consultation will be subject to the outcome of this evening's meeting.

Financial implications

6. The cost of consultation is likely to be in the region of £300, this will be met from within existing budgets.

Recommendation

7. The Licensing Committee is advised to note the contents of this report and to approve the attached draft revised SoP 2022-2025 for consultation.

Annex A

Annexes	Annex A: Draft revised Statement of Principles 2022-2025
Background Papers	Gambling Commission- Guidance to licensing authorities (Published April 2021)
Author/Contact Details	Helen Lolley Helen.lolley@surreyheath.gov.uk
Head of Service	Louise Livingston- Head of HR Performance and Communication

Surrey Heath Borough Council

**GAMBLING ACT 2005
STATEMENT OF PRINCIPLES**

2022 to 2025

Draft

This statement of principles has been prepared following reference to guidance from the Gambling Commission to licensing authorities published in April 2021

INDEX

1. Introduction

- 1.1 General
- 1.2 The Licensing objectives
- 1.3 Description of Surrey Heath Borough Council
- 1.4 Obligation to Publish Statement
- 1.5 Local Risk Assessment
- 1.6 Consultation
- 1.7 Declaration
- 1.8 Responsible authorities
- 1.9 Interested parties
- 1.10 Exchange of information
- 1.11 Equality and Diversity
- 1.12 Enforcement

2. Premises Licences

- 2.1 Decision making – general
- 2.2 Location
- 2.3 Multiple licences/layout of buildings
- 2.4 Conditions
- 2.5 Door supervisors
- 2.6 Adult gaming centres
- 2.7 Licensed family entertainment centres
- 2.8 Tracks
- 2.9 Casinos
- 2.10 Betting premises
- 2.11 Bingo
- 2.12 Temporary use notices
- 2.13 Provisional Statements
- 2.14 Reviews
- 2.15 Register of Premises Licences

3. Permits

- 3.1 Unlicensed family entertainment centres
- 3.2 Alcohol licensed premises – gaming machine permits
- 3.3 Prize gaming permits
- 3.4 Club gaming and club machine permits

1. Introduction

1.1 General

The Gambling Act 2005 ('the Act') imposes a duty on licensing authorities (LAs) to exercise a number of regulatory functions in relation to gambling activities. These include:

- Licensing premises for gambling activities by issuing Premises Licences;
- Considering notices given for the temporary use of premises for gambling;
- Granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- Regulating gaming and gaming machines in premises licensed for the supply of alcohol;
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- Granting permits for prize gaming;
- Considering occasional use notices for betting at tracks;
- Registering small societies' lotteries that fall below certain limits.

Details of gaming machine classifications as dealt with later in this statement are set out in Annex 1

Surrey Heath Borough Council ('the Council') is a LA for the purposes of the Act. In exercising our statutory functions we have broad discretion in regulating the local provision of gambling through a wide range of powers, including

- Requirement to Issue a statement of licensing policy(principles), setting expectations about how gambling will be regulated in our area
- Granting, refusing and attaching conditions to premises licences
- Reviewing premises licences and attaching conditions or revoking them as a result.

The Gambling Commission (the Commission) has responsibility for dealing with personal licences and operating licences.

We will work in partnership with the Commission to regulate gambling. The Commission tends to focus on operators and matters of national or regional significance and LAs take the lead on regulating gambling locally. We will work together on issues relating to say building capacity and learning which may be rolled out more widely.

This Statement of Principles will be published on the Council's website licensing@surreyheath.gov.uk

1.2 Licensing Objectives

The Act places a duty on both the Commission and LAs to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.

In exercising our functions under the Act, particularly in relation to premises licences, temporary use notices and some permits we must have regard to the licensing objectives as set out in section 1 of the Act.

The licensing objectives are:

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

As a LA we aim to permit the use of premises for gambling as set out in s.153 of the Act. When making decisions about premises licences and temporary use notices we will only permit the use of premises for gambling:

- In accordance with any relevant Codes of Practice made under section 24 of the Act;
- We will also have regard to guidance issued by the Commission under section 25;and
- In accordance with this Statement of Principles, and consistent with the licensing objectives.

1.3 Description of Surrey Heath Borough

Surrey Heath is located in the northwest corner of Surrey and is home to over 89,000 people. The Borough covers an area of 36.5 square miles which is comprised of a mixture of residential, rural, urban, and heathland areas. These areas are shown on the map attached as Annex 2.

Camberley Town Centre is the largest shopping and business area within the Borough and the largest cluster of entertainment venues is situated in the town including shopping facilities, restaurants, theatre, a multiscreen cinema and a ten pin bowling complex. Areas of the Borough remain undeveloped and parts are covered by 'Green Belt'. Most areas are primarily residential in nature but there are large tracts of heathland and open green spaces.

The agriculture and farming element of the area is now virtually non-existent and areas formerly used for these purposes are now often used in connection with open air recreational activities.

1.4 Obligation to Publish Statement of Principles

Licensing authorities are required by section 349 of the Act to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act. This statement must be reviewed and published at least every three years. The statement may also be reviewed from "time to time" and any amended parts re-consulted upon. This may occur, for example, in the event of a change in local planning policy. The statement must then be re-published.

1.5 Local Risk Assessment (LRA)

The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises licence holders to undertake a LRA taking into consideration local

information. They may be required to share these risk assessments with the licensing authority under certain circumstances. This includes when they are applying for a new premises licence, applying for a variation to an existing licence or otherwise on request. The LRA must be kept under regular review and updated as necessary.

The LRA must be updated;

- When applications are made for a variation of a premises licence;
- To take account of significant changes in local circumstances;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

Further details may be seen at Annex 3 of this document.

Current Gambling Commission guidance recommends that LAs adopt a Local Area Profile (LAP). A LAP is a process of gathering and presenting information about a locality and any particular areas of concern. In turn where a LAP is in place it could help applicants to develop their LRA by ensuring that they are addressing relevant local areas of concerns as part of their application. This would help them to demonstrate that they are aiming to meet the licensing objectives.

We are proposing to develop a LAP during the life of this Statement of Principles.

In due course this will help to inform our inspection regime.

1.6 Consultation

Under section 349(3) of the Act we are required to consult with the following on our statement of principles and any subsequent revision:

- The Chief Officer of Police for this area;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A full list of consultees is attached as Annex 4.

This statement of policy is likely to take effect from February 2022. It will remain in force for no more than 3 years, but may be reviewed at any time.

When undertaking a review we will carry out a consultation on any proposed changes. This will include publishing and advertising the revisions which will subsequently become part of the SoP.

1.7 Declaration

This statement of principles has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued by the Commission, and with due weight attached to any responses received from those consulted.

This statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

1.8 Responsible Authorities (RAs)

The Act sets out two categories of organisations and individuals that may feature in applications for, and in relation to, premises licences, RAs and interested parties.

We must inform RAs of any applications we receive under the Act as they are entitled to make representations to the LA in relation to applications for, and in relation to, premises licences.

