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Our reference:
Your reference:
Date: Tuesday, 16 October 2018



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Alcohol and Entertainments Licensing Committee

Dear Councillor

A Meeting of the Alcohol and Entertainments Licensing Committee will be held on Wednesday, 24 October 2018 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for absence
2. Declarations of Interest
3. Minutes of the Meeting held on 22 October 2015 and of the Alcohol and Entertainment Licensing Sub-Committee of 2 October 2018 (Pages 1 - 8)
4. Statement of Licensing Policy (Pages 9 - 46)
The report of the Executive Manager – Neighbourhoods.
5. Statement of Principles 2019 - 2021 [Gambling Act 2005] (Pages 47 - 80)
The report of the Executive Manager – Neighbourhoods.

Membership

Chairman: Councillor Mrs J Smith
Vice-Chairman: Councillor R Inglis
Councillors: R Adair, B Buschman, R Butler, T Combellack, H Chewings,
G Davidson, Mrs C Jeffreys, K Khan, J Lungley, Mrs M Males, R Mallender,
J Stockwood and G Wheeler

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

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Council
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West Bridgford
Nottingham
NG2 7YG



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**NOTES
OF THE MEETING OF THE
ALCOHOL & ENTERTAINMENT LICENSING COMMITTEE
THURSDAY 22 OCTOBER 2015**

Held at 7.00 pm in the Council Chamber, Civic Centre, Pavilion Road,
West Bridgford

PRESENT:

Councillors D J Mason (Chairman), R A Adair, K P Beardsall, N A Brown, H A Chewings, G Davidson, R A Inglis, Mrs C E M Jeffreys, K A Khan, E J Lungley, G R Mallender, G S Moore, J A Stockwood

OFFICERS PRESENT:

D Banks	Executive Manager - Neighbourhoods
D Collings	Senior Licensing Officer
A Goodman	Member Support Officer

APOLOGIES FOR ABSENCE:

Councillors B Buschman and T Combellack

4. Declarations of Interest

There were none declared.

5. Notes of the Previous Meeting

The notes of the meeting held on Monday 27 July 2015 were accepted as a true record.

Scrap metal collectors – The Senior Licensing Officer informed Members that there had been no changes to report following the introduction of the new legislation.

6. Draft Statement of Licensing Principles Review

The Senior Licensing Officer reported that in December 2006 the Council approved the initial Statement of Licensing Principles (“the Statement”) issued under Section 349 of the Gambling Act 2005 (“the Act”). The Act made provision for the Statement to be reviewed every three years.

In conjunction with the Nottinghamshire Authorities Licensing Group (NALG) a review was undertaken of the current Statement and only minor amendments were made to it which was approved in 2012. The draft statement together with a document outlining the minor proposed changes had been considered by the Committee at its meeting in July 2015. Members were reminded that

this was the third review of the Statement, the first taking place in 2009, and the last in 2012. Over the three year lifespan of the current Statement few changes had been made, resulting in only minor amendments to it. These mainly related to Local Area profile and Local Risk Assessments.

Members were informed that Section 349 (3) of the Act stated that before determining its policy for a three year period the licensing authority must consult with the chief officer of police, one or more persons who appear to the licensing authority to represent the interest of persons carrying on gambling businesses in the authority's area and other persons who appear to the Licensing Authority to represent the interests of persons likely to be affected by gambling.

In addition to the statutory consultees, the consultation exercise was extended in line with the recommendations contained within the statutory guidance. Additional organisations, whose opinion it was felt appropriate to seek, were consulted directly and a full list of consultees had been included in the draft statement. The general public were also given the opportunity to comment on the amended Statement via the Council's website during the consultation period.

The consultation period began on 28 July 2015 and ended on 28 September 2015. During this period, two direct comments were received from Coral Racing and the Association of British Bookmakers, and one indirect comment via the NALG from Novomatics. Across the County very few comments were received demonstrating that the current Statement of Licensing Principles had been broadly successful in achieving its aim to provide an effective framework for the administration of the Act. The Senior Licensing Officer informed Members that a few minor changes had been made to the Draft Statement that was considered by the Committee in July 2015.

The Revised Statement of Licensing Principles Gambling Act 2005 would be presented to Council for approval on 10 December 2015, prior to its publication on 3 January 2016.

It was AGREED that the proposed Statement of Licensing Principles be presented for approval by Council on 10 December 2015.

The meeting closed at 7.10 pm.

Action Sheet
Alcohol & Entertainment Licensing Committee - Thursday 22 October
2015

Minute Number	Actions	Officer Responsible
4 Notes of the Previous Meeting	None	
5 Draft Statement of Licensing Principles Review	None	

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MINUTES
OF THE MEETING OF THE
ALCOHOL AND ENTERTAINMENTS LICENSING SUB-COMMITTEE
TUESDAY, 2 OCTOBER 2018

Held at 10.00 am in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillors B Buschman, T Combellack and J Stockwood

PARTIES TO THE HEARING:

Mr R Fielding (Griffin Inn Plumtree Ltd) (represented by Mike Nickson of Inn Confidence Ltd)
Mr S Brook
Mr R Eaton
Ms A Weir

ALSO IN ATTENDANCE:

One member of the public

OFFICERS IN ATTENDANCE:

T Coop	Constitutional Services Officer
P Harris	Senior Licensing Officer
I Norman	Legal Services Manager
D Roberts	Licensing Officer
L Webb	Constitutional Services Officer

APOLOGIES:

There were no apologies.

1 Appointment of Chairman

Councillor Combellack was appointed as Chairman for the meeting.

2 Application for a Premises Licence The Griffin Public House, Plumtree, Nottingham, NG12 5NB

The sub-committee considered an application for a Premises Licence at The Griffin Inn, Main Road, Plumtree, NG12 5NB and relevant representations as a result of objections to the application having been made.

Mr Mike Nickson of Inn Confidence Ltd addressed the sub-committee to present the applicants case and amended the operating schedule so as to add the following:-

“There shall be no regulated entertainment or external speakers operating in the outside area at any time.”

Mr S Brook, Mr R Eaton and Ms A Weir addressed the sub-committee to present their cases.

It was **RESOLVED** that a Premise's Licence for The Griffin Inn, Main Road, Plumtree, NG12 5NB be granted subject to the following conditions.

1. A CCTV system with recording equipment shall be installed and maintained at the premises. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol takes place. Equipment shall be maintained in good working order and: be of evidential quality and reproduce coloured images in all lighting conditions, particularly facial, indicate the correct time and date, be retained for 31 days, sufficient staff will be trained to use the system, the original images will be made available for inspection immediately upon request to officers of Responsible Authorities. Copies of the recordings shall be provided in a format which can be viewed on readily available equipment without the need for specialist software.
2. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused.
 - Such records shall show:
 - The basis for the refusal;
 - The person making the decision to refuse; and
 - The date and time of the refusal.

Such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection and copying by the Police or any other authorised person upon request.

3. All members of staff involved in the retail sale of alcohol shall be fully trained. The training shall be on going and each member of staff shall be reviewed every six months. All details of the level of training will be recorded in an electronic or paper record. This information shall be made available for inspection and copying by the Police or any other authorised person immediately on request and all such records shall be retained at the premises for at least 12 months.
4. Challenge 25 posters will be displayed in prominent positions.
5. A Challenge 25 or similar policy will be implemented and enforced at all times. Any person who appears to be under 25 years of age shall not be allowed to purchase alcohol unless they produce an acceptable form of photo identification. (e.g. a passport or driving licence, Military ID or PASS accredited card.)
6. After 23:00hrs until close of business there will be no consumption of food and or drink in the outside areas to the front, the car park areas and rear beer garden. The outside area to the rear only after 23:00hrs shall be used for the purpose of smoking only.

