

 <p>Rushcliffe Borough Council</p>	<p>Council</p> <p>Thursday, 5 December 2024</p> <p>Gambling Act 2005 - Draft Statement of Licensing Principles 2025-2028</p>
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Report of the Director – Neighbourhoods

Cabinet Portfolio Holder for Environment and Safety, Councillor R Inglis

1. Purpose of report

- 1.1. The Council's current Statement of Principles made under the Gambling Act 2005 ("the Act") was approved in 2021. Rushcliffe Council is a Licensing Authority under the Gambling Act 2005. As a Licensing Authority, the Council must determine and publish its Statement of Principles every three years.
- 1.2. In determining the Policy, the Council must carry out the statutory consultation as provided by the Act. Once the revised Policy has been reviewed, adopted and published it will be valid until 31 January 2028.
- 1.3. The revised Statement of Licensing Principles was considered and endorsed for approval by the Licensing Committee at its meeting on the 14 October 2024

2. Recommendation

It is RECOMMENDED that the draft Statement of Licensing Principles be approved.

3. Reasons for Recommendation

The Council is required to produce a Gambling Act 2005 Statement of Principles upon which it will base its decisions. If approved the final Policy will take effect on 31 January 2025.

4. Supporting Information

- 4.1. Each Licensing Authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 4.2. There are three licensing objectives set out in the Act, as follows:
 - 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.

7.2. Legal Implications

The Council's current statement expires on 31 January 2025, and it is necessary that the Council adopts and publishes a revised Statement of Principles by this date. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result.

7.3. Equalities Implications

An Equalities Impact Assessment has been undertaken and is attached to this report at Appendix 4.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The Policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

7.5. Biodiversity Net Gain Implications

There are no implications arising from this report.

8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

9. Recommendation

It is RECOMMENDED that the draft Statement of Licensing Principles be approved

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Background papers available for Inspection:	Report to Full Council 6 December 2021 'Gambling Act 2005 - Statement of Principles Guidance to licensing authorities'



Gambling Act 2005

Statement of Licensing Principles 2025 - 2028

Statement of Gambling Policy Gambling Act 2005

Preface

The Gambling Act 2005 provides the regime for regulating gambling and betting. Apart from the National Lottery and spread betting, gambling, and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Rushcliffe Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to license other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

The Council has consulted various bodies and organisations regarding this statement (see Appendix One). The consultation period ran from 21 July 2024 to 06 September 2024.

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Declaration

- 1.7 The Authority in preparation of this Statement have had due regard to.
- The Gambling Act 2005.
 - The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
 - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act.
 - Responses from those consulted on the Statement, and the reviews thereof.

Consultation

The Gambling Act requires the licensing authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:

- In England and Wales, the chief officer of police for the Authority's 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; and
- 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 this Act.

A full list of consultees is shown in appendix 1.

2. Approval of policy

- 2.1 This Policy was approved at a meeting of the full Council on TBA December 2024 and is available on the Councils website. Copies are available on request.

It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

Local Area Profile

- 2.2 Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends across towards Newark in the northeast and Loughborough in the southwest. Rushcliffe covers 157 square miles (around 400 sq. km) and the circumference of the Borough is 76.6 miles (123.3km).

Although parts of the Borough lie close to Nottingham, Rushcliffe has a strong identity of its own. The main centre of population is West Bridgford, where over 40,000 of the Borough's population of 120,000 live. The remainder of the district is largely rural, with the centres of population split between small towns and villages.

West Bridgford can boast that it is the home of two of the most famous names in the world of sport - the Trent Bridge Cricket Ground and the City Ground, home of Nottingham Forest Football Club. The National Water Sports Centre is nearby at Holme Pierrepont. These top-class facilities are complemented by an excellent range of sports and leisure facilities provided by the Council.

The population of the Borough at the time of the 2021 Census was 119,000. This represents approximately a 7.1% population increase over the monitoring period. The

Among its 25 wards, Rushcliffe's areas with higher crime rates include Trent Bridge (143.8), Gotham (62.4), Edwalton (62.0), while the safest wards are East Bridgford (26.1), Bunny (24.8), Tollerton (19.3).

