

Rutland County Council

**Statement
of
Gambling
Policy**

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1 STATEMENT OF LICENSING POLICY

1.1 Introduction

Rutland County Council (The Council) will become the Licensing Authority under the Gambling Act 2005. This will result in the Council becoming responsible for granting premises licences in Rutland in respect of:-

- ❖ Casino premises;
- ❖ Bingo premises;
- ❖ Betting premises, including tracks;
- ❖ Adult Gaming Centres;
- ❖ Family Entertainment Centres.

The Gambling Act 2005 requires the Council to prepare and publish a "Statement of Licensing Policy" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

This draft "Statement of Licensing Policy" has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. It is intended to be a discussion document leading to adoption by Rutland County Council of a formal Statement of Licensing Policy, after having due regard to any responses from those consulted on this draft policy statement.

The formal Statement of Licensing Policy will be available on the Council's web site, which can be accessed at:

www.rutland.gov.uk

The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

1.2 The County of Rutland

1.2.1 Rutland became a Unitary Authority in 1997. Rutland covers a total area of 39,398 hectares. This is mainly an area of mixed farms with small farms predominating. Rutland is a sparsely populated rural County, with a population density is approximately 0.87 people per hectare. Two main market towns, Oakham and Uppingham, plus 50 villages make up the County. There are 34500 residents. Oakham has a population of c.10,500 and Uppingham c.4,000, thus neither are large enough to meet the Government definition of 'a town'. The number of residents from ethnic backgrounds other than white (British) account for less than 2% of the population.

1.2.2 Tourism makes a significant contribution to the local economy within Rutland and provides a major focus for the Service's work. There are estimated to be about two million visitors a year, of those visiting, most are day-trippers.

1.2.3 There are around 1700 businesses operating in Rutland with a majority employing less than 10 people. Small businesses are the norm for Rutland.

1.3 Glossary of Terms

Within this draft Statement of Policy, the following words and terms are defined as stated:

| | |
|------------------------|--|
| Licensing Objectives: | As defined in section 1.4 below |
| The Council: | Rutland County Council |
| Licences: | As defined in section 1.4 below |
| Applications: | Applications for licences and permits as defined in section 1.4 below |
| Notifications: | Means notification of temporary and occasional use notices |
| Act: | The Gambling Act 2005 |
| Regulations: | Regulations made under the Gambling Act 2005 |
| Premises: | Any place, including a vehicle, vessel or moveable structure |
| Code of Practice: | Means any relevant code of practice under section 24 of the Gambling Act 2005 |
| Mandatory Condition: | Means a specified condition provided by regulations to be attached to a licence |
| Default Condition: | Means a specified condition provided by regulations to be attached to a licence, unless excluded by Rutland County Council |
| Responsible Authority: | For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none">1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Rutland County Council");2. The Gambling Commission;3. Leicestershire Constabulary;4. Leicestershire Fire and Rescue Service;5. The Head of Development Control Rutland County6. The Head of Environmental Services, Rutland County Council;7. The Director of Education and Children's Services, Rutland County Council;8. HM Customs and Excise. |
| Interested Party: | For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- <ol style="list-style-type: none">a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;b) Has business interests that might be affected by the authorised activities;c) Represents persons who satisfy a) or b) above. |

1.4 Licensing Objectives

The Gambling Act 2005 requires that the Council carries out its various licensing functions with a view to promoting the following three licensing objectives:-

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

1.5 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

1.6 Licensable Premises and Permits

This policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits and Club Machine Permits
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

1.7 General Principles

Nothing in this Statement of Policy will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved.

Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

All applicants for Premises Licences will be required to set out how they will promote the licensing objectives, as specified in section 1.3 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, temporary use notices or occasional use notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either "mandatory" or "default" conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.

The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.4 above, before the Council will be able to consider it.