7. Signage shall be displayed advising customers to be respectful to residents and to leave the area in a quiet and orderly manner.
8. All doors and windows shall be kept closed except for access and egress when amplified regulated entertainment takes place after 2300hrs.
9. Noise arising from the provision of the Regulated Entertainment shall not be audible at the boundary of the nearest residential property after 23:00hrs.
10. Alcohol will not be allowed to leave the premises in open bottles or open containers.
11. The garden area will not be used for licensable activity after 2300 hrs on any day.
12. No light on or from the property shall be provided where the lights causes a nuisance to nearby residents or businesses.
13. The premises and public areas nearby are kept free from litter associated with operation of the business.
14. Satisfactory arrangement will be put in place to supervise an orderly dispersal of customers when leaving the property to ensure the minimum of noise and disturbance to local residents and businesses.
15. Notices will be appropriately displayed, in a place where they can easily be read, asking customers to leave the premises and the area quietly and to dispose of waste responsibly.
16. Deliveries to and waste removal from the site are undertaken at a time and in a manner that does not cause disturbance.
17. Live or recorded music from regulated entertainment shall not be audible at the nearest noise sensitive boundary, so as to cause a disturbance to local residents or businesses.
18. The premises licence holder or his/her representative shall conduct regular assessments of the noise coming from the premises on each occasion they are used for regulated entertainment. Appropriate steps shall be taken to reduce the level of noise where it is found to be heard at the boundary of the nearest residential property.
19. Any complaints received about noise shall be logged and any appropriate remedial action taken as a matter of urgency.
20. There shall be no regulated entertainment or external speakers operating in the outside area at any time.

The meeting closed at 12.50 pm.

CHAIRMAN



Alcohol and Entertainment Licensing Committee

24 October 2018

Statement of Licensing Policy

Report of the Executive Manager - Neighbourhoods

Deputy Leader and Cabinet Portfolio Holder for Community and Leisure,
Councillor Debbie Mason

1. Purpose of report

- 1.1 The Council's current Statement of Licensing Policy was adopted in 2014.
- 1.2 Rushcliffe Council is a Licensing authority under the Licensing Act 2003. As a Licensing authority, the Council must determine and publish its Licensing Policy every 5 years.
- 1.3 In determining the Policy, the Council must carry out the statutory consultation as provided by the Act.
- 1.4 Once the revised policy has been reviewed and published it will be valid until January 2024.

2. Recommendation

It is RECOMMENDED that the Statement of licensing policy be supported and referred to Full Council for final approval.

3. Supporting Information

- 3.1 The Licensing Act 2003 gives Local Authorities a range of responsibilities relating to licensing. The Statement of Licensing Policy states how the Council will exercise its authority.
- 3.2 This policy covers the following:
 - How the Licensing Authority will use its regulatory powers in relation to applications and reviews of the activities it regulates, to the extent it is allowed by statute.
 - The main licensing objectives for the authority that are set by legislative requirements.
 - The Licensing Authority approach to regulation.

- The scheme of delegation.
- 3.3 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.4 The proposed revised Statement of Licensing Policy for determination has taken into account the legislative changes that will affect the policy. The changes respond in the main to guidance and regulatory change from central government during the course of the last 5 years.
- 3.5 The Statutory Consultation requirements consist of:-
- The Chief Officer of Police for the Licensing Authority area
 - The Fire and Rescue Authority for the area
 - Such persons as the Licensing Authority consider to be representative of holders of existing premises or personal licences
 - Such persons as the Licensing Authority considers to be representative of holders of existing club premises certificates issued by the authority
 - Such other persons as the Licensing Authority considers to be representative of businesses and residents in its area
 - Director of Public Health
- 3.6 A small number of sections have been re-worded in line with the best practice framework issued by the Local Government Association. A summary of the changes is attached to this report at Appendix 1.
- 3.7 The time table for the draft policy for consultation is:

Date	Process
July 2018	Licensing committee consulted on revised policy [via email]
July/August 2018	Public / statutory consultation
August 2018	Consultation feedback reviewed
October 2018	AELC approval
December 2018	Full Council Approval

3.8 I can report that no comments were received from consultees.

4. Risks and Uncertainties

4.1. The Council would be at risk of legal challenge if a properly consulted and adopted Statement of Licensing Policy is not in place by January 2019.

5. Implications

5.1. Financial Implications

5.1.1. There are no financial implications arising from this report. The cost of the service is met by the fees received from licences.

5.2. Legal Implications

5.2.1 The Council would be at risk of legal challenge if a properly consulted and adopted Statement of Licensing Policy is not in place by January 2019.

5.3. Equalities Implications

5.3.1. In its consideration of this Report and its recommendations, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

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

5.4.1. 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.

6. Link to Corporate Priorities

This report links to the following Corporate Strategy key themes of:

- Maintaining and enhancing our residents' quality of life

7. Recommendation

It is RECOMMENDED that the Statement of licensing policy be supported and referred to Full Council for final approval.

For more information contact:	Geoff Carpenter Environmental Health Manager 0115 914 8229 GCarpenter@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix 1: Summary of Changes Appendix 2: Statement of Licensing Policy

REVIEW OF STATEMENT OF LICENSING POLICY: SUMMARY OF CHANGES

The statement was reviewed by members of the Nottinghamshire Authorities Licensing Group (NALG). Some changes have been made in line with the best practice framework issued by the Local Government Association and recent changes in legislation.

Reference	Changes
2.3	Paragraph re-worded
2.4	Paragraph re-worded
3.4	Wording added
4.1	Wording added providing a web link to the Home Office section 182 guidance
4.3 to 4.7	Additional paragraphs identifying the relationships between licensing, alcohol consumption and ill health and potential areas of harm within Rushcliffe
5.3	Web link for list of responsible authorities
6.1	Wording added
6.1	Additional sentences explaining the application process for premises licences and variations
6.3 and 6.4	Paragraphs re-worded
6.6	New paragraph explaining that public information will be disclosed to the applicant and that the Council is unable to accept anonymous representations
6.8	New paragraph dealing with frivolous or vexatious representations
6.10 to 6.12	New paragraphs relating to the role of responsible authorities and specifically explaining the relationship with public health.
6.20 to 6.22	New paragraphs relating to the requirements of operating schedules
6.23	Additional wording
6.31	Additional wording
6.34 to 6.36	New paragraphs relating to the licensing of outside areas
7.1	New paragraph relating to the premises that operate in a PSPO
7.2 to 7.4	Revised paragraphs in respect of encouraging diversity
7.6 and 7.7	Revised paragraph in respect of provisional statements

7.18, 7.19, 7.21 and 7.22	Revised paragraphs in respect of personal licences
7.26	Wording added
8.2 to 8.5	Revised paragraphs in respect of safeguarding of children and vulnerable persons
9.1	Wording added



Rushcliffe Borough Council

STATEMENT OF LICENSING POLICY

Effective from 7th January 2019

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Date: June 2018

1. INTRODUCTION

- 1.1. Rushcliffe Borough Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing Authorities to prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five year period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the Authority at any time.
- 1.2. Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends towards Newark in the North East and Loughborough in the South West. The Borough is a pleasant, prosperous district, characterised by attractive villages, tree-lined suburbs, rich farmland and rolling countryside. The prosperity of Rushcliffe is closely linked to the wider economy of the Greater Nottingham area. This is recognised through good working relationships with all Nottinghamshire Councils, the County, City and Districts, and at regional level. For more information about Rushcliffe go to www.rushcliffe.gov.uk
- 1.3. The Authority has licensed certain public spaces within the community in its own name including suitable Authority owned community centres, and many existing public open spaces. In this instance performers and entertainers would not need to obtain a licence or give a Temporary Event Notice themselves to enable a performance to be given in such places but would require the permission of the appropriate Department of the Authority as the licence holder. They would also need to adhere to any conditions relating to the use of such premises.