In Rushcliffe, Anti-social behaviour saw an increase of 8.44% in 2020, but then it decreased by 3.13% in 2021 and further by 9.23% in 2022. Shoplifting experienced a slight rise of 1.71% in 2022. On the decline, Other theft decreased by 2.08% in 2023, while Vehicle crime went down by 2.51% in 2020 and by 1.72% in 2023.

Rushcliffe crime incidents by crime type

A total of 5619 crime incidents were reported in 2023. Below is the breakdown by crime type.

- Violence and sexual offences – 1758 (31.3)%
- Anti-social behaviour – 841 (15.0)%
- Shoplifting – 641 (11.4)%
- Criminal damage and arson – 488 (8.7)%
- Other theft – 434 (7.7)%
- Public order – 379 (6.7)%
- Vehicle crime – 365 (6.5)%
- Burglary – 256 (4.6)%
- Other crime – 142 (2.5)%
- Drugs – 129 (2.3)%
- Bicycle theft – 79 (1.4)%
- Possession of weapons – 58 (1.0)%
- Robbery – 30 (0.5)%
- Theft from the person – 19 (0.3)%

Rushcliffe ranks 24th when compared against 25 nearby boroughs/local administrative districts.

List of nearby boroughs/local administrative districts from high crime rate to low (2023):

- Derby (147.4)
- Nottingham (145.5)
- Leicester (135.5)
- Chesterfield (133.5)
- Mansfield (123.6)
- Erewash (111.6)
- Bolsover (103.1)
- Ashfield (100.2)
- Amber Valley (97.6)
- North-West Leicestershire (87.3)
- Charnwood (84.3)
- Newark and Sherwood (80.1)
- South Derbyshire (78.9)
- Blaby (76.2)
- North-East Derbyshire (75.3)
- Oadby and Wigston (75.1)
- Broxtowe (73.9)
- Melton (73.3)

- grant permits to Family Entertainment Centre's for the use of certain lower stake gaming machines.
- grant permits for prize gaming.
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

Note

Operator licences, Personal Licences and Remote Gambling are all dealt with by the Gambling Commission.

The National Lottery is now regulated by the Gambling Commission. Spread betting is regulated by the Financial Services Authority.

In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- Maintaining a close working relationship with the responsible authorities.
- Taking necessary and appropriate steps for the protection of children and other vulnerable persons; and
- The need to treat each application on its own merits taking into account the individual circumstances at each premise.

Relationship with other legislation

- 2.5 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of legislation, this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.
- 2.6 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

“Demand” for gaming premises

- 2.7 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

Rights of applicants and third parties

- 2.8 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.
- 2.9 Similarly, this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

Data sharing, data security

- 2.10 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened and we will comply with the UK General Data Protection Regulations (UK GDPR). The Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by

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

3.7 The licensing authority has an expectation that all local risk assessments will take into account the local area profile of the area.

Where an area has a high proportion of people who do not have English as their first language, the Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

Nottinghamshire Health Statement of Policy (Gambling)

3.8 The three statutory licensing objectives for gambling include protecting children and other vulnerable persons from harm and exploitation. Licensing policies are not currently required to address public health concerns and Public Health are not a responsible authority, as in the case of alcohol. However, the Gambling Commission has recognised the benefits of a public health whole population approach (February 2018). The Commission has identified specific groups of people who are particularly at risk:

- Ethnic groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health.

It is estimated that there are over 370,000 problem gamblers in England. There are no local level estimates available. Gambling harm includes poor physical and mental ill-health and is associated with substance misuse problems especially alcohol and with smoking. It also contributes to debt problems, relationship breakdown and criminality.

