

# APPENDIX 1



**Gambling Act 2005**

**Gambling Policy**  
**Statement of Principles**  
**2022/2025**

Approved on 25 January 2022

Policy effective from 31 January 2022 to 30 January 2025

### Important Note

In producing this Statement of Gambling Policy the Authority is aware that the Government may amend the Gambling Act 2005, subordinate legislation and statutory guidance.

Readers of this document advised to check on the Gambling Commission/Gov.uk websites to ensure they have the latest information.

# Rugby Borough Council

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# **GAMBLING ACT 2005**

## **GAMBLING POLICY STATEMENT OF PRINCIPLES**

### **1. Introduction**

1.1 Rugby Borough Council, as the Licensing Authority (referred to in this Statement as “the Authority”), makes this Statement of Principles in pursuance of its powers and duties under section 349 of the Gambling Act 2005 (referred to in this Statement as “the Act”) and sets out the Authority’s approach in dealing with its responsibilities under the Act.

1.2 The Borough of Rugby covers an area of 138 square miles located in central England, within the County of Warwickshire. The Borough is on the eastern edge of the West Midlands Region, bordering directly on to the counties of Northamptonshire and Leicestershire, both of which are in the East Midlands Region. The Borough has 41 parishes and the largest centre of population is the attractive town of Rugby with two thirds of the Borough’s 108,935 (2019) residents living in the town and the remainder residing in the rural area. The villages in the Borough range in size from 20 to 3,000 people.

#### 1.3 List of Consultees

The Authority has consulted the following on the content of this Statement of Principles:

- Responsible Authorities
- Holders of existing licences, permits and registrations
- Councillors and Parish Councils
- Representatives of businesses
- Representatives of persons carrying on gambling businesses in Rugby
- Local bodies representing consumers and tourism
- Local bodies representing vulnerable persons
- Departments within the Council with an interest in the licensing of gambling

The draft document was also made available on the Authority’s website.

1.4 In preparing this Statement, the Authority has had regard to the provisions of the Act, the Guidance issued by the Gambling Commission, Regulations made by the Secretary of State and responses to its consultations.

### **2. Gambling Act 2005**

2.1 The Act specifies licensing objectives which are central to the regulatory regime, these are:

- preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime;
  - ensuring that gambling is conducted in a fair and open way; and
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 2.2 In carrying out the licensing function under the Act, the Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
  - in accordance with any relevant Guidance issued by the Gambling Commission;
  - in accordance with this Statement of Principles; and
  - reasonably consistent with the licensing objectives.
- 2.3 The Act provides for 3 categories of licence:
- operating licences;
  - personal licences; and
  - premises licences.
- 2.4 The Authority will be responsible for issuing premises licences. The Gambling Commission will be responsible for issuing operating and personal licences.
- 2.5 This Statement will come into force on 31st January 2022 and will have effect until 30th January 2025, being kept under review and revised or amended as required following consultation.

### **3. Authorised Activities**

- 3.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery. Definitions of terms are as follows:
- gaming means playing a game of chance for a prize;
  - betting means making or accepting a bet on the outcome of a race, competition, or any other event, the likelihood of anything occurring or not occurring, or whether anything is true or not;
  - a lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 3.2 The main functions of the Authority are to:
- licence premises for gambling activities;
  - grant permits for gambling and gaming machines in clubs;
  - regulate gaming and gaming machines in alcohol licensed premises;
  - grant permits to family entertainment centres for the use of certain lower stake gaming machines;

- grant permits for prize gaming;
- consider notices given for the temporary use of premises for gaming;
- receive occasional use notices for betting at tracks; and
- register small societies lotteries.

3.3 Spread betting is regulated by the Financial Services Authority. Remote Gambling is dealt with by the Gambling Commission. The National Lottery is regulated by Gambling Commission.