Without being exhaustive, in considering any licence application the Authority will take into account the following factors, the positive impact of the proposal in attracting visitors, the positive impact on enhancing the attractiveness of the wider area, and the number and type of jobs created.

- 1.4. This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that arise from licensable activities.

This will be achieved by:-

- Establishing and building upon best practice within the industry;
 - Recognising and facilitating the role of partners and stakeholders;
 - Encouraging self-regulation by licensees and managers;
 - Providing a clear basis for the determination of licence applications; and
 - Supporting related policies and strategies of the District Council.
 - An inspection and enforcement regime targeted at premises that present a high risk.
- 1.5. The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.
- 1.6. In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. Partnership working between licensing Authorities in Nottinghamshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.
- 1.7. This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate.
- 1.8. There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in Section 6 of this Policy Statement.

- 1.9. Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority, any person or business to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

2. THE LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

- 2.1. In exercising their functions under the Licensing Act 2003, licensing Authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

- 2.2. Guidance on the Licensing Objectives is available on the Government's website at: <https://www.gov.uk/alcohol-licensing>

- 2.3. Licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various Authorisations will be focused on matters which are within the control of the individual licence holder and others.

- 2.4. The Act only covers certain "licensable activities" namely:-
- (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to a member
 - (c) the provision of "regulated entertainment" and
 - (d) the provision of late night refreshment

The definition of what constitutes "regulated entertainment" is complex and has been (and remains) the subject of Government deregulation. Whilst "regulated entertainment" potentially covers live or recorded music, dancing,

plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to the Licensing regime. Other legislation such as the Live Music Act 2012 has removed the ability of the Licensing Authority to regulate live music at certain times and in certain circumstances. Deregulation initiatives have added further activities from those that are exempt from the licensing regime, particularly where it relates to entertainment taking place between 8am and 11pm and where that entertainment takes place before an audience of a prescribed size. It cannot be assumed therefore that a licence is required for all forms of entertainment or, even if a licence is required, that the Licensing Authority will necessarily have the power to impose restrictions or conditions on such entertainment. Each activity is determined on its own circumstances and arrangements.

- 2.5. Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from Responsible Authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority. Conditions will be tailored to the size, style, characteristics and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the

Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Service.

3. HOW THIS STATEMENT OF POLICY WORKS

3.1. The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications;
- provide a clear framework for licensing strategies, including the effect known as 'cumulative impact';
- support wider strategies and policies of the Council.

3.2. The text of this Statement of Policy **in bold type** indicates the **Policies** with **the reason** for each policy shown immediately after ***in bold italics***.

3.3. This Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their Operating Schedules they may find that Responsible Authorities other persons and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

3.4. In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.5 above. As a general rule the Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

4.1. There is a range of strategic influences and statutory controls which affect the

licensing system in terms of policy formulation, administration and enforcement activities. Examples of these strategies can be found in the Section 182 guidance produced by the Home Office <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>. The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

- 4.2. The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However there will be overlapping issues of interest e.g. disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action.
- 4.3. The four statutory licensing objectives aim to reduce crime and disorder and increase public safety. Licensing policies are not currently required to address Public Health concerns; however, there is strong evidence that alcohol outlet density is associated with increased alcohol-related hospital admissions and alcohol-related mortality. Alcohol contributes to more than 60 diseases and health conditions and represents 10% of the burden of disease and death in the UK, placing it in the top three lifestyle risk factors after smoking and obesity
- 4.4. Whilst the exact relationship between alcohol and ill-health is often complex and affected by other factors such as the socioeconomic make-up of the neighbourhood, studies have found that local Authorities' greater use of licensing powers leads to reductions in alcohol-related hospital admissions in England (Institute of Alcohol Studies, 2017). In light of this, this Authority has reviewed Public Health indicators both at a District level from the Local Alcohol Profiles for England and at sub-district level.

- 4.5. Across Rushcliffe, Public health analysts have mapped a number of alcohol-related measures that are considered to have a negative impact on health and wellbeing to show how the relative levels of these measures vary across Nottinghamshire County Districts and Boroughs.
- 4.6. Measures used were selected for their relevance to licensing and public health and their availability at sub-district level and include alcohol-related hospital admissions, anti-social behaviour, crimes against the person including domestic violence, rate of persons in treatment for substance misuse, an estimate of the percentage of the population drinking at least once a day and deprivation.
- 4.7. This has identified some areas with relatively higher levels of harm and for Rushcliffe this includes parts of East Bridgford, Bingham and Cotgrave , . Applications within these areas or surroundings should be aware of, and give consideration to, their contribution to the burden of alcohol-related harms to the health and wellbeing within the community.

5. DELIVERING LICENSING SERVICES

- 5.1. The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Rushcliffe Borough Council website, at www.rushcliffe.gov.uk or by contacting the Authority direct.
- 5.2. The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or parties.
- 5.3. Details of Responsible Authorities can be found on the Council's website at http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/business_andlicensing/licensing/LIST%20OF%20RESPONSIBLE%20AUTHORITIES%20.pdf

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

- 6.1. The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid. To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 Licensing Act 2003 and relevant guidance published by the Licensing Authority. Applicants are encouraged to seek advice from the Licensing Authority and Responsible Authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being invalid/rejected.

The process of applying for new premises licences and full variations of current premises licences are dealt with in same way and involve serving the application on all responsible Authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises. The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence.

These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those Responsible Authorities affected. If the application is refused the applicant can resort to the full variation process.

All applicants are encouraged to use the gov.uk site to submit on line applications.

6.2. Representations

- 6.3. Where the Licensing Authority receives an application for a new licence or a variation to an existing licence, the Responsible Authorities, local residents and businesses have 28 days to make representations about the application. Representations can be positive as well as negative. Guidance on making a representation is available from the Home Office and a preferred form is available on the Council's Liquor Licensing web page for individuals or groups to make their representations.
- 6.4. Submissions of representations made via e-mail will be accepted so long as there is a clear indication of who has submitted the representation, it is clear and legible and details of how that person or group can be contacted.
- 6.5. For a representation to be relevant it should be positively tied or linked by a causal connection to particular premises. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.
- 6.6. Members of the public who wish to submit a representation need to be aware that their personal details will be made available to the applicant. If this is an issue, they may contact their ward Councillor or other locally recognised body such as a resident's association about submitting a representation on their behalf. The Council is not able to accept anonymous representations.
- 6.7. Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

- 6.8. It is for the Licensing Authority to determine whether any representation by an interested party is, on its own merits, vexatious or frivolous. The Authority will determine this and make the decision on the basis of what might ordinarily be considered to be vexatious or frivolous.
- 6.9. Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant Authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the “vicinity” will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned..

