

# Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

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Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND THIRTY FIFTH MEETING OF THE COUNCIL** to be held in the Council Chamber, Catmose, Oakham on **13 December 2021 commencing at 7.00 pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

Although social distancing requirements have been lifted there is still limited available seating for members of the public. If you would like to reserve a seat please contact the Governance Team at [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk). The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/97235420001>

**Mark Andrews**  
**Chief Executive**

## A G E N D A

- 1) **APOLOGIES**
- 2) **CHAIRMAN'S ANNOUNCEMENTS**
- 3) **ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE**
- 4) **DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

**5) MINUTES OF PREVIOUS MEETING (Pages 5 - 12)**

To confirm the minutes of the meeting of the Rutland County Council District Council held on 8 November 2021.

**6) PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

To receive any petitions, deputations or questions received from members of the public in accordance with the provisions of Procedure Rule 28. The total time allowed for this is 30 minutes. Petitions, deputations and questions will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

**7) QUESTIONS FROM MEMBERS OF THE COUNCIL**

To receive any questions submitted from Members of the Council in accordance with the provisions of Procedure Rules 30 and 30A.

**8) REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL**

To determine matters where a decision taken by a Committee has been referred to the Council in accordance with the provisions of Procedure Rule 110.

**9) CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 8 NOVEMBER TO 13 DECEMBER 2021 (INCLUSIVE)**

To determine matters where a decision taken by the Cabinet has been referred to Council by the call-in procedure of Scrutiny Panels, as a result of the decision being deemed to be outside the Council's policy framework by the Monitoring Officer or not wholly in accordance with the budget by the Section 151 Officer, in accordance with the provisions of Procedure Rules 206 and 207.

**10) REPORTS FROM THE CABINET (Pages 13 - 20)**

To receive reports from the Cabinet for noting.

Report No. 183/2021 – Petition Report.

Report No. 184/2021 – Urgent Decision taken by the Portfolio Holder for Communities, Environment and Climate Change

**11) REPORTS FROM COMMITTEES OF THE COUNCIL (Pages 21 - 116)**

a) To receive reports from Committees on matters which require Council approval because the Committee does not have the delegated authority to act on the Council's behalf.

b) To receive reports from Council Committees on any other matters and to receive questions and answers on any of those reports.

Report No. 162/2021 from the Planning and Licensing Committee. Council is recommended to adopt the proposed Gambling Act 2005 Statement of Principles.

Report No. 168/2021 from the Audit and Risk Committee. Council is recommended to approve the Terms of Reference for a Constitution Review set out in the report.

**12) REPORTS FROM SCRUTINY COMMISSION / SCRUTINY COMMITTEES**

To receive the reports from the Scrutiny Commission / Scrutiny Committees on any matters and to receive questions and answers on any of those reports.

**13) JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

To receive reports about and receive questions and answers on the business of any joint arrangements or external organisations.

**14) NOTICES OF MOTION**

To consider any Notices of Motion submitted by Members of the Council in accordance with Procedure Rule 34 in the order in which they are recorded as having been received.

**15) POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS (Pages 117 - 124)**

To receive Report No. 185/2021 from the Monitoring Officer.

**16) NEW ARMED FORCES COVENANT LEGISLATION (Pages 125 - 130)**

To receive Report No. 186/2021 from the Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure.

**17) ANY URGENT BUSINESS**

To receive items of urgent business which have been previously notified to the person presiding.

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**TO: MEMBERS OF THE COUNCIL**

Councillor J Dale – Chairman of the Council  
Councillor N Begy – Vice-Chairman of the Council

Councillor P Ainsley	Councillor E Baines
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor P Browne	Councillor J Burrows
Councillor W Cross	Councillor J Fox
Councillor S Harvey	Councillor O Hemsley
Councillor M Jones	Councillor A MacCartney
Councillor M Oxley	Councillor K Payne
Councillor R Powell	Councillor I Razzell
Councillor L Stephenson	Councillor L Toseland
Councillor A Walters	Councillor G Waller
Councillor S Webb	Councillor D Wilby

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**THE COUNCIL'S STRATEGIC AIMS**