3.9 There is less evidence available to support gambling Statement of Licensing Principles (SOLPs) at a local level. Nationally there is a significant amount of gambling that takes place on the internet which reduces barriers to where people can gamble. Problem gambling is linked with areas of socio-economic deprivation, so identifying areas with potentially higher levels of gambling harm can therefore be informed by the alcohol licensing maps on Nottingham Insight. <https://nottinghamshireinsight.org.uk/d/aAXSv0F>. For other health reports see [Home - Nottingham Insight](#)

4. Making Representations

Who can make a representation?

4.1 The Gambling Act allows “responsible authorities” (identified in section 157 of the Act) and “interested parties” to make representations to applications relating to **premises licences and provisional statements**. In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is

charities, churches, medical practices, schools and other establishments and institutions.

- 4.6 Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants' associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP, or legal representative.
- 4.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to "demand" or competition.
- 4.8 It is for the Licensing Authority to determine on a case-by-case basis whether or not a person making a representation is an "interested party". The Authority may ask for evidence to identify who is being represented and show that they have given Authority for representations to be made on their behalf. In cases which are not clear-cut the benefit of the doubt will usually be exercised in favour of the person making the representation.

Form and content of representation

- 4.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement.
 - the Commission's Guidance.
 - the Codes of Practice.
 - local area profile and applicants local risk assessments; and
 - where the application is reasonably in accordance with the licensing objectives.
- 4.10 As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.
- 4.11 All representations must be made in writing and must be received by the Licensing Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and.
 - relate to the licensing objectives, or.
 - raise issues under this policy, the Commission's Guidance or Codes of Practice.
- 4.12 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with Policy Two.

Policy Two

- 4.13 **A representation should indicate the following:**

- Traffic congestion and parking
 - Likelihood of the premises receiving planning permission, or building regulation approval
 - Moral objections
- 4.18 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application. The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

Reviews

- 4.19 A premises licence may be reviewed by the licensing Authority of its own volition or following the receipt of an application for a review from a responsible Authority or interested party. Reviews cannot be delegated to an officer of the licensing Authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 4.20 The Act provides that licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted.
- 4.21 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews, and that may include a 'filter' system to prevent unwarranted reviews from being conducted.
- 4.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 4.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement and Codes of Practice local area profile and the premises licence holders local risk assessments.

5. Licensing Objectives

Preventing gambling from being a source of Crime and Disorder

- 5.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.

Policy Three

- 5.8 **The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications**

Reason: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area

Ensuring gambling is conducted in a Fair and Open Way

- 5.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).
- 5.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry.
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted.
 - the rules are fair.
 - advertising is not misleading.
 - the results of events and competitions on which commercial gambling takes place are made public; and
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.
- 5.11 Because betting track operators do not need an operating licence from the Commission, the Authority may, in certain circumstances attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the authority may take into consideration are set out below:
- References to adduce good character
 - Criminal record of the applicant
 - Previous experience of operating a track betting licence
 - Any other relevant information

Protection of children and other vulnerable persons

Access to licensed premises

- 5.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Authority will consult with the Nottinghamshire Safeguarding Children Partnership and the Nottinghamshire Safeguarding Adults Board on any application that indicates

premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licence, where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed.

In relation to an application to split existing licensed premises thereby creating multiple premises, the Authority will expect the primary use of each premise to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

- 6.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application. Additional conditions can only be imposed when there is evidence.
- 6.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. With the exception of applicants for track premises anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.
- 6.4 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

Betting Premises and Tracks

- 6.5 Betting premises relates to those premises operating off-course betting. That is other than at a track.
- 6.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises although they would normally only open on event days. There may be several licensed premises at any track.
- 6.7 Permitted activities include:
 - off-course betting.
 - on-course betting for tracks.
 - betting by way of betting machines, and.
 - gaming machines as stipulated by regulations.
- 6.8 Factors for consideration when determining the application will be:
 - location, particularly in relation to vulnerable persons.
 - suitability of the premises.
 - size of premises in relation to the number of betting machines.