#### **4. General Statement of Principles**

- 4.1 The Authority recognises the wide variety of premises which will require a licence or a permit. These include casinos, betting shops, bingo halls, pubs, clubs, amusement arcades and race tracks.
- 4.2 In carrying out its licensing functions the Authority will have regard to Guidance issued by the Gambling Commission.
- 4.3 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. This Statement of Principles will avoid duplication with other regulatory regimes wherever possible. In considering applications, and taking enforcement action, under the Gambling Act the Authority will have regard to the provisions of the Human Rights Act.
- 4.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with the police, the Gambling Commission and other responsible authorities.
- 4.5 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this Authority has considered the Gambling Commission's Guidance to local authorities. However, the overriding principle is that each application and the circumstances prevailing at each premises will be considered on their own individual merits. Other considerations such as moral or ethical objections to gambling are not valid reasons to reject applications for premises licences as they do not relate to the licensing objectives.
- 4.6 In its Guidance to Local Authorities the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. A Local Area Profile is created by gathering information about a locality and highlighting any particular areas of concern within the locality.
- 4.7 Where evidence is submitted to the Licensing Authority identifying any areas of concern the Licensing Authority will produce a Local Area Profile separate to this statement. Once adopted, the Local Area Profile is intended to assist the Licensing Authority and Operators in identifying specific risks within the district.

**5. Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime**

- 5.1 The Gambling Commission will play 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 or being associated with providing such facilities. The Council has a specific duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with regard to the likely effect of doing so on crime and disorder, and also to do all that it reasonably can to prevent crime and disorder in the area.
- 5.2 When applying to this Authority for a premises licence, the applicant will have to hold an operating licence from the Commission before a licence can be issued, so the Authority will not therefore be concerned with the suitability of the applicant. Where concerns about a person's suitability arise, the Authority will bring those concerns to the attention of the Commission. The Authority will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance and Codes of Practice, and this Gambling Policy.
- 5.3 The Authority has had regard to the small number of existing premises licences and the small number of applications likely to be received. With this in mind it has not produced a local area profile at the time of publication of this Policy (should this change, then the Policy will be amended accordingly, and the local area profile made available to applicants). Applicants will however be expected to have a good understanding of the local area in which they either operate or intend to operate. The applicant will have to provide evidence that they meet the criteria set out in the Policy and demonstrate that in operating the premises they will promote this objective. Operators need to be aware of how the operation of their premises may impact on this objective. The Authority will expect applicants to provide details of their crime prevention measures and any risk assessments that they have carried out.
- 5.4 To prevent gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

**Criteria:**

Whether the premises make or will make a contribution to the levels of crime and disorder and whether the applicant has demonstrated that he has, or intends to, implement sufficient controls to prevent the premises being a source of, and/or associated with crime or disorder, or being used to support crime, if the application is granted.

**Considerations:**

- Where an area is known for high levels of crime the Authority will consider carefully whether gambling premises are suitable to be located there, and whether additional conditions may be necessary,

such as the provision of CCTV, minimum levels of staffing and licensed door supervisors.

- Whether there is a history of crime or disorder associated with the premises or its use by those involved in crime to associate or dispose of the proceeds of crime.
- Whether the layout, lighting and fitting out of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether sufficient management measures are proposed or are in place to prevent the premises being a source of, or associated with crime or disorder, or used to support crime either as a place of association or to avoid being apprehended.
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application is received in relation to premises that are in an area noted for particular problems with organised crime or a premises that have previously been a focus for antisocial behaviour, the Authority will expect applicants to demonstrate that they have sufficient measures in place to prevent or deter people involved from using their premises and will also consider conditions being put on the licence to promote this licensing objective.
- Whilst issues of nuisance are not included specifically in the gambling objectives and cannot be addressed via the Gambling Act, the Authority may consider, when making decisions on the applications for premises licences, that extreme instances of public nuisance and/or persistent public nuisance may constitute disorder and/or crime for the purposes of this objective.

## **6. Ensure Gambling is conducted in a fair and open way**

6.1 Generally the Commission would not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either:

- (a) the management of the gambling business, and therefore subject to the operating licence; or
- (b) will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.

6.2 In relation to the licensing of tracks the Authority's role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.

### **Criteria:**



Whether the premises will operate measures that will ensure that the gambling activity is conducted in a fair and open way.

**Considerations:**

- Whether the layout, lighting and fitting out of the premises have been designed so as to ensure gambling is conducted in a fair and open way.
- Whether sufficient management measures are proposed or are in place to ensure that gambling is conducted in a fair and open way.
- Whether the management and operation of the premises is open and transparent.
- Whether the operators of the premises have been or will be fully cooperative with enforcement agencies.
- Whether the Commission's Codes of Practice have been complied with.

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

7.1 The Gambling Commission's Guidance states that one of the aims of this objective means preventing children from taking part in gambling (as well as restricting advertising so that gambling products are not aimed at or are, particularly attractive to children).