- Delivering sustainable development
- Vibrant Communities
- Protecting the vulnerable
- Customer-focussed services



# Rutland County Council

Catmose Oakham Rutland LE15 6HP

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Minutes of the TWO HUNDRED AND THIRTY FOURTH **MEETING** of the **COUNCIL** held in the Council Chamber, Catmose, Oakham, Rutland, LE15 6HP on Monday, 8th November, 2021 at 7.00 pm

**PRESENT:**

Councillor J Dale (Chairman)	Councillor N Begy (Vice Chairman)
Councillor P Ainsley	Councillor E Baines
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor P Browne	Councillor J Burrows
Councillor W Cross	Councillor O Hemsley
Councillor L Stephenson	Councillor A Walters
Councillor D Wilby	Councillor M Jones
Councillor A MacCartney	Councillor M Oxley
Councillor K Payne	Councillor R Powell
Councillor L Toseland	Councillor G Waller
Councillor S Webb	

**OFFICERS PRESENT:**

Mark Andrews	Chief Executive
Marie Rosenthal	Monitoring Officer
Sue Bingham	Interim Corporate Governance Manager
Tom Delaney	Governance Officer

## 1 APOLOGIES

Apologies for absence were received from Councillors S Harvey, J Fox and I Razzell.

## 2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that since the last meeting of the Council, he or the Vice-Chairman had attended the following events:

- The Mayor of Stamford's Georgian Walk/Afternoon Tea
- The High Sheriff's Justice Service at All Saints' Church
- The RBL Festival of Remembrance at De Montfort Hall
- The Chairman of South Kesteven District Council's Civic Service

The Chairman also informed Members that on Thursday 11 November he would be attending the Oakham Act of Remembrance at the grounds of Oakham Castle. On the afternoon of Sunday 14 November, the Chairman would also be attending a service taking place at All Saints' Church in Oakham followed by a wreath laying ceremony and a parade in the High Street.

### **3 ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE**

The Chairman invited Councillor O Hemsley, Leader of the Council, to make his announcements:

- Councillor Hemsley expressed his thanks to Richard Coleman for his service following his recent resignation as a Councillor.
- For personal reasons Councillor A Walters had stepped away from the Conservative Group. Councillor Hemsley expressed his thanks to Councillor Walters and asked Members to recognise the great work Councillor Walters had undertaken as Cabinet Member with the health agenda and leisure.
- An initial draft of a new Shared Vision for Rutland for the Future Rutland Conversation had been issued on Friday 5 November. Councillor Hemsley encouraged Members to ask their residents to take part in the survey which would close on 28 November.
- A Cross Party Working Group for the Local Plan had been established and the first meeting had taken place. Members would be updated on the work undertaken by the Working Group.

The Chair invited Councillor L Stephenson, Deputy Leader of the Council, to make her announcements:

- Due to increased work pressures for Councillor Stephenson, Councillor I Razzell would be soon taking on the Portfolio for Highways and Transport.
- During the 3-month road closure for the works undertaken on the Manton railway bridge an A road diversion was highlighted for use as a diversion. Many members of the public opted to use an unofficial diversion route; therefore, Network Rail had voluntarily contributed £10,000 for remedial works to take place along the unofficial route. Councillor Stephenson expressed thanks to Members and the Highways team.
- Rutland County Council (RCC) had taken part for the first time in the National Highways Transport Customer Survey. This was undertaken during the road closure for the bridge remedial works. 3,300 households were contacted, and 942 responses were received. The average response rate for other Local Authorities was 23.8% compared to Rutland which had a rate of 28.6%. Out of 112 Local Authorities that had taken part, Rutland came third.
- Councillor Stephenson highlighted recent successes by RCC and the Lord Lieutenant towards securing a place in the second round of the Place Based Climate Action Network (PCAN) fund. The broad aim in the proposal was to create a multi-agency approach to develop policy action and investment in framework of carbon sequestration. If successful work would commence in March 2022.

The Chairman invited Councillor A Walters, Portfolio Holder for Health, Wellbeing and Adult Care, to make his announcements:

- Councillor Walters welcomed Councillor Toseland to the Council following success at the recent Oakham North-West by-election.
- Councillor Walters asked Mark Andrews, Chief Executive to thank the teams behind the Portfolio for Health, Wellbeing and Adult Care for all their hard work supporting him in this role.