6.10. Responsible Authorities

- 6.11. Although the licensing Authority is a Responsible Authority in its own right, it expects other parties such as local residents, Councillors or community groups to make representations in their own right when they are reasonably able to do so rather than rely on the licensing Authority to make representations for them.

6.12. Public Health.

The Director of Public Health is Responsible for making representations and observations on applications on behalf of health bodies. Public health is not yet a licensing objective but Public Health is a Responsible Authority under the Licensing Act. The licensing Authority believes that public health has much to add to licensing in relation to the local populations’ alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other Responsible Authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

6.13. Panel/Sub Committee Hearings

6.14. The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Sub-Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.15. The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry, which may include participation in such schemes as Best Bar None, Purple Flag or Business Improvement Districts (BIDs) to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

6.16. Policy 1

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

6.17. Licensing law is not a the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the area.

6.18. Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be had to the Section 182 Guidance in this respect and the following may be employed: to address such behaviour and the potential for cumulative impact

- Planning controls.
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local Authority.
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local Authorities to designate parts of the local Authority area as places where alcohol may not be consumed publicly.
- The confiscation of alcohol from adults and children in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale)
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
- The power of the police, other Responsible Authorities or a local resident or business to seek a review of the licence or certificate in question.
- Early Morning Alcohol Restriction Orders (EMROs)
- Any other local initiatives that similarly address these problems.

6.19. Policy 2

When preparing or considering applications, applicants, responsible Authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of, and proportionality of, any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (a) The nature of the area within which the premises are situated.**
- (b) The precise nature, type and frequency of the proposed activities.**
- (c) Any measures proposed by the applicant in the Operating Schedule.**
- (d) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.**

- (e) Means of access to and exit from the premises.**
- (f) Noise from the premises or people visiting the premises**
- (g) The potential cumulative impact (see below).**
- (h) Other means and resources available to mitigate any impact.**
- (i) Such other matters as may be relevant to the application.**

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 6.20. The Authority wishes to encourage high quality, well managed premises. The operating schedule should describe how these high management standards will be achieved. In particular applicants will be expected to demonstrate:
- Knowledge of best practice
 - That they understand the legal requirements of operating a licensed business
 - Knowledge and understanding of the licensing objectives, relevant parts of the licensing policy, and their responsibilities under the Licensing Act 2003
- 6.21. The operating schedule must include all of the information necessary to enable the both the Licensing and Responsible Authorities as well as members of the public to assess whether the steps outlined for the promotion of the licensing objectives are sufficient. This will mean that applicants will need to complete their own risk assessments on their businesses. Where the operating schedule does not provide enough detail, there is an increased likelihood that representations will be made.
- 6.22. The Authority will expect that the completed operating schedule is specific to the premises subject to the application and the licensable activities to be carried out rather than containing general or standard terms.
- 6.23. Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g. smoking or moving from one part of the premises to another) must be recognised and mitigated against.

- 6.24. Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully, and reflect this in their operating schedule. Shops, stores and supermarkets will normally be permitted to sell alcohol and or late night refreshment anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours.
- 6.25. Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.
- 6.26. Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 6.27. The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the District. Where appropriate conditions will be imposed which reflect local Crime Prevention strategies.
- 6.28. Applicants are expected to have carried out the relevant assessments under other legislation (e.g. fire precautions, health and safety at work, etc) prior to submitting their applications. These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

6.29. Examples of recommended management practice to minimise Crime and Disorder:

- Use of CCTV both within and outside the premises.
- Metal detection and search facilities.
- Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
- Measures to prevent the use or supply of illegal drugs.
- Employment of licensed door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure and social drinking environment e.g. bar tariffs (for all bar price lists to carry a guide of how many units of alcohol each individual drink contains) and recommendations that all licensees, managers or supervisors attend regular Pub Watch meetings or send a representative if they cannot attend.
- The licensee providing a taxi call point, waiting and concierge service for the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g. playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.

6.30. Examples of recommended management practice to ensure public safety:

- The preparation and application of appropriate risk assessments.
- The setting and monitoring of occupancy levels for the premises.
- Reasonable facilities, access and egress for people with disabilities.
- Having glassware policies.

6.31. Examples of recommended management practice for the protection of children:

- Exclusion from the premises in certain circumstances.
- Implementation of a robust proof of age scheme.
- Supply of Alcohol (Off Sales)
- The display of prominent warning notices about the supply of alcohol to minors;
- Knowledge of the offences which adults can commit by buying alcohol

for minors;

- The requirements for production of satisfactory proof of age;
- a commitment to the promotion of age verification schemes (i.e. Challenge 21 /Challenge 25);
- Whether any high strength beers, lagers, ciders, etc will be made available for sale.

6.32. Examples of recommended management practice for preventing nuisance:

- Keeping doors and windows of licensed premises closed to minimise noise break out.
- Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.
- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
- Proper and adequate door supervision.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
- In appropriate cases door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal and collection.
- The licensee providing a help line or contact number for concerned residents.

- 6.33. In some cases it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

A pool of potential conditions can be found on the Councils website..

Any condition attached to a licence or certificate should be

- Clear
- Enforceable
- Evidenced
- Proportionate
- Relevant
- Be expressed in plain language capable of being understood by those
- Expected to comply with them.

As a general rule, the Licensing Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

6.34. Outside areas

- 6.35. The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with.
- 6.36. Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas such as beer gardens or similar, then any premises licence authorising the sale of alcohol on the premises only would not authorise the use of such areas.

6.37. Large Scale Events

6.38. Existing licensed premises which intend to run one-off large scale events (and particularly dance events) are encouraged to consult with the Responsible Authorities and the Safety Advisory Group well in advance of the event taking place, to ensure that the event does not undermine the licensing objectives.

6.39. Cumulative Impact

6.40. In some areas concentrations of licensed premises exist where the combined effect of all of the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.

6.41. This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.

6.42. The Authority following consultation with the appropriate bodies/persons do **not consider** there to be any parts of its area where a particular concentration of licensed premises is considered to be already causing a cumulative impact on one or more of the Licensing objectives.

6.43. The absence of a special policy does not prevent any Responsible Authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. Should any of these persons/bodies make representations after the implementation of such a Policy, then Policies 3 and 4 will apply.

6.44. Policy 3

Where representations about crime and disorder and/or nuisance are received in respect of applications for premises in the “a Saturation Zone” a rebuttable presumption will apply that such applications shall be refused. However, this policy only applies to applications of the types listed below and which include the sale or supply of alcohol and/or late night refreshment namely:-

- **New premises licences;**
- **New club premises certificates;**
- **Material variations to existing premises licences/club premises certificates (for example, these may include matters such as increases in capacity or hours);**
- **Late Night Refreshments.**

and in the case of applications for Provisional Statements an indication will be given that any subsequent application for a premises licence/club premises certificate is likely to be refused.

REASON: To ensure that those applications which may add to the levels of crime, disorder and nuisance already being experienced in the area are refused.