Section 157 of the Act identifies the bodies that are to be treated as RAs as listed below:

- The Gambling Commission;
- The chief officer of police or chief constable for our area;
- The fire and rescue authority;
- The local planning authority;
- An authority with responsibility in relation to pollution to the environment or harm to human health;
- Anyone designated as competent to advise about the protection of children from harm;
- HM Revenue and Customs;
- Any other person prescribed in regulations by the Secretary of State.

The contact details of all the RAs under the Act are available via the Council's website at www.surreyheath.gov.uk.

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

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

Having regard to the above principles, the Council designates the Surrey Children's Service for this purpose.

1.9 Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 of the Act defines interested parties as persons who, in the opinion of the licensing authority;

- a) Live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Have business interests that might be affected by the authorised activities; or
- c) Represent persons who satisfy paragraph (a) or (b) *

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:

- 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, routes likely to be taken by those visiting the establishment);
- The nature of the complainant. This is not the personal characteristics of the complainant but the interests 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) residential hostel for vulnerable adults;
- The ‘catchment’ area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Council considers the following bodies/ associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:-

- Trade associations;
- Trade unions;
- Residents and tenants associations;
- Ward/ county/ parish councillors;
- MP's.

This list is not exhaustive and the Council may consider other bodies/ associations and persons to fall within the category in the circumstances of an individual case.

The Council may require written evidence that the person/ association/ body represents an interested party.

1.10 Exchange of Information

The Act requires the Council to include the principles we apply in exercising our functions under sections 29 and 30 of the Act regarding the exchange of information between the

Commission and us. This also applies in relation to the functions under section 350 of the Act. The following therefore applies.

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council's functions, and to maintaining confidence between the people/ bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

The Council may share information in accordance with the following provisions of the Act: -

- Sections 29 & 30 (with respect to information shared between the Council and the Commission);
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6(1) of the Act). Those relevant to us as a LA are as follows:
 - A constable or police force;
 - An enforcement officer;
 - A licensing authority;
 - HMRC;
 - The First Tier Tribunal
 - The Secretary of State.

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Commission and to the Council's policies in relation to data protection and freedom of information.

The Council will act in accordance with the relevant legislation and guidance from the Commission and will adopt the principles of better regulation.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under the General Data Protection Regulations or the Freedom of Information Act 2000 may view the Council's policies at www.surreyheath.gov.uk or alternatively contact the Information Governance Manager, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley GU15 3HD – Tel No. 01276-707100 – e-mail foi@surreyheath.gov.uk

1.11 Equality and Diversity

The Council encourages the promotion of a culturally diverse range of entertainment, which is available to all the community.

The Equality Act 2010 applies to all licensed premises and those who operate them. It also places a legal duty on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is discriminatory to treat a person less favourably than another person, because that person has one or more of those protected characteristics.

Operators and applicants are obliged by the Act to make reasonable adjustments to help disabled persons access their goods, services and facilities where those persons would be at a substantial disadvantage compared to non-disabled persons and this extends to persons who are workers.

The Council has an Equality Strategy which sets out its approach to equality and diversity and how it implements the public sector equality duty.

1.12 Compliance and Enforcement

The Act requires the Council to state the principles we will apply in exercising our 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 specified offences.

The Council has adopted a risk-based approach to the inspection of premises including those where gambling takes place. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences. Premises that are low risk and/ or well run will be subject to a less frequent inspection regime.

Our risk based inspection of premises is based on:

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Commission, in particular at Part 36;
- The principles set out in this statement of principles; and
- Surrey Heath's Corporate Enforcement Policy

Our main enforcement role in terms of the Act is to ensure compliance with premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences.

All of our enforcement activities will be carried out in a way which is transparent, accountable, proportionate and consistent and will be targeted only at cases in which action is needed. We will have regard to the Regulators' Code (previously the Regulators' Compliance Code).

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with the principles set out in the Council's Corporate Enforcement Policy.

The Council has established protocols with the local Police and Fire Authority to avoid duplication and to provide for the most efficient deployment of Council, Police and Fire Authority officers in respect of inspection of licensed premises and the use of appropriate enforcement tools.

The Licensing Authority encourages licensees to seek advice from the Environmental Health and Licensing Services and/or the police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.

We are committed, as far as possible, to avoiding duplication with other regulatory regimes. This includes, for example, duties imposed on the self-employed, employers

and operators of gambling premises, both in respect of employees and of the general public by legislation governing health and safety at work and fire safety.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Commission.

1.13 Delegation of Functions

Information on how functions under the Act are delegated to officers and the Licensing Committee can be obtained from licensing services.

2. Premises Licences

In accordance with section 150 of the Act, premises licences can authorise the provision of facilities in:

- Casino premises;
- Bingo premises;
- Betting premises, including tracks and premises used by betting intermediaries;
- Adult gaming centre (AGC) premises (for category B3, B4, C and D machines);
- Family entertainment centre (FEC) premises (for category C and D machines) – the LA may issue a FEC gaming machine permit which authorises the use of category D machines only.

The Act defines 'premises' as including any place, section 152 prevents more than one premise licence applying to any one place. This is further explained in the Commission guidance.

2.1 Decision making - general

In accordance with Section 153(1) of the Act, the Council aims to permit the use of premises for gambling in so far as it thinks it is:

- In accordance with any relevant code(s) of practice or guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing principles.

The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council, as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

Operators can apply for a premises licence in respect of premises which have still to be constructed or altered. We are required to determine such applications on its merits.

The Council regularly reviews its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee will be asked to deal with licensing issues and the determination of applications in certain cases, i.e. those where representations have been made or where premises licences require review. Non contentious issues are delegated to officers.

2.2 Location

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern

- Schools
- Vulnerable adult centres
- Residential areas with a high concentration of children

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, the applicant will be invited to show how they propose to overcome such concerns.

2.3 Multiple licences/ layout of buildings

Premises are defined in the Act as including 'any place', but no more than one premises licence can apply in relation to any one place. A single building can be subject to more than one premises licence, provided they are for different parts of the building and those parts can reasonably be regarded as being different premises.

Where multiple licences are sought for a building (or a discrete part of a building used for other non gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and that people (and in particular, children) do not drift into a gambling area;
- the compatibility of the 2 or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.4 Conditions

The Act provides that licences may be subject to conditions in a number of ways. These are

- (a) **Mandatory** – as set out in the Act and by the Secretary of State as prescribed in regulations, for all, or classes of licence;
- (b) **Default** – prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the licensing authority;

- (c) **Specific** – conditions that can be attached to an individual licence by the licensing authority.

Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address and will be designed to ensure that the licensing objectives are met. In particular, this Council will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

Certain matters may not be the subject of conditions. These are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition;(s169(4));
- Conditions relating to gaming machine categories, numbers, or method of operation; (s 172(10));
- Conditions which provide that membership of a club or body be required (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated;(s 170); and
- Conditions in relation to stakes, fees, winning or prizes. (s 171)

2.5 Door Supervisors

The Act does not require a LA to impose conditions relating to door supervision. However, where we consider it necessary to impose a condition on a premises licence requiring the presence of door supervisor(s), such person(s) would need to hold a licence under the Private Security Industry Act 2001(PSIA).

This requirement does not apply to door supervisors at licensed casino or bingo premises, who are exempt from the licensing requirements of the PSIA. The Council may however impose specific requirements on door supervisors at such premises if considered appropriate in individual cases.

2.6 Adult gaming centres (AGCs) (Page 125)

An AGC is one of three types of amusement arcade. This type of arcade can provide higher pay out gaming machines (Category B3 and B4) and access is restricted to persons who are 18 or over.

Persons operating an AGC must obtain a gaming machines general operating licence from the Commission and a premises licence from the Council. This will allow the operator to make category B, C & D machines available to their customers. No one under the age of 18 is permitted to enter an adult gaming centre.

In considering licence applications for AGCs, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are encouraged to consider the following steps:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of and entry to premises (so as to minimise the opportunities for children to gain access)
- Notices / signage
- Training for staff on challenging persons suspected of being under-age
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising AGCs.

A notice **MUST** be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.

Additional mandatory conditions apply to AGCs as set out in guidance including the following:

- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises.

2.7 Licensed family entertainment centres (LFECs)

A LFEC is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machines (category C and D). Children can enter a LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are ages 18 and over.

Operators of licensed LFECs require a gaming machine general operating licence from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C & D machines available to their customers.

As LFECs will particularly appeal to children and young persons, weight will be given to child protection issues. Where category C machines are available in LFECs the Council will normally require that:

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

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is indicative of measures that could be considered.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising LFECs. Whilst currently there are no default conditions specific to LFECs the Commission guidance list a number of mandatory conditions that must be applied to LFECs.

2.8 Tracks

Tracks are sites (including racecourses and dog tracks) where sporting events take place.

There are currently no tracks located in Surrey Heath.

Operators proposing to provide a track within the Borough will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This race day dispensation does not apply to the areas where gaming machines of category B & C are provided, and the Council will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants are encouraged to consider the steps set out at paragraph 2.6 in order to prevent the access of children and young people to machines of category B & C. In addition, applicants are encouraged to consider the following

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

Gaming machines at tracks:

Holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to 4 gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Betting machines at tracks:

The Council will apply similar considerations to those set out in paragraph 2.10 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

Condition on rules being displayed:

The Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

Applications and plans:

The Council will require the following information from applicants for premises licences in respect of tracks: -

- Detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);
- In the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.9 Casinos

A casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or banks at differed odds to their fellow player.

The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies which authorities may issue large and small casino premises licences. Surrey Heath Borough Council is not one of the local authorities permitted to issue these casino licences.

The Council is not therefore proposing to pass a resolution under Section 166 of the Gambling Act 2005 stating that no casino premises will be licensed in the Borough, but is aware that it has the power to do so. Any such decision would be made by the Full Council. Should this LA consider it necessary in the future to pass such a resolution or the Council is granted authority to issue a casino licence this statement of principles will be updated.

There are currently NO casinos located within Surrey Heath Borough Council.

2.10 Betting Premises (BPs)

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of BPs will require an operating licence from the Gambling Commission and a premises licence from the Council.

The holder of a betting premises licence may make available for use up to 4 gaming machines of category B (B2, B3 or B4), C or D. (s 172(8))

The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following: -

- The size of the premises;
- The structure and layout of the premises;
- The number of counter positions available for person-to-person transactions; and
- The ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

Please see paragraph 2.4 for details of conditions that may be attached to betting premises licences. These include both mandatory and default conditions.

2.11 Bingo

Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won;
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available for use up to 4 category B gaming machines (B3 & B4) and any number of category C & D machines.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and

- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Please see paragraph 2.4 for details of conditions that may be attached to bingo premises licences.

2.12 Temporary Use Notices (TUNs) (sections 214-234 of the Act)

TUNs allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

Examples of premises where TUNs may be used include:

- Hotels
- Conference Centres
- Sporting Venues

We will have regard to the Gambling Act 2005(Temporary Use Notices) Regulations 2007 (SI 2007/3157) when considering applications for TUNs.

There are a number of statutory limits in regards to temporary use notices. This includes the following:

- Gambling may only be available on a maximum of 21 days in any 12 month period for any or all of a named set of premises.

If objections are received to a temporary use notice (from the Police, the Commission, HMRC or any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- Prevent the temporary use notice from taking effect;
- Limit the activities that are permitted;
- Limit the time period of the gambling; or
- Allow the activities to take place subject to a specified condition

The Council will apply the principles set out in paragraph 2.1 of this statement to any consideration as to whether to issue a counter-notice.

2.13 Provisional Statements (PSs)

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

Section 204 of the Act provides for a person to make an application to the LA for a PS in respect of premises he or she expects to:

- Be constructed;
- Be altered; or
- Acquire a right to occupy.

The process for considering an application for a PS is the same as that for a premises licence application. The applicant is required to give notice of the application. RAs and interested parties may make representations and there is no right of appeal.

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

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

- They concern matters which could not have been addressed at the PS stage; or
- They reflect a change in the applicant's circumstances.

In addition, we may refuse the premises licence (or grant it on different terms attached to the PS) only with reference to matters:

- Which could not have been raised by objectors at the PS stage;
- Which in our opinion reflect a change in the operator's circumstances; or
- Where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and we will discuss any concerns we have with the applicant before making a decision.

2.14 Reviews

RAs or interested parties can make a request for a review of a premises licence, however it is for the Council to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- In accordance with any relevant Code of Practice or guidance issued by the Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the authority's statement of principles.

The Council will consider whether the request is frivolous, vexatious, or whether it will cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous requests for a review.

The Council can also initiate a review of a particular premises licence, or a particular premises licence based on any reason, which we think is appropriate.

Once a valid application for a review is received, RAs and interested parties can make representations during a 28 day period. This period begins on the day the application is made to the LA and we will publish notice of the application within 7 days of receipt.

The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.

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

- Add,remove or amend a licence condition imposed by the LA;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

We will have regard to the principles set out in s153 of the Act, as well as any representations in determining what action, if any, we should take following a review.

We may initiate a review of a premises licence if a premises licence holder has NOT provided facilities for gambling at the premises. This is to deter people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, we will, as soon as possible, notify our decision to:

- The licence holder;
- The applicant for review(if any);
- The Commission;
- Any person who made representations;
- The chief officer of police or chief constable; and
- HMRC

2.15 Register of Premises Licences

Section 156 of the Act requires LAs to maintain a register of premises licences that it has issued. .

This register can be found on the licensing pages of our website www.surreyheath.gov.uk

3. Permits

The Act introduces a range of permits for gambling which are granted by LAs. They are designed as a light touch approach to low level ancillary gambling. The permits regulate gambling and the use of gaming machines in certain premises.

Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with codes of practice drawn up by the Gambling Commission about the location and operation of the machines.

As a LA we are responsible for issuing:

- FEC gaming machine permits;
- Club gaming permits and club machine permits;
- Alcohol-licensed premises gaming machine permits;
- Prize gaming permits

LAs may only grant an application for a permit. We are not allowed to attach conditions to a permit.

Once granted the permit will have effect for 10 years, unless it ceases to have effect because it is surrendered or lapses or is renewed.

3.1 Unlicensed Family Entertainment Centre (UFEC) gaming machine permits

UFEC will be able to offer category D machines if granted a permit by the Council. If an operator of a FEC wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.

As UFECs will particularly appeal to children and young persons, weight shall be given to child protection issues when considering an application.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in UFECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Premises licensed to sell alcohol for consumption on the premises, can automatically have 2 gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.

The Council can remove the automatic authorisation in respect of any particular premises if;

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act;
- the premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets / helpline numbers for organisations such as GamCare.

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

The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

3.3 Prize gaming permits

S288 of the Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.

Applicants for prize gaming permits should set out the types of gaming that he or she is intending to offer. The applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations; and
- That the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are 4 conditions in the Act that permit holders must comply with. These are:

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

- Participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

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

- Members' clubs (including miners' welfare institutes)
- Commercial clubs

Members clubs (but not commercial clubs) may apply for a club gaming permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B4, C or D), equal chance gaming and games of chance.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit, which will enable the premises to provide gaming machines (3 machines of categories B4, C or D).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

An application may only be refused on one or more of the following grounds;

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

The Council shall have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

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

The grounds on which an application under the fast track procedure may be refused are;

- that the club is established primarily for gaming, other than gaming prescribed by regulations under s.266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council can grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

Further Information

Further information about the Act, this SoP or the application process can be obtained from:
- licensing@surreyheath.gov.uk

Helen Lolley
September 2021

ANNEX 1 – MACHINE CATEGORIES

ANNEX 2 – MAP OF SURREY HEATH BOROUGH (to be attached to the consultation document)

ANNEX 3– LOCAL RISK ASSESSMENTS

ANNEX 4– LIST OF CONSULTEES

MACHINE CATEGORIES

Summary of gaming machine categories and entitlements.

Category of Machine	Maximum Stake (from April 2019)	Maximum Prize (from January 2014)
A	Unlimited No category A gaming machines are currently permitted	
B1	£5	£10,000 †
B2	£2	£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 machines only)	£1	£50
D – money prize	10p	£5
D – combined money prize and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money prize and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

† With option of max £20,000 linked progressive jackpot on premises basis only

Summary of machine provisions by premises.

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25 - 1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to machine/table ratio)						
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 casinos (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				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on Category D machines

	A	B1	B2	B3	B4	C	D
--	----------	-----------	-----------	-----------	-----------	----------	----------

DRAFT

Local Risk Assessments

From 6 April 2016, it has been a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Part 2, section 10.1, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account this Statement of Gambling Policy and the LCCP.

<http://www.gamblingcommission.gov.uk/pdf/Latest-LCCP-and-Extracts/Licence-conditions-and-codes-of-practice.pdf>

Licensees must review (and update as necessary) their local risk assessments:

- a) To take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- b) When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- c) When applying for a variation of a premises licence; and
- d) In any case, undertake a local risk assessment when applying for a new premises licence.

Licensees must share their risk assessments with the Council when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

The Council will expect the local risk assessment to consider as a minimum:

- Whether the premises is in an area of deprivation
- Whether the premises is in an area subject to high levels of crime and/or disorder
- The ethnic profile of residents in the area
- The demographics of the area in relation to vulnerable groups
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

Where specific local risks are identified, the risk assessment should set out how the operator proposes to mitigate and monitor these risks. The risk assessment should also show how vulnerable people, including people with gambling dependencies, are protected.

Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information is provided in both English and any other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

GAMBLING ACT 2005
POLICY STATEMENT - LIST OF CONSULTEES

Chief Officer of Police for Surrey Heath

Clubs

Licensing Committee

Member of Parliament

Citizens Advice Bureau (CAB)

Parish Councils

Public Houses and Betting Shops

Residents Associations

Selection of Groups, Clubs and Organisations

Surrey Heath Business Association

Surrey Children's Service

The consultation document will be placed on the Council's web site. The document will not be enclosed with letters seeking comments and recipients will be asked to refer to the document via the web site. In addition to seeking comments directly by letter, publicity will also be given to this matter via the media.

This page is intentionally left blank

Surrey Heath Borough Council
Licensing Committee
16 February 2022

Hackney Carriage (Taxi) and Private Hire (PH) Licensing fees and charges

2022-2023

Strategic Director/Head of Service	Nick Steevens
Report Author:	Helen Lolley
Key Decision:	No
Wards Affected:	All

Summary and purpose

The purpose of this report is to seek the Licensing Committee's (LC) recommendation of the proposed Taxi and PH fees and charges, Annex A, for approval by the Strategic Director- Environment and Community in consultation with the Strategic Director- Finance and the Finance Portfolio Holder.

Provisions in the Local Government (Miscellaneous Provisions) Act 1976 (the Act) allows district and borough councils to recover the costs of issuing and administering licences for the Taxi and PH trade. The Act also sets out the steps we are required to follow when reviewing and varying proposed fees.

Separate provisions in the Council's Constitution and Financial Regulations gives responsibility for approval of the fees and charges to the Strategic Director- Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder (the Group).

The fees have been updated using a methodology that took into account both the legislative requirements and available guidance.

The updated fees were considered by the LC on 15th December 2021, with a recommendation that they are approved by the Group. We were subsequently given approval to put a Notice in the local press as required by section 70 of the Act.

Following the statutory 'notice period' we are now asking the LC to recommend that the updated list of Fees and Charges be approved by the Group.

Recommendation

The Committee is advised to RESOLVE that:

- (i) The proposed revised Taxi and PH fees and charges as shown in Annex A, be recommended for approval by the Strategic Director-Environment and Community in consultation with the Strategic Director-Finance and the Finance Portfolio Holder.