7.2 The Act and Gambling Commission Guidance do not define the term "vulnerable". For regulatory purposes the Commission states that it assumes "vulnerable" persons" includes:

- people who gamble more than they want to;
- people who are gambling beyond their means; and
- people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

This is the definition the Authority will use in its consideration of applications.

7.3 This Authority will pay particular attention to any Codes of Practice, which the Gambling Commission issues in relation to specific premises. It will consider this licensing objective on a case-by-case basis, and where necessary add conditions to promote this objective.

7.4 To protect children and other vulnerable persons from being harmed or exploited by gambling, the Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews.

**Criteria:**

Whether there are appropriate measures in place to protect children and other vulnerable persons from being harmed or exploited by gambling.

### **Considerations:**

- Whether the operator has a specific training programme for staff to ensure that they are able to identify children and vulnerable people and take appropriate action to promote this objective to exclude them from the premises or parts of the premises.
- If the premises is an adult only environment, whether the operator has taken effective measures to implement an appropriate proof of age scheme to ensure that no one under the age of 18 is admitted to the premises or restricted areas.
- Whether there is provision for self-barring schemes and provision of information leaflets/helpline numbers for organisations such as GamCare.
- Whether the layout, lighting and fitting out of the premises have been designed so as to not attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Whether sufficient management measures are proposed or are in place to protect children and other vulnerable persons from being harmed or exploited by gambling.
- Whether any promotional material associated with the premises could encourage the use of the premises by children or young people.
- The Authority will also consider the location of the premises in the context of this licensing objective. If an application for a gambling premises is received for a location within a sensitive area or in close proximity to what are considered to be sensitive areas the Authority will expect applicants to demonstrate that they have sufficient and suitable control measures in place to promote this licensing objective.

## **8. Premises Licences**

8.1 Section 150 of the Act permits the issue of premises licences authorising the provision of facilities at the following:

- casino premises;
- bingo premises;
- betting premises, including tracks and premises used by betting intermediaries;
- adult gaming centres;
- family entertainment centres.

8.2 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more

than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.

- 8.3 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area.
- 8.4 Where the Authority has concerns about the use of premises for gambling it will seek to address these through licence conditions wherever possible.
- 8.5 Other than an application for a betting premises licence in respect of a track, the Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 8.6 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 8.7 The Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.

## **9. Location**

- 9.1 This Authority is aware that demand issues cannot be considered with regard to the location of premises either on a borough wide or more local scale. However, it considers that the location of gambling premises can be a major factor on the promotion of the licensing objectives. The Authority will pay particular attention to the suitability of a location for gambling activity in terms of the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 9.2 Operators are required to take into account any sensitive locations within close proximity to proposed gambling premises and provide the Authority with details of how they propose to mitigate and monitor any risks. Applications will not be granted in sensitive locations unless the relevant criteria have been met.
- 9.3 Applicants will have to clearly show that they have considered the potential impact of their proposed business on the licensing objectives and provide information on how they plan to reduce or remove any likely adverse impact on them. The supporting information may contain the following information:
- how the premises will restrict access to children, young people or other vulnerable persons;
  - whether a proof of age scheme is being used;
  - whether the appropriate number of security staff will be employed at appropriate times;
  - whether opening times will be set so that the premises are not open during school start and finish times;
  - details of procedures and staff training in place to identify vulnerable

persons such as problem gamblers, those who are inebriated through drink or drugs, etc.

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

- 9.4 The Authority will consider proposals for new gambling premises that are in close proximity to hostels or other accommodation or centres catering for vulnerable people, including those with mental disabilities or learning difficulties, and those with problem gambling or with alcohol or drug abuse problems, as very likely to adversely affect the gambling objectives.
- 9.5 It should be noted that each application will be decided on its own merits, but the onus will be upon the applicant to show how the potential concerns can be overcome.

## **10. Primary Gambling Activity**

- 10.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:
- (a) casino premises
  - (b) bingo premises
  - (c) betting premises, including tracks and premises used by betting intermediaries
  - (d) adult gaming centre premises (for category C and D machines)
  - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 10.2 Gaming machines can only be made available in combination with the non-remote gambling activity which is permitted by that premises licence. The Gambling Commissions LCCP requires that all licensed gambling operators must provide substantive facilities for the primary non-remote gambling activity that the licence authorises before they can make gaming machines available for use.
- 10.3 The council will take decisions in accordance with the Commission's Guidance and Codes of Practice on the combination of sufficient facilities for the primary gambling activity authorised by the licence and gaming machines made available for use. The council will also have regard to any advice provided by the Gambling Commission which it issues from time to time and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator's licence. The council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises will provide substantive facilities for the primary gambling activity permitted by the premises licence. For example, a betting (other) premises licence application that only has four gaming machines, but no betting counter or associated

betting facilities shown on the proposed plans, may not be considered as providing sufficient facilities for the primary gambling activity permitted by that licence and therefore may not be compliant with the Gambling Commissions LCCP or its Guidance to Licensing Authorities.