- 6.45. This policy creates a rebuttable presumption that certain types of applications will be refused. The presumption may be rebutted where applicants can demonstrate through the Operating Schedule and, where appropriate, supporting evidence such as risk assessments, that the operation of the premises will not potentially add to the cumulative impact already being experienced.
- 6.46. Whilst the policy will not be applied inflexibly the circumstances in which the presumption of refusal may be rebutted will need to be exceptional and directly related to the reasons why the policy was adopted. An application is not likely to be classed as exceptional merely on the grounds that the premises have been or will be operated within the terms of its licence or that they are or will be well managed. This is to be expected of any application. An example of the type of application which might be granted could be where premises are being re-located or act as a direct replacement for others and where the impact is likely to be similar to the original location.
- 6.47. Policy 3 however does not relieve Responsible Authorities, other persons, or businesses of the need to make representations before such applications are refused. If no representations are received then the application must be granted in terms consistent with the submitted operating schedule. The Authority will regularly review this Policy to assess its impact.

6.48. Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded. It is important therefore that if there is potential for new or altered premises to contribute to or cause cumulative impact in any given area that the issue is addressed as soon as possible in the licensing process. For this reason Provisional Statements are included in Policy 3. Whilst applications for Provisional Statements cannot be refused it is considered that such statements could properly be used to indicate that even if the works were satisfactorily completed that the subsequent premises licence application could be refused on the grounds of cumulative impact.

6.49. Responsible Authorities, other persons or businesses may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in designated saturation zones. In such circumstances the application may be refused, (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the particular area should be designated as a saturation zone to which Policy 3 should apply.

6.50. Policy 4

In cases where Responsible Authorities, other persons or businesses seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives the Local Authority expects that they shall:

- (a) Identify the boundaries of the area from which it is alleged problems are arising;**
- (b) Identify the Licensing Objective(s) which it is alleged will be undermined;**
- (c) Identify the type of licensable activity alleged to be causing the problem (e.g. sale of alcohol, late night refreshment etc)**
- (d) Provide full details and evidence to show the manner and extent to**

which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area;

- (e) Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.

REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

7. PUBLIC SPACE PROTECTION ORDERS

7.1. This Authority supports the use of public space protection orders as a tool to prevent alcohol related crime and disorder in the streets. The Authority expects premises that operate in areas where DPPOs (now PSPO's) have been implemented to have measures in place to ensure that their customers do not contribute to drink related anti-social behaviour.

7.2. Encouraging diversity

7.3. The Licensing Authority recognises that creating a vibrant night-time economy is important. Key to this is ensuring that the area appeals to a wide group of people including families and older adults who may not wish to frequent premises where the main, if not only attraction is the consumption of alcohol.

7.4. Applications for premises whose predominant offer is "vertical drinking" that is to say standing only are not encouraged, but if applications are made for such premises, it is expected that the operating schedule will demonstrate robust arrangements for promoting the licensing objectives.

7.5. Provisional Statements

7.6 Where it is proposed to build or alter premises which may require a premises licence then the Licensing Act permits an application for a Provisional Statement. This application is dealt with in the same way as an ordinary application but does not result in the issue of a premises licence. That is applied for when the premises are complete.

7.6 Where a provisional statement has been issued by the Authority and the relevant works are completed satisfactorily then any subsequent application

for a premises licence must be granted and any objection which could have been raised at the Provisional Statement stage must be disregarded.

7.6. Adult Entertainment

- 7.7. The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.
- 7.8. The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The new licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. Rushcliffe Borough Council has however adopted those provisions.
- 7.9. Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act.
- 7.10. Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.
- 7.11. The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Authority expects applicants to include arrangements for restricting children from viewing any

adult entertainment in their Operating Schedule. The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.

- 7.12. Responsible Authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.

7.13. Licence Suspensions

The Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within grace period the licence must be suspended.

Where such a suspension takes place the Licensing Authority must give a minimum of two days' notice and may inform the police and other Responsible Authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

7.14. Reviews

- 7.15. At any stage following the grant of a premises licence or club premises certificate a Responsible Authority or any person, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives.

- 7.16. Where a review Hearing is held the Licensing Authority has a variety of options that it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider

community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g. the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.

7.17. Early Morning Restrictions Orders (EMROs)

The legislation gives licensing Authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing Authority area and if relevant on specific days and at specific times. The licensing Authority must be satisfied that such an order would be appropriate to promote the licensing objectives.

The only exemptions relating to EMROs are New Year's Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.

7.18. Personal Licences

7.19. In most cases the Authority is under a duty to grant a Personal Licence so long as the applicant meets the criteria prescribed in section 120 of the Act. Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State. In these cases a licence will still be granted unless an objection is received within the prescribed period.

7.20. Policy 5

When considering an objection notice or immigration objection notice the Authority will take the following matters into consideration

- (a) The circumstances in which the offences were committed or the penalty imposed;
- (b) The period that has elapsed since the offence(s) were committed or the penalty imposed;
- (c) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and
- (d) Any mitigating circumstances.

In consideration of an objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so in order to promotion of the crime prevention objective.

In consideration of an immigration objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the prevention of illegal working in licensed premises.

REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective. Similarly granting licence to a person convicted of an immigration offence or who has paid an immigration penalty will in many cases undermine the prevention of illegal working in licensed premises which itself is a crime.

7.21. Where a Personal Licence holder is convicted of a relevant offence the Court may order that the licence be forfeit. If an applicant is convicted of a relevant offence during the application period and this only comes to light after the licence has been granted or renewed then the Authority must notify the Chief Officer of Police and if an objection notice is lodged within the relevant period a Hearing will be held to determine whether the licence should be revoked.

7.22. Where the Authority is aware that a Personal Licence holder has been convicted of a relevant offence, foreign offence or required to pay an immigration penalty it may suspend the licence for a period not exceeding six months or revoke the licence. Before doing so the Authority will serve a

notice on the personal licence holder inviting them to make representations within 28 days regarding:

- The offence /penalty
- Any decision a court made regarding the licence at the time of the conviction
- Any other relevant information (including the holder's personal circumstances)

7.23. After the 28 day period has elapsed the Authority will make a decision as to what action it will take based on the information provided to it. In circumstances where the Authority does not propose to revoke the licence, notice must be given to the Chief Officer of Police inviting representations as to whether the licence should be suspended or revoked. **The Act does not require a hearing to be held at any stage during the process**, although the Authority may invite the licence holder to make a personal representation. Licence holders (and the police) will be notified of the Authority's decision in writing along with their right of appeal

7.24. Temporary Event Notices

7.25. There are two types of types of Temporary Event Notice (TEN),

- A Standard TEN, and
- A Late TEN

A standard TEN must be served no later than ten working days before the event to which it relates takes place and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.

7.26. Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objective's. The Council considers that a reasonable period of notice for the service of a

Temporary Event Notice is 28 days

- 7.27. Persons serving Temporary Event Notices must also serve a copy notice on the police and the Responsible Authority for Environmental Health functions i.e. the Councils Environmental Health section. Except when the TEN is served electronically/digitally.
- 7.28. Further information regarding Temporary Event Notice's is contained on the Councils web pages at www.rushcliffe.gov.uk

8. CHILDREN

8.1. 'Safeguarding Children & Vulnerable Persons

- 8.2. Rushcliffe Borough Council is committed to the safeguarding of children and vulnerable persons.

The Licensing Act 2003 places legal responsibilities on holders of Premises Licences and Club Premises Certificates, and those who work in licensed premises to ensure that children are protected from harm at all times when on licensed premises.

The Licensing Authority in partnership with the Police, the Nottinghamshire Safeguarding Board, and local Community Safety Partnerships works closely with licensed premises in order build an awareness across the industry as to how those who work in such establishments may better recognise the "indicators" of children and vulnerable persons who may be subject to or at risk of abuse, exploitation, and trafficking; and to whom to report any concerns that those licence holders and their staff may have should they identify someone who is / may be at risk.