- Due to a possible by-election taking place in January 2022, Councillor Walters had suggested that the Health and Wellbeing Board's ratification of the 6-week consultation results for the Place Based Plan for Health for Rutland be deferred until February 2022.

#### **4 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **5 MINUTES OF PREVIOUS MEETING**

Consideration was given to the minutes of the meeting held on 11 October.

#### **RESOLVED**

That the minutes of the meeting held on 11 October 2021 be **APPROVED**.

#### **6 PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

A petition had been received from Councillor L Toseland prior to her election as a County Councillor. The petition was in relation to the Council identifying funding for a public swimming pool and had a total of 1124 valid signatures. In presenting the petition Councillor Toseland highlighted

- Within the Future Rutland Conversation respondents were asked what sport and leisure activities they would normally participate in, swimming ranked third in the top five activities.
- When people were asked what leisure provision, they felt Rutland needed in order to maintain or improve the wellbeing of its residents, swimming was the top answer.
- When asked if residents had any other comments about the future of leisure and wellbeing provision in Rutland, respondents once again highlighted access to swimming facilities.
- That the Future Rutland Conversation's findings clearly highlighted that the residents want and need a public swimming pool.

Under Procedure Rule 28 2) c) the Chairman referred the Petition to Cabinet to consider and respond as part of their agenda item 'Leisure Options' at the meeting on 16 November.

#### **7 QUESTIONS FROM MEMBERS OF THE COUNCIL**

Councillor A MacCartney delivered her question to Councillor K Payne as the Portfolio Holder for Finance, which had been circulated to Members in the agenda supplement.

The Chairman invited Councillor Payne to respond.

"CIPFA, who are our standard setting body, are currently consulting on the Treasury Management Code of Practice which we follow. One of the anticipated changes relates to a requirement for our policies to set out our approach to environmental, social and governance (ESG) investment considerations. We will be looking at how we meet this requirement when we update our Treasury Management Strategy for next year, following the CIPFA code of practice advice".

“In terms of the Pension Fund, then we are Members of the Leicestershire Pension Fund. The Committee that runs the fund is required to have an Investment Strategy. That Strategy includes a section on Responsible Investment. Responsible Investment is an approach to investment that aims to incorporate environmental including climate risk, social and governance (ESG) factors into investment decisions, to better manage risk and generate sustainable investment returns. The Strategy includes guiding principles and explains how they are applied in practice. The full strategy can be found on the website, and I will provide the link to members following this meeting”.

[Pension Fund and Finance - altair Member Self-Service \(pensiondetails.co.uk\)](https://pensiondetails.co.uk)

“There has been widespread media coverage of Local Government Pension Funds following publication of a report from Platform and Friends of the Earth. The report highlighted the investment of local government pension funds in ‘fossil fuel’ companies and encourages divestment”.

“Leicestershire Pension Fund produced a response to the report. It estimated that only c1.8% of its total fund is invested in ‘fossil fuels’ and explained the steps it is taking to end fossil fuel investments and invest in a green and fair way. This year it has been transitioning its funds away from fossil fuel companies to renewable energy funds. One example given relates to a £750m investment into the LGPS Central Climate Balanced Fund which invest in companies in ‘green revenues’. Leicestershire Pensions Fund full report can be found on their website, and I will be happy to supply the web address following the meeting”.

[Queries about fossil fuel investment | Leicestershire County Council](#)

In response to Councillor Macartney’s supplementary, Councillor Payne stated that the Treasury Management Strategy would be updated around 3 months’ time due to the CIPFA guidelines currently being consulted on.

## **8 REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL**

There had been no referral of committee decisions to the Council.

## **9 CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 11 OCTOBER TO 8 NOVEMBER 2021 (INCLUSIVE)**

There had been no call-in of decisions from Cabinet meetings.

## **10 REPORT FROM THE CABINET**

There were no reports from the Cabinet to consider.

## **11 REPORTS FROM COMMITTEES OF THE COUNCIL**

There had been no reports from Committees of the Council to consider.