- 10.4 If an application is found not to be operating a premises in accordance with the Gambling Commissions Codes of Practice or the Guidance issued to Licensing Authorities the council has the power to refuse the application as it would not meet the principles as set out in Section 153 of the Act.

## **11. Responsible Authorities**

- 11.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Authority if they are relevant to the licensing objectives.

- 11.2 Section 157 of the Act identifies the bodies that are to be treated as responsible authorities. In relation to the Authority's area, these are:

- The Authority itself
- The Gambling Commission;
- The chief officer of police/chief constable for the area in which the premises is wholly or partially situated
- The fire and rescue authority for the same area
- The local planning authority;
- An authority with functions in relation to pollution of the environment or harm to human health
- A body designated in writing by the authority as competent to advise about the protection of children from harm (see paragraphs 11.3 and 11.4 below)
- HM Revenue & Customs; and
- Any other person prescribed in regulations by the Secretary of State.

Section 211(4) provides that in relation to a vessel, but no other premises, responsible authorities also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is to be used for licensable activities.

- 11.3 The Authority is required to set out the principles to be applied in exercising its powers to designate, in writing, a body which is competent to advise about the protection of children from harm. The principles applied in designating such a body are:

- the body must be responsible for covering the whole of the Authority's area: and
- the body should be answerable to democratically elected persons rather than any particular vested interest groups etc.

- 11.4 The Authority has designated Warwickshire County Council's Multi-Agency

Commissioning Team as the local body competent to advise it on the protection of children from harm.

## **12. Interested Parties**

12.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the principles detailed in section 2 of this policy statement.

An interested party is someone who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- (b) has business interests that might be affected by the authorised activities; or
- (c) represents persons in either of the two groups above.

12.2 The principles the Authority will apply to determine whether a person is an interested party are:

- Interested parties could include trade associations and trade unions, and residents' and tenants' associations. This Authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises or has business interests likely to be affected by the activities being applied for.
- Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Other than these persons, this Authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities.

12.3 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing and Safety Committee dealing with the licence application, or in any other way have a personal interest that would preclude them from participating in a hearing. If there are any doubts then please contact the Licensing Team.

12.4 It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance.

There is however other relevant legislation which deals with public nuisance.

### **13. Representations**

13.1 The Authority is obliged to consider representations from 'responsible authorities' and 'interested parties' and must determine whether or not representations are admissible. A representation is inadmissible if not made by a responsible Authority or an interested party.

13.2 The only representations likely to be relevant are those that relate to the licensing objectives, or that raise issues under this Statement or the Commission's Guidance or Codes of Practice. The Authority must determine the relevance of the representation.

13.3 Any concerns that responsible authorities have in relation to their own functions cannot be taken into account if they are not relevant to the application for a premises licence and the licensing objectives.

13.4 The Authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case but before coming to a decision the Authority may consider the following:

- who is making the representation and whether there is a history of making representations that are not relevant;
- whether it raises a 'relevant' issue or not; or
- whether it raises issues specifically to do with the premises which are the subject of the application.

### **14. Conditions of Licence**

14.1 Conditions imposed by the Authority may be general in nature by applying to all licences, or those of a particular type, or they may be specific to a particular licence.

14.2 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's Guidance, any Codes of Practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

14.3 Any conditions imposed by the Authority will be proportionate to the circumstances they are intended to address. In particular, the Authority will ensure that any conditions are:

- relevant to the need to make the premises 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;
- reasonable in all other respects; and
- decided on a case by case basis.

14.4 The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
- relating to gaming machine categories, numbers or method of operation;
- which specify that membership of a club or other body is required; and
- in relation to stakes, fees, winnings or prizes.

## **15. Casinos**

15.1 The Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has power to do so. Should the Authority decide to pass such a resolution, it will update this policy with details of the resolution.

## **16. Betting Premises**

16.1 Anyone wishing to operate a betting office will require a betting premises licence from the Authority. Children and young persons will not be able to enter premises with a betting premises licence.