1. Background and Supporting Information

- 1.1 Surrey Heath Borough Council in its role as the Licensing Authority (LA) is responsible for licensing Taxis and PH drivers, vehicles and operators.
- 1.2 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) includes provisions that allow district and borough councils to recover such fees as they consider reasonable with a view to recovering the cost of issuing and administering drivers licences for both Taxis and PH vehicles (Section 53(2)).
- 1.3 Section 70 of the Act allows the same for vehicle and operators licences.
- 1.4 A list of the current Fees is attached as Annex B.
- 1.5 Section 70 of the Act sets out the steps we are required to follow when reviewing and varying proposed fees. These requirements have been taken into account as part of this work.
- 1.6 A report outlining the methodology for recalculating the fees was considered by the LC on the 29th July 2021. Following the meeting the proposed methodology was agreed by the Executive Head of Community and used to calculate the revised fees.
- 1.7 The LC considered the proposed revised fees on the 15th December 2021 and recommended that the changes agreed during the meeting are made to the proposed fees and charges and that the Group approve these subject to the 28 day notice period.
- 1.8 The following resolution was made by the LC in December 2021;
 - i. the proposed revised fees and charges for the Taxi and PH trade be recommended for approval by the Head of HR, Performance and Communication in consultation with the Strategic Director- Finance and the Finance Portfolio Holder, subject to the 28 day notice period, as per the agenda report; and
 - ii. the fees for PH Operators Licences - 1 Vehicle (5 years), and PH Operators Licences - more than 1 vehicle (5 years) remain unchanged but that the Head of HR, Performance and Communication be requested to further review these charges once further information on the costs are known.

- 1.9 The amendments agreed by the LC in December 2021 were made to the proposed Taxi and PH fees and charges. Following consideration by the Group no further changes to the fees were made.
- 1.10 On 29th December 2021 a Notice was placed in the local press and shared on social media. The Notice period extended from 29th December 2021 – 30th January 2022. Annex C.
- 1.11 We received 2 separate representations as a result of the public notice, these are attached as Annex D. Both representations relate to the increase of the fee for the permanent transfer of a vehicle licence. The current fee is £50 and the proposed fee £187.
- 1.12 The current fee of £50 does not cover the cost of issuing and administering this change. The time and resources used to complete a permanent transfer (e.g. due to a road traffic accident) is similar to licensing a vehicle for the first time and the proposed fee of £187 accurately reflects this. As far as possible we would use information already on file regarding the applicant and this explains the difference between the cost of issuing a vehicle licence for the first time, £254 Taxi or £242 PH and the cost of a permanent transfer £187.
- 1.13 For the reasons outlined above the proposed fee for the permanent transfer of a vehicle licence of £187 remains as recommended in Annex A.

2. Reasons for Recommendation

- 2.1 The fees were last updated some years ago. This process has allowed us to calculate, as far as practicable, the actual cost of issuing and administering each type of licence and set fees based on cost recovery.

3. Proposal and Alternative Options

- 3.1 That the proposed Taxi and PH fees and charges, Annex A, be recommended for approval by the Group.
- 3.2 It is proposed that if approved they would be introduced on the 1st April 2022.
- 3.3 Alternatively if approval is withheld we would continue to use the existing Taxi and PH fees and charges.

4. Contribution to the Council's Five Year Strategy

- 4.1 Setting fees based on cost recovery supports the Council's 2022-2027 Five Year Strategy with regard to Economy and an Effective and responsive Council.

5. Resource Implications

- 5.1 There are no significant resource implications attached to this proposal.
- 5.2 The proposed revised fees, based on cost recovery, would generate an income in line with the current budget estimates for taxi licensing, 2022/23 assuming the existing level of activity. The demand for licences will vary over time.
- 5.3 It is intended that fee levels will be kept under review to ensure the council recovers the costs of administering licences.

6. Section 151 Officer Comments:

- 6.1 None.

7. Legal and Governance Issues

- 7.1 The Act allows district and borough councils to recover the costs of issuing and administering licences for the Taxi and PH trade.

8. Monitoring Officer Comments:

- 8.1 None.

9. Other Considerations and Impacts

Environment and Climate Change

- 9.1 No direct impact.

Equalities and Human Rights

- 9.2 No direct impact.

Risk Management

- 9.3 The Act sets out the legal process we are required to follow when varying Taxi and PH licence fees, we have followed this process closely to minimise any risks to the Council.

Community Engagement

- 9.4 The community, including the Taxi and PH trade, have been given an opportunity to comment on the proposed changes to the Taxi and PH licensing fees and charges.

Annexes

Annex A: Proposed Taxi and PH Licensing Fees and Charges

Annex B: Current Taxi and PH Licensing Fees and Charges

Annex C: Notice placed in local paper and on social media

Annex D: Copies of representations received as part of the consultation process.

Background Papers

Local Government Association- Open for business- LGA guidance on locally set licence fees (2017).

Surrey Heath - Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026.

This page is intentionally left blank

Annex A: Proposed Taxi and PH Licensing Fees and Charges

Revised Taxi and PH Licensing Fees	
Taxi and PH Drivers Licence (3 Year)	£249
Reissue Drivers Licence and Badge	£20
Taxi and PH Street Electronic Test	£60
Taxi Vehicle Licence	£254
PH Vehicle Licence	£242
Transfer Vehicle Licence	£187
Change Vehicle from PH to Taxi	£32
PH Exemption Certificate	£134
Re-issue of Vehicle Plate with or without licence	£20
PH Operators Licence 1 Vehicle (1 year)	£113
PH Operators Licence more than 1 vehicle (1 year)	£140

This page is intentionally left blank

Annex B

Current Taxi and Private Hire Licensing Fees (2021/22)

Fee	Cost
Hackney Carriage and Private Hire drivers licence (1 year)	£95
Hackney Carriage and Private Hire drivers licence (3 years)	£250
Re-issue drivers licence and badge	£20
Private Hire and Hackney Carriage electronic street test	£60
Hackney Carriage vehicle licence	£295
Private Hire vehicle licence	£265
Transfer vehicle licence	£50
Change of vehicle from private hire to hackney carriage licence	£35
Private Hire plate exemption certificate	£30
Re-issue vehicle plate with or without licence	£20
Private Hire Operators licence – more than 1 vehicle (1 year)	£215
Private Hire Operators licence – more than 1 vehicle (5 years)	£1075
Private Hire Operators licence – 1 vehicle (1 year)	£85
Private Hire Operators licence – 1 vehicle (5 years)	£425

This page is intentionally left blank

Annex C:

Public Notice

Hackney Carriage (Taxi) and Private Hire Licensing fees and charges

Taxi and Private Hire licence fees 2022/2023

Notice is hereby given that Surrey Heath Borough Council intends to vary the Hackney Carriage and Private Hire licence fees below in accordance with section 70(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

	Existing Fees	Proposed Fees
Hackney Carriage annual vehicle licence	£295	£254
Private Hire annual vehicle licence	£265	£242
Vehicle licence transfer to expire on original licence date	£50	£187
Taxi and Private Hire Drivers Licence 3 years (1 year licence no longer issued £95)	£250	£249
Transfer Vehicle from Private Hire to Hackney Carriage	£35	£32
Private Hire Plate Exemption Certificate	£30	£134
Private Hire Operators annual licence	£85	£113
Private Hire Operators annual licence 2+ vehicles	£215	£140

You can comment on these changes in writing by:

- Emailing licensing@surreyheath.gov.uk using the subject line 'Proposed taxi licence fee changes'
- Post to Licensing, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, GU15 3HD

Comments must be received by midnight 30 January 2022.

If we receive no objections within the 28 day notice period the new fee charges will apply from 1 April 2022.