As part of this process the Licensing Authority carries out regular enforcement/compliance checks across all of the premises licensed in our area, in order to build good working relationships with licence holders and designated premises supervisors, and providing them with advice as to how they and their staff can help safeguard children and vulnerable persons across the Nottinghamshire region.

When considering applications for new licences and variations to existing licences, the Licensing Authority will seek to be assured that applicants have considered the safeguarding of children and vulnerable persons within the Operating Schedule of the application.'

'Re: Supply of Alcohol (Off-Sales)

- (a) The display of prominent warning notices about the supply of alcohol to minors;
- (b) Knowledge of the offences which adults can commit by buying alcohol for minors;
- (c) The requirements for production of satisfactory proof of age;
- (d) A commitment to the promotion of age verification schemes (i.e. Challenge 21 / Challenge 25);
- (e) Whether any high strength beers, lagers, ciders, etc will be made available for sale.'
- (f) Recording the refusal of sale of age related products

8.3. Examples which may give rise to concerns in respect of children include those:

- Where there have been convictions for serving alcohol to minors
- Where there is a reputation for underage drinking
- Where there is a known association for drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided

8.4. Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.

8.5. The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.

8.6. Policy 6

Where representations have raised concerns in respect of individual premises and it is felt that access of children should be restricted, the

Authority will consider imposing conditions which may include the following:

- (a) Limitations on the hours when children may be present.**
- (b) Age limitations for persons under 18.**
- (c) Limitations or exclusion when certain activities are taking place.**
- (d) Full exclusion of persons under 18 when certain licensable activities are taking place.**
- (e) Limitations of access to certain parts of the premises for persons under 18.**
- (f) A requirement for adults to be present.**

REASON: To protect children from harm.

Applicants seeking a licence that would enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspection by an Authorised officer
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.

8.7. Age verification policies

- 8.8. It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

9. EQUALITY AND DIVERSITY

- 9.1. Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 imposes statutory duties on the Council and our

Corporate Equality Scheme demonstrates how we are meeting them and our commitment to ensuring that diversity issues are at the heart of our policy making and our service delivery. All Council policies are subject to Equalities Impact Assessments.

- 9.2. Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

10. GENERAL ENFORCEMENT STATEMENT

- 10.1. All decisions, determinations, inspections and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance and the enforcement policy of the Council.

- 10.2. The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

11. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY

- 11.1. This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.



Alcohol and Entertainment Licensing Committee

24 October 2018

Statement of Principles 2019-2021 [Gambling Act 2005]

Report of the Executive Manager - Neighbourhoods

Deputy Leader and Cabinet Portfolio Holder for Community and Leisure,
Councillor Debbie Mason

1. Purpose of report

- 1.1 The Council's current Statement of Principles made under the Gambling Act 2005 was adopted in 2015.
- 1.2 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 3 years.
- 1.3 In determining the Policy, the Council must carry out the statutory consultation as provided by the Act.
- 1.4 Once the revised policy has been reviewed and published it will be valid until January 2021.

2. Recommendation

It is RECOMMENDED that the Statement of Principles be supported and referred to Full Council for final approval.

3. Supporting Information

- 3.1 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
- 3.2 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;
 - Protecting children and other vulnerable people from being harmed or exploited by gambling;

- 3.3 The Statement of Licensing Policy is prescribed by central government in its guidance to Local Authorities. The policy has to comply with guidance issued by central government. The current policy is compatible with this advice and guidance.
- 3.4 The Draft Statement of Principles has been subject to an extensive consultation with members of the trade, responsible authorities, current licence holders and Members.
- 3.5 A list of amendments is attached at Appendix 1, and the response to the Draft Statement of Principles is attached at Appendix 2 of this report.
- 3.6 The timetable for the draft statement of principles is:

Date	Process
July 2018	Licensing committee consulted on revised policy [via email]
July/August 2018	Public / statutory consultation
August 2018	Consultation feedback reviewed
October 2018	AELC approval
December 2018	Full Council Approval

- 3.7 I can report that we received no comments from consultees.

4. Risks and Uncertainties

- 4.1. The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Principles 2019-2021 is not in place by January 2019.

5. Implications

5.1. Financial Implications

- 5.1.1. There are no financial implications arising from this report. The cost of the service is met by the fees received from licences.

5.2. Legal Implications

- 5.2.3 Section 349 of the Gambling Act 2005 states:

A Licensing Authority shall before each successive period of three years

- a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- b) publish it.

5.3. Equalities Implications

5.3.1. In its consideration of this Report and its recommendations, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty).

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

5.4.1. 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.

6. Link to Corporate Priorities

This report links to the following Corporate Strategy key themes of:

- Maintaining and enhancing our residents’ quality of life

7. Recommendation

It is RECOMMENDED that the Statement of licensing policy be supported and referred to Full Council for final approval.

For more information contact:	Geoff Carpenter Environmental Health Manager 0115 914 8229 GCarpenter@ rushcliffe.gov.uk
Background papers available for Inspection:	None.
List of appendices:	Appendix 1: Summary of Changes Appendix 2: Statement of Principles 2018-2021

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REVIEW OF STATEMENT OF LICENSING POLICY: SUMMARY OF CHANGES

The statement was reviewed by members of the Nottinghamshire Authorities Licensing Group (NALG). Some changes have been made in line with the best practice framework issued by the Local Government Association and recent changes in legislation.

Reference	Changes
2.3	Paragraph re-worded
2.4	Paragraph re-worded
3.4	Wording added
4.1	Wording added providing a web link to the Home Office section 182 guidance
4.3 to 4.7	Additional paragraphs identifying the relationships between licensing, alcohol consumption and ill health and potential areas of harm within Rushcliffe
5.3	Web link for list of responsible authorities
6.1	Wording added
6.1	Additional sentences explaining the application process for premises licences and variations
6.3 and 6.4	Paragraphs re-worded
6.6	New paragraph explaining that public information will be disclosed to the applicant and that the Council is unable to accept anonymous representations
6.8	New paragraph dealing with frivolous or vexatious representations
6.10 to 6.12	New paragraphs relating to the role of responsible authorities and specifically explaining the relationship with public health.
6.20 to 6.22	New paragraphs relating to the requirements of operating schedules
6.23	Additional wording
6.31	Additional wording
6.34 to 6.36	New paragraphs relating to the licensing of outside areas
7.1	New paragraph relating to the premises that operate in a PSPO
7.2 to 7.4	Revised paragraphs in respect of encouraging diversity
7.6 and 7.7	Revised paragraph in respect of provisional statements

7.18, 7.19, 7.21 and 7.22	Revised paragraphs in respect of personal licences
7.26	Wording added
8.2 to 8.5	Revised paragraphs in respect of safeguarding of children and vulnerable persons
9.1	Wording added



GAMBLING ACT 2005

DRAFT STATEMENT OF LICENSING PRINCIPLES 2019 to 2021

Rushcliffe Borough Council
3rd January 2019

RUSHCLIFFE - GREAT PLACE • GREAT LIFESTYLE • GREAT SPORT

STATEMENT OF GAMBLING POLICY

Gambling Act 2005

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. 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 licence 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 upon this statement (see Appendix One). The consultation period ran from 28th July 2015 to 28th September 2015.