The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

1.8 Transitional Arrangements

During the transitional arrangements period specified in the Act, a Premises Licence will be issued to persons applying under an Order made by the Secretary of State under Schedule 18 of the Act, who have supplied the required information, documentation and fee. Issue of licences will be on the basis of existing permissions being continued. If however, the Police make a representation that the conversion of an existing licence would undermine the crime

prevention and disorder objective, the licence will be referred to the Council's Licensing Act Committee for consideration.

1.9 Consultees

The Statement of Licensing Policy will be subject to formal consultation with:-

1. Responsible Authorities;
2. Representatives of the holders of the various licences for premises within the County who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

1.10 Information exchange

In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

2 LEGISLATION, POLICIES AND STRATEGIES

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.2 Relationship with Planning Policies

When determining an application, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

2.3 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council's Corporate Strategy;
2. The Community Safety Strategy;
3. Enforcement Policy.

2.5 Integrating Strategies

There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders' plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

The Council recognises in particular the importance of the co-ordination and integration of the Gambling policy with other plans aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- ❖ Crime and Disorder Strategy – The Council 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 the County. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.
- ❖ The Community Plan “A Plan for Rutland 2005 –2008” - Rutland Together – As far as possible, any licensing decisions will be in line with the aspirations of this community plan.
- ❖ Local Transport Plan – The Licensing Authority aims to work with the Head of Highways and Transportation and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder. The Police will be encouraged to report on matters related to the swift and safe dispersal of people from licensed premises.

- ❖ Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.
- ❖ Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
 - Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 that everyone has the right to respect for his home and private and family life;
 - Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.
- ❖ Proper integration will be assured by the Council's Licensing Act Committee considering reports, when appropriate, on the situation regarding licensed premises in the area, including the general impact of gambling related crime and disorder, to enable the Committee to have regard to such matters when taking its decisions.
- ❖ Tourism and Town Centre Management – The Council aims to promote a high quality thriving night-time economy.
- ❖ The Council will ensure that the Licensing Act Committee receives reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations.
- ❖ Economic Strategies – The Council will ensure that the Licensing Act Committee is apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- ❖ Enforcement Policy – All licensing enforcement will be conducted in accordance with the Enforcement Concordat and the Council's Enforcement Procedures.

In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

3 DECISION MAKING

3.1 Committee Terms of Reference

A Licensing Panel of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a Licensing Panel involving an application within their ward.

The Licensing Act Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

Where a Councillor who is a member of the Licensing Act Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.

The Licensing Act Committee will also refer to the Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

Every determination of a licensing decision by the Licensing Act Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable where it will form part of the statutory licensing register required to be kept by the Council.

The Council's Licensing Officers will deal with all other licensing applications where either no representations have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Act Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. There is no right of appeal against a determination that representations are not admissible.

3.2 Allocation of Decision Making Responsibilities

The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Act Committee to administer them.

Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Council has delegated certain decisions and functions to the Licensing Act Committee to deal with them.

Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.

The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Act Committee, and Officers.

This form of delegation is without prejudice to Officers referring an application to the Licensing Act Committee if considered appropriate in the circumstances of any particular case.

3.3 Licensing Reviews

The Licensing Act Committee will carry out a review of a Premises Licence where it has received a formal application for review in accordance with the Act that is relevant to one of more of the Licensing Objectives. Representations may include issues relating to the following:-

1. Use of licensed premises for the sale and distribution of class A drugs and/or the laundering of the proceeds of drugs crimes;
2. Use of licensed premises for the sale and distribution of illegal firearms;
3. Use of licensed premises for prostitution or the sale of unlawful pornography;
4. Use of licensed premises as a base for organised crime activity;
5. Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
6. Use of licensed premises for the sale of smuggled tobacco or goods;
7. Use of licensed premises for the sale of stolen goods;
8. Children and/or vulnerable persons being put at risk.

Due consideration will be given to all relevant representations unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

A premises licence may also be reviewed by the Licensing Authority of its own volition.

4 LOCAL STANDARDS

4.1 Applications

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The applicant may ask the Council for advice as to the scope of information to be provided.