Any objections will be given due consideration by the Council and the proposed fees with or without modification will apply from 1 April 2022.

This page is intentionally left blank

Annex D:

Copies of Representations received as part of the consultation process

From: F Ghani
Sent: 05 January 2022 10:48
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: Object on price increase

Good morning

It's Fazal ghani I just saw a increase price for taxi fare and plate price reduction the only objections I have personally is vehicle transfer from 50 to 187 it's extremely high

F ghani

Plate number [REDACTED]

[Sent from Yahoo Mail for iPhone](#)

From: Imran Syed
Sent: 10 January 2022 13:33
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: Price changes

Hay the number 3 transfer the taxi plate price is to much old price £ 50 new price is £ 187 I am not agree with this please look this price again thanks

This page is intentionally left blank

Surrey Heath Borough Council
Licensing Committee
16 February 2022

Hackney Carriage (Taxi) Fares

Strategic Director/Head of Service	Nick Steevens
Report Author:	Helen Lolley
Key Decision:	No
Wards Affected:	All

Summary and purpose

The purpose of this report is to seek approval of the proposed taxi fares, as provided in the attached Taxi Fare Chart, Annex A.

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) provides that a district or borough council may set local taxi fares for journeys within its area by means of a table or scheme of fares.

The current fares were set in 2012 and these have been revised following a process that was set out in reports to the Licensing Committee (LC) in July and October 2021.

Recommendation

The Committee/Council is advised to RESOLVE that

- (i) The revised updated Fare Chart, Annex A, is approved for introduction from 1st April 2022.

1. Background and Supporting Information

- 1.1 The Act includes provisions that allows the Council to set local taxi fares for journeys within our area by means of a table or scheme of fares. Our current Fares Chart is attached as Annex B. There is no power to set Private Hire (PH) vehicle fares.
- 1.2 The current fares were set in 2012 and it seemed appropriate to review these fares as we had received requests from some members of the trade for us to carry out a review.

- 1.3 At the LC meeting in July 2021 details of the process for reviewing taxi fares were provided based on the starting point of notionally increasing fares by the annual CPI for each year 2012-2021.
- 1.4 It was resolved that further consultation on the proposed updated fares should be undertaken with the trade with a view to any resulting amendments being considered by the LC at its next meeting.
- 1.5 The outcome of this trade consultation was presented to the LC at its meeting on 20th October 2021. It was reported that we had received 4 written and 2 verbal responses. Five of the responses were in support of an increase in fares whilst 1 written response suggested that increasing fares would put the trade at a financial disadvantage.
- 1.6 Following a discussion with Councillors Bates and Adams it was proposed that we continue with the proposed figures as the basis for the fare increase.
- 1.7 The LC in October 2021 resolved that the proposed new taxi fares be put to public consultation by way of an advert in the local media and through the Council's social media channels.
- 1.8 A notice was placed in the local press on the 29th December 2021 (Annex C).
- 1.9 On the 30th December we received a representation from a member of the trade which resulted in some additional information regarding the price per mile being added to the Fare Chart and a decision to restart the consultation process.
- 1.10 A further representation from the same member of the trade was received on the 4th January 2022, after consideration it was not felt necessary to make any further changes to the public notice or Fare Chart. Copies of the representations are attached as Annex D.
- 1.11 A second Notice was placed in the local press on the 12th January 2022. Annex E. The notice period ended on the 26th of January 2022.
- 1.12 We have received no further representation on the proposed Fares Chart, therefore no further changes are proposed to the Fare Chart (Annex A) as the concerns have been addressed as outlined. The issue raised on the 4th January has been addressed directly.
- 1.13 The Fare Chart (Annex A) is now ready for consideration and approval by the LC.

2. Reasons for Recommendation

- 2.1 The Act sets out a process for updating Taxi fares. We have followed this process closely providing reports to the LC in July and October 2021.on both

the process and our progress. The LC has been given the opportunity to approve each stage of this process.

- 2.2 We have consulted with the trade who are broadly in agreement with the proposed uplift of Taxi fares.
- 2.3 This has resulted in an updated Taxi Fare Chart, Annex A, which will come into effect 1st April 2022 if approved tonight.

3. Proposal and Alternative Options

- 3.1 That approval is given to the updated Taxi Fare Chart Annex A.
- 3.2 Alternatively the LC may choose not to approve the proposed increase in fares. In this case the current fare chart would continue to be used. Annex B.

4. Contribution to the Council's Five Year Strategy

- 4.1 The review of taxi fares is in line with the Council's 2022-2027 five year strategy priorities regarding economy and effective and responsive Council.

5. Resource Implications

- 5.1 There are no resource implications with the exception of officer time involved in arranging for the meters to be updated and for updating the Council's web site. The cost of updating meters will be covered by the trade and incorporate the bank holiday change in June 2022.

6. Section 151 Officer Comments:

- 6.1 None.

7. Legal and Governance Issues

- 7.1 The Council as Licensing Authority under section 65 of the Act is permitted to set local taxi fare journeys within its area.

8. Monitoring Officer Comments:

- 8.1 None.

9. Other Considerations and Impacts

Environment and Climate Change

- 9.1 None.

Equalities and Human Rights

9.2 No direct impact.

Risk Management

9.3 The Act sets out the legal process we are required to follow when updating Taxi fares, we have followed this process closely to minimise any risks to the Council.

Community Engagement

9.4 As part of the consultation process we have engaged with both the Taxi trade and more widely with the Community.

Annexes

Annex A: Revised Fare Chart- revised as part of the consultation process

Annex B: Current Fare Chart 2021/2022

Annex C: .Notice placed in local press 29th December 2021

Annex D: Copies of representations received on 30th December 2021 and 4th January 2022.

Annex E: Second Notice placed in local press – restarting consultation process 12th January 2022.

Background Papers

Surrey Heath- Hackney Carriage (Taxi) and Private Hire Licensing Policy 2021-2026.