- 6.19 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

Club Gaming Permits and Club Machine Permits

- 6.20 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 6.21 Club machine permits allow the provision of higher category gaming machines.
- 6.22 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 6.23 The Authority may only refuse an application on the following grounds:
- (a) the applicant does not fulfill the requirements for a member's or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons.
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police; and in the case of (a) or (b) must refuse the permit.
- 6.24 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

Alcohol Licensed Premises

- 6.25 The Act provides an automatic entitlement to provide two gaming machines of category C or D. The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- 6.26 The Authority may also issue "licensed premises gaming machine permits" to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 6.27 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:
- location, particularly in relation to vulnerable persons.
 - suitability of the premises, size of premises in relation to the number of betting machines.
 - the ability of staff to monitor the use or abuse of such machines, and.
 - the provision for licence holders to ensure appropriate age limits are adhered to.

- 6.37 The applicant must be 18 years of age or over. Relevant convictions will be taken into account especially with respect to child protection issues

Travelling Fairs

- 6.38 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission website.

Small Society Lotteries

- 6.39 Small Society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 6.40 Small society lotteries are required to be registered with the local Authority in the area where their principal office is located.

Temporary Use Notices

- 6.41 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).

Occasional Use Notices

- 6.42 Betting on unlicensed tracks may be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event. The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a Notice in respect of premises can be dealt with under the definition of a “Track”. It will also need to consider whether the Applicant is permitted to avail him/herself of the notice, however, there is no provision for objections to be made to this type of activity or for it to be prohibited.

No Casino Resolution

- 6.43 The Authority has **not** passed a “no Casino resolution” under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution.

Inspections

- 7.3 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk-based inspection programme.
- 7.4 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.
- 7.5 In addition to programmed inspections the licensing Authority will also investigate any evidence-based complaints that it receives.

Policy Four

- 7.6 **The Authority will adopt a risk-based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**
- **location of the premises and their impact on the surrounding area,**
 - **enforcement history of the premises,**
 - **nature of the licensed or permitted operation,**
 - **potential to have an adverse effect on the licensing objectives, and.**
 - **management record.**

Reason: To provide a targeted and cost-efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

Enforcement

- 7.7 In general the Gambling Commission will take the lead on the investigation and where appropriate, the prosecution of illegal gambling. There may be occasions on which the licensing Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the Authority's area.
- 7.8 Where a licensed premise is situated in more than one administrative area then this Authority will liaise with the other Authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 7.9 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the licensing Authority will endeavour to follow the Regulators code and Hampton principles. The principles require that enforcement should be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny.
 - **Consistent:** rules and standards must be joined up and implemented fairly.
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and

8. Glossary of terms

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interests of clarity the following terms, which are used in this statement of licensing policy, are defined below.

Terminology	Definition
"the Act"	The Gambling Act 2005 (c19)
"Authority"	This refers to the "licensing Authority" as defined by section 2 of the Act
"authorised person"	An officer of a licensing Authority, and an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority's area
"authorised local Authority officer"	An officer of a licensing Authority who is an authorised person for a purpose relating to premises in that Authority's area
"gambling commission"	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain
"guidance"	"Guidance to licensing authorities", , issued by the gambling commission under section 25 of the Gambling Act 2005
"interested parties"	Defined at paragraph 2.3 of this statement of licensing principles
"mandatory condition"	A condition that must be placed on a licence by virtue of regulations
"regulations"	Refers to regulations made under the Gambling Act 2005
"responsible authorities"	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.

Appendix 2

Amendments to the Gambling Policy for 2024: Summary

The policy has been discussed by Licencing Officers and other attendees to the NALG. The wording has been drafted to enable a consistent regional view of policy.

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes in spacing	Some page numbers may have changed
1.5	Commencement date updated	
2.1	Approval date	Requires insertion once determined
2.2	Area profile updated	
3.1	Date changed to 1/4/2024	
3.9	Link inserted at end of para	
4.14	Insertion of text and email to make representation	(Email: licensing@rushcliffe.gov.uk). inserted
6.13	At end of para "but there are no statistics available to support that the FOBT play has reduced."	Removed as not necessary
Appendix one	Updated list of consultees.	This was updated following consultation ending.