## **12 REPORTS FROM SCRUTINY COMMISSION / SCRUTINY COMMITTEES**

There had been no reports from Scrutiny Commission or Scrutiny Committees to consider.

## **13 JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

Councillor G Waller had substituted for Councillor E Baines on the Anglian (Northern) Regional Flood & Coastal Committee. The current priorities were flooding of coastal areas in Lincolnshire and the Fens and flooding of the River Nene. Councillor Waller would circulate headlines from the meeting to Members in due course.

Councillor M Oxley highlighted to Members that the Rutland Fairtrade Christmas Market was taking place on the 27 of November between 10am and 3pm at Oakham Castle.

## **14 NOTICES OF MOTION**

Council were asked to consider the Notice of Motion from Councillor M Jones which was seconded by Councillor J Burrows in accordance with Procedure Rule 34.

Councillor Jones presented the previously circulated motion.

It was suggested by Councillor N Begy that the motion be taken to the cross-party Climate Action Group and then returned to Council with an actionable Rutland focussed response incorporating Rutland's unique and rural landscape to then be submitted to Parliament. Councillor Begy moved an amendment to the motion for it to read:

"That the motion of the bill should be passed to the Climate Action Group for cross party debate and a full Rutland response to the bill be brought back to Council for approval".

The amendment was seconded.

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Councillor S Webb departed the meeting at 19:39pm and returned at 19:43pm

Councillor Oxley departed the meeting at 19:41pm and returned at 19:42pm

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Members in support of the amendment expressed the need to offer practical solutions and not to promise what could not be fulfilled. It was also stated that the report of the Citizens Climate Action Assembly which was published in September outlined that 96% of the attendees made clear that it was their desire that the climate crisis was not partisan and that it was owned by the people for the people.

Members opposing the amendment observed that the original motion committed no substantial officer time and climate change needed immediate action rather than a referral to another body before coming back to Council. As the motion was requesting an open letter to the MP, Alicia Kearns urging the support of the bill and letters to other bodies there would be no risk to the Council from the original motion. It was also observed that the Climate Action Group was not a formal body of the Council with

political representation and was a mechanism for community involvement in combatting climate change.

Upon being put to the vote, with 10 votes in favour, 11 against and 2 abstentions, the amendment was defeated.

A vote was then taken on the original motion moved by Councillor Jones and with 11 votes in favour, 7 against and 5 abstentions, the motion was carried.

## **RESOLVED**

That Council:

- 1) Notes that many local authorities, including this Council, are playing an important role in the UK, taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.
- 2) Notes that Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Crisis.
- 3) Declares an Ecological Emergency.
- 4) Supports the Climate and Ecological Emergency Bill.
- 5) Informs the local media of this decision.
- 6) Writes an open letter to Alicia Kearns MP urging her to sign up to support the Bill.
- 7) Writes to the CEE Alliance, the organisers of the campaign for the Bill, expressing its support.

## **15 APPOINTMENT OF EXTERNAL AUDITORS**

Report No. 150/2021 was introduced by Councillor K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation. The purpose of the report was to ask Council to opt into the national sector-led arrangements for the appointment of the external auditor.

It was moved by Councillor Payne that Council endorse the contents of the report. This was seconded and upon being put to the vote, the motion was unanimously carried.

## **RESOLVED**

That Council **APPROVES** for Rutland County Council to opt into the national sector-led arrangements for the appointment of the external auditor.

**16 ANY URGENT BUSINESS**

There was no urgent business for consideration.

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**The Chairman declared the meeting closed at 8:12pm**  
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## COUNCIL

13 December 2021

## PETITION REPORT

### Report of the Cabinet

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal, Monitoring Officer	mrosenthal@rutland.gov.uk
Ward Councillors	All	

### DECISION RECOMMENDATIONS

That Council:

1. Notes the response of Cabinet to the Petition presented to Council on 8 November 2021

#### **1 PURPOSE OF THE REPORT**

- 1.1 To report back to Council on the action taken in response to a Petition presented at Council on 8 November 2021 and referred to the Cabinet.