16.2 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

16.3 In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, take into account the size 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.

## **17. Bingo**

17.1 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licence, for that or those excluded areas.

17.2 Section 172(7) of the Act provides that the holder of bingo premises licences may make available for use a number of category B gaming machines for use on the premises.

17.3 This Authority also notes the Commission's Guidance in the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted. It is not permissible for all of the gaming machines to which each of the licenses brings an entitlement to be grouped together within one of the licensed premises.



- 17.4 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 17.5 Commercial bingo halls will require a bingo premises licence from the Authority.
- 17.6 Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed, local authorities will ensure 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.

## **18. Tracks**

- 18.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 18.2 Track operators are not required to hold an Operator's Licence granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 18.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 18.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

## **19. Temporary Use Notices**

- 19.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 19.2 The Authority can only accept a Temporary Use Notice from a person or company holding a relevant operating licence.
- 19.3 Regulations prescribed by the Secretary of State provide that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, for example games such as backgammon, cribbage, bingo and poker.
- 19.4 There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.
- 19.5 The Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission Guidance.

## **20. Occasional Use Notices**

- 20.1 The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The Authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **21. Gaming Machines**

- 21.1 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.
- 21.2 The Authority is aware of its power to restrict the number of gaming machines in certain circumstances. In the event that the Authority considers whether to impose such a restriction on any particular permit it may, among other things, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons or by vulnerable persons.
- 21.3 The Authority will be unable to issue premises licences to authorise gaming machines in certain types of premises. These generally will be premises to which children and vulnerable people will have unrestricted access and would include take-away premises, taxi offices, supermarkets etc.

## **22. Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 22.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 22.2 The Gambling Act 2005 states that the Authority may "prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit" and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant Guidance issued by the Commission under section 25. The Gambling Commission's Guidance also states that in their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits and licensing authorities will want to give weight to child protection issues.
- 22.3 Guidance also states that an application for a permit may be granted only if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application, licensing authorities may wish to consider asking applications to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - That the applicant has no relevant convictions (those that are set out in the Act); and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 22.4 It should be noted that the Authority cannot attach conditions to this type of permit.
- 22.5 This Authority has adopted a Statement of Principles that is available from the Licensing Section or on the Authority's website ([www.rugby.gov.uk](http://www.rugby.gov.uk)). Potential applicants / other interested persons are advised to read the Statement of Principles before applying to the Authority for a licence or permit.
- 22.6 With regard to renewals of these permits, the Authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

## **23. (Alcohol) Licensed Premises Gaming Machine Permits**

- 23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

23.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority must consider that application based upon the licensing objectives, any Guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

This Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling, and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming 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 help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

23.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for the use of gaming machines in their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.4 It should be noted that the Authority can decide to grant the permit 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.

23.5 It should also be noted that the holder of a permit must comply with Gaming Machines in Alcohol Licensed Premises Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

## **24. Prize Gaming Permits**

24.1 The Gambling Act 2005 states that the Authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the Authority propose to consider in determining the suitability of the applicant for a permit".

24.2 This Authority has adopted a Statement of Principles that is available from the Licensing Section or on the Authority's website ([www.rugby.gov.uk](http://www.rugby.gov.uk)). Potential

applicants / other interested persons are advised to read the Statement of Principles before applying to the Authority for a licence or permit.

- 24.3 In making its decision on an application for this permit the Authority does not need to but may have regard to the licensing objectives but must have regard to any Gambling Commission Guidance.
- 24.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Authority cannot attach conditions. The conditions in the Act 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.

## **25. Club Gaming and Club Machine Permits**

- 25.1 Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).
- 25.2 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.
- 25.3 Licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - the applicant's premises are used wholly or mainly by children and/or young persons;
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;

- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

25.4 It should be noted that there is a ‘fast-track’ procedure available for premises which hold a Club Premises Certificate under the Licensing Act 2003. The Gambling Commission’s Guidance for local authorities states: “Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an Authority can refuse a permit are reduced”. The grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled.

25.5 There are statutory conditions on Club Gaming Permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **26. Lotteries**

26.1 In carrying out its functions in relation to Lotteries, the Authority will have regard to the Act, any Guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

26.2 The Act makes it illegal to promote lotteries unless they are licensed or within an exempt category. One such exemption relates to registered small society lotteries and the Authority is responsible for registering small society lotteries, which are promoted by non-commercial organisations that are established for:

- charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- any other non-commercial purpose other than that of private gain.