Appendix 3

Number	Consultation Response	Officer Comment
1	<p>In view of the evidence of harm to our society and its association with other damaging behaviours, both to individuals and society, we should not permit ANY additional gambling without our district. Gambling is solely permitted for the personal gain of a few people at the expense of so many others. It is so harmful in so many ways. Let's work to make our society better, step by step, NOT worse</p>	Noted
2	<p>Gambling sponsorship should be completely banned. Online gambling should be completely banned. Betting shops should be few and far between.</p>	Outside the scope of a local Gambling Policy
3	<p><u>Consultation on the review and update of the Rushcliffe Borough Council Gambling Policy (Statement of Licensing Principles)</u></p> <p>We would like to thank the Council for the opportunity to review this document. As was stated in Labour's 2024 general election manifesto, the government is "<i>committed to reducing gambling-related harm</i>" and it is important that national and central government work together to this end.</p> <p>This consultation is an integral part of regularly reviewing Rushcliffe Borough Council's role as a statutory Licensing Authority, and we hope that the consultation process will ultimately strengthen delivery of the policy's proposed aims.</p> <p>**</p> <p>2:10</p>	<p>We have no objection to the insertion of this comment in 2:10 if this aids clarity in legally sharing information with " a constable or police force, an enforcement officer, another licensing authority or His Majesty's Commissioners of Customs and Excise". But this comment repeats what is stated in legislation which officers are</p> <p>2:10</p>

<p>stated.</p> <p>We also note that the text in the current policy refers to a <u>Corporate Equality Scheme</u>. This is not the same term as <u>Equalities Scheme</u> which is used on the current Council website. We suggest that the text is updated accordingly.</p> <p>**</p> <p>5:12</p> <p>To fulfil the licensing objective of “<i>Protecting children and other vulnerable persons from being harmed or exploited by gambling</i>”, we believe it is important that children are protected from targeted advertising. The below may, therefore, be a helpful addition to the “Protection of children and other vulnerable persons” section of the policy (p.19 onwards):</p> <p><i>“The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.”</i></p> <p>**</p> <p>5.13</p> <p>Building on the above, to further protect children and other vulnerable persons from gambling, section 5.13 could be expanded to include further examples of safeguards. For example:</p> <p>CCTV</p> <p>Clear notices / signage</p> <p>Clear policies that outline the steps to be taken to protect children</p>	<p>5:12</p> <p>The policy relates to premises regulated by this authority and not online gambling so can only relate to advertising in the place licenced. The current policy is clear that gambling is adult only and gambling should not be aimed at children and this is clear in guidance, however officers have no objection to the inclusion of this statement for clarity if required. see <u>Young People in marketing material (gamblingcommission.gov.uk) which we will have regard to.</u></p> <p>5:13</p> <p>The current list is of few examples, the list is not intended to be exhaustive to do so would limit measures. If the committee feels further examples are needed to be added this can be done. But superfluously adding more will just increase the policy with little purpose.</p>
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Equality impact assessment form

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	Could particular benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	There is no requirements or restrictions in the policy.	
Disabled people	n/a	n/a	There is no requirements or restrictions in the policy.	
Care leavers	n/a	n/a	There is no requirements or restrictions in the policy.	
People from different faith groups	n/a	n/a	There is no requirements or restrictions in the policy.	
LGBTQIA + e.g. heterosexual, homosexual, bisexual, transgender.	n/a	n/a	There is no requirements or restrictions in the policy.	
Older or younger people	yes	n/a	The policy legally restricts access to young people. Those looking younger may need to provide proof of age and may be prohibited from access to gambling if not able to prove age.	The policy has numerous actions to protect those that are considered vulnerable. No further action needed
Other (marriage/civil partnership, looked after children, cohesion/good relations, vulnerable	yes		The policy aims to ensure those that are vulnerable to gambling harm are protected and measures put in place to	The policy has numerous actions to protect those that are considered vulnerable. No further action needed