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Glossary of Terms

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Appendix One

List of Bodies and Organisations Consulted

1. INTRODUCTION AND SCOPE

Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon Rushcliffe Borough Council as the statutory Licensing Authority [“the Authority”] to prepare a Statement of Principles [“the Statement”], and to review it every three years. However, should the need arise, the Authority may review and alter the policy within that period
- 1.2 The Act sets out three licensing objectives which this Statement will promote. The three objectives are 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; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the three licensing objectives.

- 1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.4 The Authority will in the statutory discharge of its functions have particular regard to the principles to be applied in exercising its powers:
- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm;
 - under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.
- 1.5 Subject to statutory provision, a review of this Statement will take place periodically and in any event every three years. Any revisions to the Statement will be made taking into account information collated over a period of time; the outcomes of related initiatives at central and local government level and following appropriate consultation.
- 1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

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

- 1.8 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
 - 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

1.9 Local Area Profile

Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends towards Newark in the North East and Loughborough in the South West.

The Borough is a pleasant, prosperous district, characterised by attractive villages, tree-lined suburbs, rich farmland and rolling countryside. The prosperity of Rushcliffe is closely linked to the wider economy of the Greater Nottingham area. This is recognised through good working relationships with all Nottinghamshire Councils, the County, City and Districts, partnerships with the Greater Nottingham Partnership, and at regional level, through representation on the Regional Local Government Association and Regional Assembly.

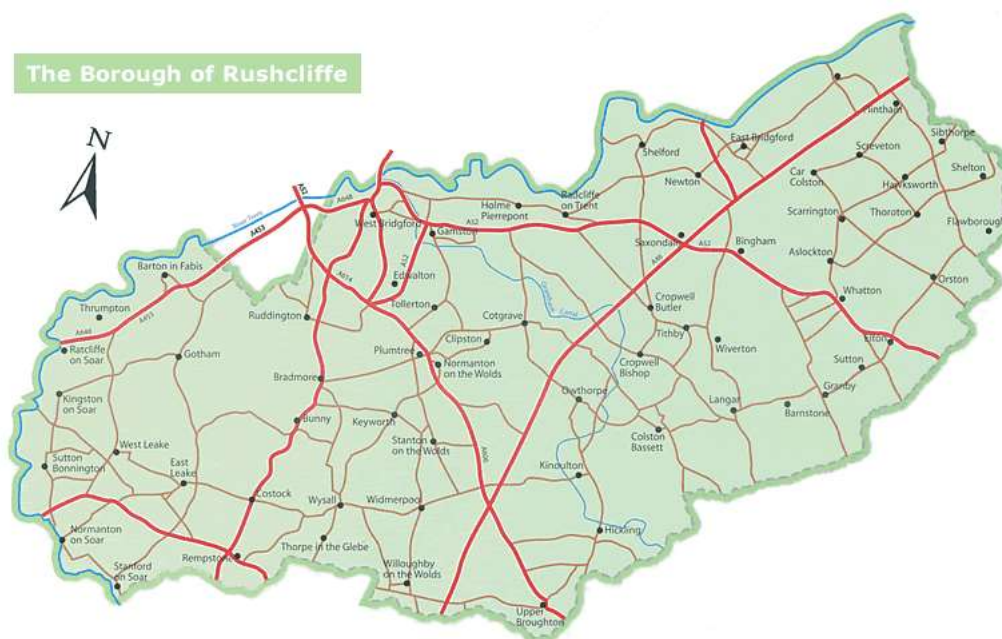
Although parts of Rushcliffe lie close to Nottingham, the Borough has a strong identity of its own. The main centre of population is West Bridgford, where 45,509¹ of the Borough's population live. The rest of the district is largely rural, with the centres of population split between small towns and villages. Rushcliffe is a popular residential area, and its location adds to its attraction as a place to live. The Borough population is 111,129 it has an area of 40,924 hectares and a population density of 2.7 people per hectare. 76.7% of homes are owner occupied. 9.7% of residents are from diverse ethnic backgrounds. Rushcliffe is relatively affluent and ranks 331 out of 354 on the national index of deprivation scale, however there are small pockets of deprivation. Unemployment levels at 2.2% are lower than both the county and national averages

¹ 2011 census

and there are significantly more people who are self-employed than the national and county averages. The area is designated as having 'Moderate to Low' crime.²

A local area profile will be prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators and a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Councils Website.

1.10 A map showing the administrative boundaries of the borough.



Authorised activities

1.11 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities;
- issue provisional statements for premises
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- 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.

² UK Crime Stats 2015

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;
- The need to treat each application on its own merits taking into account the individual circumstances at each premise.

Relationship with other legislation

1.12 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.

1.13 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

1.14 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

1.15 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.

1.16 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

1.17 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 1998 will not be contravened. 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 the Secretary of State under the powers provided in the Gambling Act 2005.

Equality

1.18 Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 imposes statutory duties on the Council and our Corporate Equality

Scheme demonstrates how we are meeting them and our commitment to ensuring that diversity issues are at the heart of our policy making and our service delivery.

2. LOCAL RISK ASSESSMENTS

- 2.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016
- 2.2 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making their risk assessments, licenses must take into account relevant matters identified in the licensing authority statement of licensing principles.
- 2.3 Licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
 - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c) when applying for a variation of a premises licence; and
 - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 2.4 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be reviewed:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 2.5 The new social responsibility provision is supplemented by an ordinary code provision recommending good practice that licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 6 April 2016.
- 2.6 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.
- 2.7 The licensing authority has an expectation that all local risk assessments will take into account the local area profile of the area.

2.8 **Nottinghamshire Health Statement of Policy (Gambling)**

2.9 The 3 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 is 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.

2.9.1 There is less evidence available to support gambling 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.

3. MAKING REPRESENTATIONS

Who can make a representation?

3.1 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 restricted to specified bodies. The following section therefore only relates to representations in respect of **premises licences and provisional statements**.

3.2 Premises licences are only necessary for the types of gambling listed below and interested parties may therefore only make representations in respect of:

- Casino premises
- Bingo premises
- Betting premises (including tracks)
- Adult gaming centres
- Licensed family entertainment centres

Interested parties

3.3 Interested parties are defined as persons who **in the licensing Authority’s opinion**

- Live sufficiently close to the premises to be likely to be affected by the authorised activities
- Have business interests that might be affected by the authorised activities, or
- Represent either of the above, this could include, e.g. democratically elected persons such as Councillors or members of parliament.

Policy One

3.4 In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority may take any or all of the following into account:

- **The proximity of their home or business to the application premises**
- **The nature of their residency (e.g. private resident, resident in home for the vulnerable etc)**
- **The nature of the business making the representation**
- **The nature of the authorised activities to be conducted on the application premises**
- **The size and capacity of the application premises**
- **The likely catchment area for the application premises**
- **The routes likely to be taken to and from the application premises**
- **The character of the area**
- **The density of the built up area**
- **The topography of the area**
- **Local area profile**
- **Mitigating measures contained within the applicants risk assessments**

REASON: To ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.

- 3.5 The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.
- 3.6 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.
- 3.7 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.
- 3.8 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

3.9 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, and;
- local area profile and applicants local risk assessments
- where the application is reasonably in accordance with the licensing objectives.

3.10 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.

3.11 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.