SURREY HEATH BOROUGH HACKNEY CARRIAGE FARE CHART effective 01 April 2022

FARES FOR DISTANCE AND TIME

ALL DISTANCE AND TIME CHARGES INCLUDE UNCOMPLETED PARTS THEREOF

TARIFF 1: DAYTIME RATE MONDAY - SATURDAY (except where rates 2, 3 or 4 apply)		TARIFF 2: DAYTIME RATE SUNDAY (except where rates 3 or 4 apply)		TARIFF 3: NIGHT AND HOLIDAY RATE Includes Public and Bank Holidays		TARIFF 4: DOUBLE DAYTIME RATE		
Rate for the first mile: £4.60		Rate for the first mile: £5.80		Rate for the first mile £6.90		Rate for the first mile £9.20		
Rate for each mile thereafter: £3.20		Rate for each mile thereafter £4.00		Rate for each mile thereafter £4.80		Rate for each mile thereafter £6.40		
HIRINGS BETWEEN 7am and 11pm		HIRINGS BETWEEN 7am and 11pm		HIRINGS BETWEEN 11pm-7am and NATIONAL PUBLIC HOLIDAYS (except where rate 4 - double day rate applies)		HIRINGS BETWEEN 1. 11pm 24 th December and 7:30am 26 th December 2. 7:30pm 31 st January to 7:30am 1 st January		
Page 61	£3.60	Maximum charge up to 1210 yards or 32 seconds	£3.80	Maximum charge up to 880 yards or 25.6 seconds	£3.90	Maximum charge up to 660 yards or 32 seconds	£7.20	Maximum charge up to 1210 yards or 32 seconds
	20p	For each additional 110 yards or 32 seconds	20p	For each additional 88 yards or 25.6 seconds	30p	For each additional 110 yards or 32 seconds	40p	For each additional 110 yards or 32 seconds
	20p	Waiting for each period of 32 seconds	20p	Waiting for each period of 25.6 seconds	30p	Waiting for each period of 32 seconds	40p	Waiting for each period of 32 seconds
Extra charges:				Guide dogs / assistance dogs are carried free of charge				
Each piece of luggage in excess of 1 outside the passenger compartment		20p		All passengers reserve the right to a written receipt				
Each passenger in excess of 1		20p		Soiling the carriage exterior leaving it unfit for immediate subsequent hiring (not shown on the meter)		£20.00		
Pre-booking (does not apply from ranks or hailing in the street)		£1.00		Soiling the carriage interior leaving it unfit for immediate subsequent hiring (not shown on the meter)		£100.00		

IMPORTANT

If the journey takes the taxi outside the Surrey Heath Borough area, the driver MUST still charge in accordance with the above scale unless he/she has agreed otherwise with hirer before the journey has started. Please note that drivers are prohibited from having meters calibrated so as to change tariff when they are in hired mode.

THESE ARE THE MAXIMUM FARES CHARGEABLE.

COMPLAINTS

Any complaints about a taxi or driver should be directed to Licensing@surreyheath.gov.uk if possible quoting the taxi plate number and/or the driver's badge number.



BOROUGH OF SURREY HEATH HACKNEY CARRIAGE FARES

DAY RATE

<i>Mileage:</i>	For the first 1454 yards or part thereof	£3.60
	For each subsequent 153 yards or part thereof	20p
	(Equivalent to £2.30 per mile)	
<i>Waiting:</i>	For each period of 40 seconds	20p

NIGHT RATE

(11 p.m. to 7.30 a.m. and also on Public and Bank Holidays)

<i>Mileage:</i>	For the first 800 yards or part thereof	£3.60
	For each subsequent 160 yards or part thereof	30p
	(Equivalent to £3.30 per mile)	
<i>Waiting:</i>	For each period of 40 seconds	30p

SUNDAY DAY RATE

(After 7.30 a.m. and before 11 p.m.)

<i>Mileage:</i>	For the first 1248 yards or part thereof	£4.00
	(Equivalent to £4.80 for the first mile)	
	For each subsequent 128 yards or part thereof	20p
	(Equivalent to £2.75 per mile)	
<i>Waiting:</i>	For each period of 33 seconds	20p

EXTRA CHARGES

- | | | |
|-------|--|---------------------------|
| (i) | For hirings begun between 11 p.m. on Christmas Eve to 7.30 a.m. on 26 th December and 7.30 p.m. on New Year's Eve to 7.30 a.m. on New Year's Day (1 st January). | + 100% of Day Rate |
| (ii) | For each article of luggage (excluding the first item of luggage) conveyed outside the passenger compartment. | 20p |
| (iii) | For each person in excess of one. | 20p |
| (iv) | For hirings taken by telephone or other prior arrangement. | £1.00 |

(A charge may be made for the actual cost of essential cleaning or repair of damage to the interior of this vehicle arising from any improper conduct by passengers)

ENSURE THE TAXIMETER IS ENGAGED AT THE COMMENCEMENT OF THE HIRING UNLESS, FOR JOURNEYS ENDING OUTSIDE THE BOROUGH OF SURREY HEATH, A FARE HAS BEEN AGREED WITH THE PROPRIETOR

This page is intentionally left blank



Surrey Heath Borough Council
Surrey Heath House
Knoll Road
Camberley
GU15 3HD

Email: Licensing@surreyheath.gov.uk

Public Notice

Hackney Carriage Fares

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

NOTICE is hereby given that Surrey Heath Borough Council intends to vary the Hackney Carriage fares as follows:

Table of Fares		
	Current Fare	Proposed New Fare
Tariff 1: Daytime Rate Monday-Saturday 1 st mile	£4	£4.60
Waiting	40 secs 20p	32secs 20p
Tariff 2: Daytime Rate – Sunday 1 st mile	£4.80	£5.80
Waiting	33 secs 20p	25.6 secs 20p
Tariff 3: Night-time Rate & public & bank holidays – 1 st mile	£5.40	£6.90
Waiting	40 secs 30p	32 secs 30p
Tariff 4: Festive period 11pm 24/12 to 7:30am 26/12 & 7:30pm 31/12 to 7:30am 01/01 – 1 st mile	£8	£9.20
Waiting	40 secs 40p	32 sec 40p
Luggage in excess of 1 conveyed outside the passenger compartment	20p	No change
Passengers in excess of 1	20p	No change
Pre-booking	£1	No change
Soiling charge interior	Not set	£100
Soiling exterior	Not set	£20

Any person wishing to object to the increase in Hackney Carriage fares should do so in writing to Licensing at the address above. Any objections must be received no later than 16 January 2022.

If no objections are received these increases will come into effect on 1 April 2022.

This page is intentionally left blank

ANNEX D: Copies of representations

Hi Paula,

Thanks for the amended advertisement but shouldn't the distance charges show how many yards for a financial as it does on our current fare chart rather than by mile. SO for example distance after first mile tariff one should show each additional 110 yards 20p and similar notations for the other tariffs. These were shown in the original proposal you gave put for consultation

Regards Ian Lewis

From: Paula Barnshaw [<mailto:Paula.Barnshaw@surreyheath.gov.uk>]
Sent: 04 January 2022 14:30
To: [REDACTED]
Subject: Hackney Carriage Fare Public Consultation 29/12/2021 to 16/01/2022

Hi Ian,

I have amended the public notice, it will appear in the next issue of the Camberley News and Mail on 12/01/2022, with the last day for any representation to be midnight 26/01/2022. Please see attached.

Kind regards, Paula

From: [REDACTED]
Sent: 04 January 2022 13:03
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: RE: Hackney Carriage Fare Public Consultation 29/12/2021 to 16/01/2022

Hi Paula,

I will check my emails when I get home, maybe I have had a touch of dyslexia. But what about my comment that the advertisement does not show distance charges. There is nothing showing for how many yards or for what charge. Indeed apart from first mile charges the only other charge shown is for waiting time

I await your response

Regards
Ian Lewis

Sent from my Galaxy

----- Original message -----

From: Licensing Team <Licensing@surreyheath.gov.uk>
Date: 04/01/2022 12:12 (GMT+00:00)
To: Ian Lewis
Subject: RE: Hackney Carriage Fare Public Consultation 29/12/2021 to 16/01/2022

Hi Ian,

I am a bit confused the soiling interior charge is £100 and the exterior charge £20, please see the email string below.