The level of detail to be provided will be advised by the Council and will be proportional to the scale and nature of the application made.

Definitions of "Responsible Authorities" and "Interested Parties" who are able to make representations under this Act can be found in the glossary of terms in section 1.3.

4.2 Assessment of Need

Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

4.3 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

4.4 Enforcement

The Council is a signatory to the Enforcement Concordat. The Concordat is based around the principles of consistency, transparency and proportionality and these principles have been incorporated into the Council's General Enforcement Policy.

The General Enforcement Policy proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to the Licensing Act Committee, the issue of a Formal Caution or a referral for prosecution.

The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the County for unlicensed premises.

The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with Leicestershire Constabulary, and Leicestershire Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

4.5 Casinos

There are currently no casinos operating within the County.

There is no resolution to prohibit casinos in the County at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

4.6 Prize Gaming Permits

The Council recognises that the type of premises for which a Prize Gaming Permit is likely to be sought are the type of premises which may appeal to children and young people. The Council will take into account in the application process the information provided by the applicant in relation to child protection. The applicant will be required to set out as part of the application details of the type of gaming intended to be offered and the applicant should be able to demonstrate;

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

4.7 Unlicensed Family Entertainment Centres

The Council recognises that the type of premises operated as an unlicensed Family Entertainment Centre are the type of premises which may appeal to children and young people. The Council will take into account in the application process the information provided by the applicant in relation to child protection issues.

5 PREVENTION OF CRIME AND DISORDER OBJECTIVE

The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in Rutland. A high standard of control is therefore expected to be exercised over licensed premises.

The Council will, when determining applications, consider whether the grant a Premises Licence will result in an increase in crime and disorder.

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Leicestershire Constabulary before making a formal application.

In considering licence applications, the Council will particularly take into account the following:-

1. The design and layout of the premises;
2. The training given to staff in crime prevention measures appropriate to those premises;
3. 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;

4. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
5. The likelihood of any violence, public order or policing problem if the licence is granted.

6 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY OBJECTIVE

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either 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). Both of these options fall under the purview of the Gambling Commission.

7 PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS OBJECTIVE

7.1 Access to Licensed Premises

With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

The Council will consult with the Leicestershire and Rutland Safeguarding Children Board on any application that indicates there may be concerns over access for children or vulnerable persons.

The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-

1. Supervision of entrances;
2. Segregation of gambling areas from areas frequented by children;
3. Supervision of gaming machines in non-adult gambling specific premises.

The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council will work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

7.2 Vulnerable Persons

The Council 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:

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

8 COMPLAINTS AGAINST LICENSED PREMISES

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that they consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they fit the exceptions in 3.3 above.

9 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

Public Protection Service
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP

Tel: 01572 722577
Fax: 01572 758427
E-mail: licensing@rutland.gov.uk

Information is also available from:-

Gambling Commission
Berkshire House
168-173 High Holborn
London
WC1V 7AA

Tel: 020 7306 6219
Website: www.gamblingcommission.gov.uk

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

| MATTER TO BE DEALT WITH | FULL COUNCIL | Licensing Act Committee | OFFICERS |
|---|--------------|---|--|
| Three year licensing policy | X | | |
| Policy not to permit casinos | X | | |
| Fee Setting - when appropriate | | | X (to be approved by Cabinet) |
| Application for premises licences | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a variation to a licence | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Application for a transfer of a licence | | Where representations have been received from the Gambling Commission | Where no representations received from the Gambling Commission |
| Application for a provisional statement | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Review of a premises licence | | X | |
| Application for club gaming /club machine permits | | Where representations have been received and not withdrawn | Where no representations received/ representations have been withdrawn |
| Cancellation of club gaming/ club machine permits | | X | |
| Applications for other permits | | | X |
| Cancellation of licensed premises gaming machine permits | | | X |
| Consideration of temporary use notice | | | X |
| Decision to give a counter notice to a temporary use notice | | X | |

Rutland Map required

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