3.12 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

3.13 **A representation should indicate the following:**

- (i) The name, address and a contact number for the person making the representation.**
- (ii) The capacity in which the representation is made (e.g. interested party, responsible Authority, licensee) and if made as a representative should indicate who is being represented.**
- (iii) The name and address of the premises in respect of which the representation is being made.**
- (iv) The licensing objective(s) relevant to the representation.**
- (v) Why it is felt that the application;**
 - **is not reasonably consistent with the licensing objectives or;**
 - **is not in accordance with this Policy, the Commission's Guidance or the relevant Code's of Practice or;**
 - **otherwise should not be granted or;**
 - **should only be granted subject to certain specified conditions**

- the local risk assessments are not considered suitable and sufficient; or

(vi) Details of the evidence supporting the opinion in (v).

REASON: To ensure the representation is made by a responsible Authority or interested party and that it is relevant and directly related to the application premises.

- 3.14 A preferred form of representation is available. A copy of the form can be downloaded at www.rushcliffe.gov.uk or requested directly from the service. Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.
- 3.15 Ordinarily where representations are received the Authority will hold a hearing, however, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the Authority's determination of the matter. It is for the licensing Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.
- 3.16 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

Irrelevant considerations

- 3.17 Whilst not intended to provide an exhaustive list the following matters cannot be taken into account and representations relating to them are likely to be discounted:
- Need and demand for the relevant premises
 - Issues relating to nuisance
 - Traffic congestion and parking
 - Likelihood of the premises receiving planning permission, or building regulation approval
 - Moral objections
- 3.18 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

- 3.19 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).
- 3.20 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.
- 3.21 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.
- 3.22 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.
- 3.23 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.

4. LICENSING OBJECTIVES

Preventing gambling from being a source of Crime and Disorder

- 4.1 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.
- 4.2 The Authority places considerable importance on the prevention of crime and disorder, and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises. The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person’s suitability arise the Authority will bring those concerns to the attention of the Commission.
- 4.3 The Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the following:

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

- 4.4 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime. In respect of betting offices the Authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 4.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 4.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 4.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

Policy Three

- 4.8 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

- 4.9 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).
- 4.10 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.
- 4.11 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

- 4.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.
- 4.13 The Authority will consult with the Nottinghamshire Safeguarding Children Board and the Nottinghamshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 4.14 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.
- Measures/training covering how staff would deal with unsupervised young children being on the premises
- Appropriate measures/training for staff as regards suspected truant school children on the premises.

4.15 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the Police to ensure the appropriate enforcement of the law in these types of premises.

Vulnerable persons

4.16 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

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

The Authority will follow this guidance when considering whether, in relation to particular premises, any special considerations apply in relation to the protection of vulnerable persons.

4.17 The Authority encourages Applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.

4.18 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example;

- Residential areas
- Schools and other educational establishments
- Residential hostels for vulnerable adults
- Premises licensed for alcohol or gambling

5. PREMISES LICENCES

General Principles

5.1 In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different 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.

- 5.2 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.
- 5.3 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.
- 5.4 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

- 5.5 Betting premises relates to those premises operating off-course betting. That is other than at a track.
- 5.6 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.
- 5.7 Permitted activities include:
- off-course betting;
 - on-course betting for tracks;
 - betting by way of betting machines, and;
 - gaming machines as stipulated by regulations
- 5.8 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;
- 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.

5.9 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.10 In addition to the mandatory and default conditions attached by the Secretary of State by regulations from time to time, conditions may also be applied in support of the licensing objectives. Additional conditions can only be imposed when there is evidence.

5.11 The Authority shall require an appropriately defined plan of the premises to accompany each application.

5.12 In relation to the licensing of tracks the Authority may require certain conditions to be imposed in support of the licensing objections and in particular, to ensure that the environment in which the betting takes place is suitable, especially in circumstances where the track operator does not have an operating licence. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.

Adult Gaming Centres (AGCs)

5.13 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.

5.14 Permitted activities include:

- the provision of gaming machines as stipulated by regulations

5.15 Factors for consideration when determining the application for an AGC will include:

- the location;
- the ability of operators to minimise illegal access by under 18's to the premises.

5.16 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

5.17 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

- 5.18 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 5.19 Club machine permits allow the provision of higher category gaming machines.
- 5.20 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 5.21 The Authority may only refuse an application on the following grounds:
- (a) the applicant does not fulfill 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;
 - (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.
- 5.22 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

Alcohol Licensed Premises

- 5.23 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.
- 5.24 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.
- 5.25 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.

- 5.26 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.
- 5.27 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D), that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions; the relevant codes of practice are available on the Gambling Commissions website: www.gamblingcommission.gov.uk

Family Entertainment Centres

- 5.28 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:
- FECs with category C and D machines require a Premises Licence.
 - Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits.
- 5.29 In determining the suitability of the location, consideration will be given to the following factors:
- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
 - Proximity to residential areas where there may be a high concentration of families with children;
 - Town Centre or edge of Town Centre locations.
 - hours of operation
 - proposed operational management to regulate entry by children and vulnerable persons.
- 5.30 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.
- 5.31 An applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

Prize Gaming Permits

- 5.32 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.
- 5.33 Consideration will be given to the following factors:
- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
 - Proximity to residential areas where there may be a high concentration of families with children;
 - Town Centre or edge of Town Centre locations.
- 5.34 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

- 5.35 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

- 5.36 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

- 5.37 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.
- 5.38 Small society lotteries are required to be registered with the local Authority in the area where their principal office is located.

Temporary Use Notices

- 5.39 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

- 5.40 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

- 5.41 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.

Bingo

- 5.42 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit.
- 5.43 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see 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 (over 18s) are admitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - 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 an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 5.44 The Gambling Commission has issued guidance about the need for licensing authorities take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 5.45 A limited number of gaming machines may also be made available at bingo licensed premises.
- 5.46 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will be require a bingo operating licence which will have to be obtained from the Gambling Commission.

Provisional Statements

- 5.47 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.

6. INSPECTION AND ENFORCEMENT

General Statement

- 6.1 The Authority will have regard to its General / Corporate Enforcement Policy, the relevant provisions of the Act, any relevant guidance and / or codes of practice when considering taking enforcement action.
- 6.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

Inspections

- 6.3 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.
- 6.4 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.
- 6.5 In addition to programmed inspections the licensing Authority will also investigate any evidence based complaints that it receives.

Policy Four

- 6.6 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 affect 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

- 6.7 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.
- 6.8 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.
- 6.9 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
- **Targeted:** regulation should be focused on the problem, and minimise side effects

- 6.10 The licensing Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 6.11 The main enforcement and compliance role for the licensing 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 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 licensing Authority but will be notified to the Gambling Commission.
- 6.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 6.13 The Authority will avoid duplication with other regulatory regimes.

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 One – List of bodies and organisations consulted

Association of British Bookmakers

Licensing Solicitors

British Beer and Pub Association

Gambling Commission

HM Revenue and Customs

Nottinghamshire Police

Nottinghamshire Police and Crime Commissioner

Nottinghamshire Fire and Rescue

Nottinghamshire Safeguarding Children Board

Nottinghamshire Safeguarding Adults Board

Parish and Town Councils

West Bridgford Local Area Forum

Rushcliffe Borough Councillors

Rushcliffe Borough Council Environmental Health Service

Rushcliffe Borough Council Development Control

Representatives of the various licences and permits for premises within the area who will be affected by this policy including premises licensed under the Gambling Act 2005 and Licensing Act 2003.

Bingo Association

Gamcare

BACTA

Public Health England

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