Kind regards, Paula

From: Ian Lewis
Sent: 30 December 2021 10:06
To: Paula Barnshaw <Paula.Barnshaw@surreyheath.gov.uk>
Subject: RE: Hackney Carriage Fare Public Consultation 29/12/2021 to 16/01/2022

Paula, there appear to be two massive errors in this advertised consultation.

You show the soiled exterior charge as £100 and the soiled interior charge as £20. They are the wrong way round. The soiled interior charge should be £100 and the exterior charge £20.

Also the proposed advertisement does not show the charges for journeys after the first mile, it shows waiting but not the distance charges. The distance charges were shown in the original chart that you sent to drivers and proprietors for review.

I personally think you will have to reissue the fare consultation to correct these issues

Regards

Ian Lewis

From: Paula Barnshaw [<mailto:Paula.Barnshaw@surreyheath.gov.uk>]
Sent: 23 December 2021 08:47
To: Licensing Team <Licensing@surreyheath.gov.uk>
Subject: Hackney Carriage Fare Public Consultation 29/12/2021 to 16/01/2022

Good morning,

I am pleased to announce that the Hackney Carriage fare consultation will start on 29th December 2021 and end on the 16th January 2022. The public notice will be printed in the Camberley News and Mail 29th December, please see details of the public notice below.

Public Notice

Hackney Carriage Fares

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

Notice is hereby given that Surrey Heath Borough Council intends to vary the Hackney Carriage fares as follows:

	Current Fare	Proposed New Fare
Tariff 1: Daytime Rate Monday-Saturday 1st mile	£4	£4.60
Waiting	40 secs 20p	32 secs 20p
Tariff 2: Daytime Rate – Sunday 1st mile	£4.80	£5.80
Waiting	33 secs 20p	25.6 secs 20p
Tariff 3: Night-time Rate & public & bank holidays – 1st mile	£5.40	£6.90
Waiting	40 secs 30p	32 secs 30p
Tariff 4: Festive period 11pm 24/12 to 7:30am 26/12 & 7:30pm 31/12 to 7:30am 01/01 – 1st mile	£8	£9.20
Waiting	40 secs 40p	32 sec 40p
Luggage in excess of 1 conveyed outside the passenger compartment	20p	No change
Passengers in excess of 1	20p	No change
Pre-booking	£1	No change
Soiling charge interior	Not set	£100
Soiling exterior	Not set	£20

Any person wishing to object to the increase in Hackney Carriage fares should do so in writing to Licensing, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley GU15 3HD or Email: Licensing@surreyheath.gov.uk

Any objections must be received no later than midnight 16 January 2022.

If no objections are received these increases will come into effect on 1 April 2022.

Any objections will be given due consideration by the Council and the proposed fares with or without modification will apply from 1 April 2022.

Kind regards,

Paula Barnshaw

Senior Licensing Officer

Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, Surrey, GU15 3HD

01276 707100

www.surreyheath.gov.uk

Licensing@surreyheath.gov.uk

Annex E:

Public Notice

Hackney Carriage Fares

Section 65 of the Local Government (Miscellaneous Provisions) Act 1976

Notice is hereby given that Surrey Heath Borough Council intends to vary the Hackney Carriage fares as follows:

	Current Fare	Proposed New Fare
Tariff 1: Daytime Rate Monday-Saturday 1st mile	£4	£4.60
Each mile thereafter	£2.30	£3.20
Waiting	40 secs 20p	32 secs 20p
Tariff 2: Daytime Rate – Sunday 1st mile	£4.80	£5.80
Each mile thereafter	£2.75	£4.00
Waiting	33 secs 20p	25.6 secs 20p
Tariff 3: Night-time Rate & public & bank holidays – 1st mile	£5.40	£6.90
Each mile thereafter	£3.30	£4.80
Waiting	40 secs 30p	32 secs 30p
Tariff 4: Festive period 11pm 24/12 to 7:30am 26/12 & 7:30pm 31/12 to 7:30am 01/01 – 1st mile	£8	£9.20
Each mile thereafter	£4.60	£6.40
Waiting	40 secs 40p	32 sec 40p
Luggage in excess of 1 conveyed outside the passenger compartment	20p	No change
Passengers in excess of 1	20p	No change
Pre-booking	£1	No change
Soiling charge interior	Not set	£100
Soiling exterior	Not set	£20

Any person wishing to object to the increase in Hackney Carriage fares should do so in writing to Licensing, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley GU15 3HD or Email: Licensing@surreyheath.gov.uk

Any objections must be received no later than midnight 26 January 2022.

If no objections are received these increases will come into effect on 1 April 2022.

Any objections will be given due consideration by the Council and the proposed fares with or without modification will apply from 1 April 2022.

This page is intentionally left blank

Surrey Heath Borough Council
Licensing Committee
16 February 2022

Report Title

Strategic Director/Head of Service: Nick Steevens
Report Author: Paula Barnshaw
Key Decision: No
Wards Affected: All

Summary and purpose

To report decisions that have been taken in respect of licence applications that have been dealt with under powers delegated to the Strategic Director – Environment and Community and to the Senior Licensing Officer.

Recommendation

The committee is advised to note this report.

1. Background and Supporting Information

Details of decisions taken under delegated powers in relation to applications, representation etc., have to be reported to the Licensing Committee in accordance with the provisions of the Licensing Act 2003.

2. Current Position

- 2.1 In accordance with the provisions of the Licensing Act 2003 powers have been delegated to the Executive Head of Community and to the Senior Licensing Officer to determine applications for premises licences, club premises certificates and personal licences where no representations have been received from responsible authorities or interested parties.
- 2.2 If representations are received, consideration has to be given as to whether such representations are relevant, are not vexatious or frivolous and have been submitted in accordance with statutory requirements. Two representations have been rejected on these grounds since the last report in these matters to the committee.
- 2.3 When representations have been received powers are delegated to the Licensing subcommittee to determine the licence following consideration of these representations.

- 2.4 A summary of the decisions that have been taken in respect of applications that have been considered and determined since the last meeting of the committee is attached at Annex A. These details are submitted for information only and do not require ratification by the committee.

Annexes

Annex A- Summary of decisions table.

Background Papers

None

Summary of Decision made under the Licensing Act 2003
01/10/2021 – 31/01/2022

New Personal Licence	7
Variation to a Personal Licence	1
Temporary Event Notice	46
New Premises Licence	5
Variation to a Premises Licence	10
Premises Licence Transfer	2
New Club Premises Certificate	0
Transfer Club Premises Certificate	0

This page is intentionally left blank