## **27. Exchange of Information**

27.1 The principle that the Authority will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005, which includes the provision that the Data Protection Act 1998 will not be contravened. The Authority will also have regard to any Guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State.

## **28. Enforcement**

- 28.1 The Authority will liaise with the Gambling Commission and other enforcing authorities on enforcement issues and will look to carry out joint inspections. The targeting of resources towards high-risk premises and activities that require greater attention will provide a more efficient deployment of the Authority's officers and other officers that are commonly engaged in enforcing gambling law and inspection of licensed premises. A lighter touch will apply in respect of low risk premises, which are well run.
- 28.2 The Authority's approach to enforcement will be based on identified risk and will take into account:
- relevant Codes of Practice;
  - Guidance issued by the Gambling Commission;
  - the licensing objectives;
  - the principles set out in this statement of gambling policy.
- 28.3 In general, action will only be taken in accordance with the principles of the Regulators' Code, the Authority's Enforcement Policy and the relevant provisions of the Regulatory Enforcement and Sanctions Act 2008. To this end the key principles of consistency, transparency and proportionality will be maintained.
- 28.4 The Authority will also be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **Consistent:** rules and standards must be joined up and implemented fairly;
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **Targeted:** regulation should be focused on the problem, and minimise side effects
- 28.5 In accordance with the Gambling Commission Guidance to licensing authorities the Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.
- 28.6 The main enforcement and compliance role for this Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.

## 29. The Licensing Process

29.1 The powers of the Council as the Licensing Authority under the Act may be carried out by the Licensing and Safety Committee, by a Sub-Committee or, instead, by one or more Council officers acting under delegated Authority. The Council has adopted the following scheme of delegation:

<b>Matters to be dealt with</b>	<b>Full Council</b>	<b>Licensing and Safety Committee</b>	<b>Licensing and Safety Committee or appointed sub-committee</b>	<b>Officers</b>
Three year Gambling Policy	X			
Policy not to permit casinos	X			
Fee Setting – when appropriate		X		
Application for premises licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	
Application for club gaming/club machine permits			Where objections have been made and not withdrawn.	Where no objections made/objections have been withdrawn



Cancellation of club gaming/club machine permits	X	
Applications for other permits/registration of small society lotteries		X
Cancellation of licensed premises gaming machine permits		X
Consideration of temporary use notice		X
Decision to give a counter notice to a temporary use notice	X	

29.2 Application forms will be in the format prescribed by regulations. The form will need to contain information that describes the gambling activities to be provided, the operational procedures, hours, nature of the location, needs of the local community, etc. Most importantly, the applicant will have to detail the steps that will be taken to promote the three licensing objectives. From 6<sup>th</sup> April 2016 applicants should carry out a risk assessment before they apply for a premises licence or to vary a premises licence.

29.3 Applicants are encouraged to fully consult the Police and other responsible authorities well in advance of submitting their applications. Application forms and guidance leaflets will be available from the Authority, including contact names for each of the responsible authorities that will be receiving applications. Most applications will require additional documentation and a fee to be included with the form. Incomplete applications will not be considered and will be returned to the applicant.

29.4 As a minimum, the Council will require the local risk assessment to consider:

- The location of services for children such as schools, playgrounds, leisure/community centres, and other areas where children will likely gather;
- premises licensed to sell alcohol, ATM cash dispensers;
- The demographics of the area in relation to vulnerable groups
- Whether the premises is in an area subject to high levels of crime and/or disorder.

Local risk assessments should show how vulnerable people, including people with gambling dependencies, are protected.

- 29.5 The Act requires licensing authorities to maintain a register of premises licences issued. The register must be available at any reasonable time to the public, who can request copies of the entries. The register will be located at:

Rugby Borough Council  
Town Hall  
Evreux Way  
Rugby  
CV21 2RR

### **30. Licence Reviews**

- 30.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. Requests for reviews must be relevant and the Authority will determine each request on its merits as to whether a review should be carried out. The Authority can also initiate a review of a particular premises licence if appropriate.
- 30.2 Once a valid application for a review has been received by the Authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the Authority. The review will be carried out as soon as possible after the 28 day period for making representations has passed.
- 30.3 The purpose of the review will be to determine whether the Authority should take any action in relation to the licence including adding, removing or amending licence conditions, suspending the premises licence for a period not exceeding three months, or revoking the premises licence. In determining what action, if any, should be taken, the Authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.