#### **2 BACKGROUND**

- 2.1 At the Council meeting on 8 November 2021 a petition entitled “Rutland Swimming Pool” was submitted by Leah Toseland (since elected to the Council on 4 November 2021 and now Councillor Toseland). The petition had received 1124 signatures.
- 2.2 The wording of the petition was as follows:

#### **STATEMENT OF THE PETITION**

Currently Rutland is the only county in England with no public swimming pool. Catmose pool is closed as Rutland County Council say they cannot afford the repairs needed. This is totally unacceptable as swimming provides many very important benefits. These include.

- Swimming is a key life skill that every child should be given the opportunity to learn. 1 in 4 primary school leavers are unable to swim 25m (Swim England research, 2018).
- Local public pools provide affordable access to a form of exercise that's seen as a valuable life skill and brings people together to learn, bond and get fit.
- Many people use swimming to improve their mental and physical well-being.

There are public swimming pools in Melton, Corby and Stamford but these are simply not accessible for people who do not drive. The bus services are so poor that it makes it much more difficult to get to these pools especially for children's swimming lessons after school. It is not right that the only swimming pools in our county are privately owned and not as readily available for the people of Rutland. Rutland County Council need to decide whether they can repair the pool or if they should be looking for a new development, perhaps to include a children's splash pad/park like those in Grantham (Wyndham Park,) Wellingborough and Peterborough (Bretton.) Without a public swimming pool there will be a detrimental impact on people's mental and physical health. Rutland should have a public pool up to the same standard as Corby has, this could help attract people from out of Rutland to visit and use our pool, as people within our County travel to Stamford, Melton or Corby. There is very little for young people to do within our county, and perhaps with a rejuvenated pool we can encourage young people to go swimming and encourage a new hobby. RCC need to decide whether they update and repair what we have, or whether to look at a new premises so Rutland can rival the pool of Corby and the Children's Splash pad in Grantham. 5 2 Ultimately, Rutland County Council MUST find the funding for a public pool as the benefits far outweigh the negatives. This may mean they have to explore other options for funding such as a community run pool. We call on Rutland County Council to find the funding for this essential facility.

2.3 Under Procedure Rule 28 of the Council's Constitution, the Chairman referred the Petition to the Cabinet at it's meeting on the 16 November 2021 where there was an item in relation to the future of the Rutland swimming pool.

### **3. DECISION OF CABINET**

3.1 The Cabinet considered the Petition at it's meeting on the 16 November and resolved as follows, to:

- 1) Approve the exploration of opportunities for county-wide leisure provision in partnership with the Rutland Local Sports Alliance, to determine whether any community owned / led options are viable.
- 2) Approve the development of plans for a Pool and Dry side Provision ("Wet and Dry"), or Pool Provision ("Wet Only") at a new site to an initial design stage, using the existing project budget, to build a viable case for a new swimming pool in Rutland, noting that progress beyond this point can only be undertaken when:
  - a) If Significant (at least 90%) capital funding becomes available from external sources, or a partner body is identified that would be willing and able to meet at least 90% of the capital requirement, and
  - b) The new provision can be delivered at no revenue cost to the Council

- 3) Agree to allocate £250,000 of Section 106 Developer Contributions received to date for the purpose of providing Recreation, Sport and Leisure infrastructure to a 225 Agenda Item 15 Swimming Provision Project, as match funding towards future provision and investment in facilities.
- 4) Note that further repair to the existing Catmose Pool, which has reached its end of life, is not affordable, and the pool will not be re-opened.
- 5) Authorise the Strategic Director for Places, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care, to enter negotiations with the Management of Catmose College to agree the future of the legacy leisure facilities at Catmose Campus, including the option to let a new nil-cost contract for the management of all or part of the dry side leisure facilities under the existing or renewed leases.
- 6) Authorise the Strategic Director for Places, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care to progress procurement of a dry-side leisure management contract if a nil-cost contract is achievable and agreeable to both the Council and Catmose College. Procurement implications will be reported to Cabinet before any award is made.
- 7) Authorise the Strategic Director for Places, in consultation with the Portfolio Holder for Health, Wellbeing and Adult Care, to enter negotiations with other local providers for the provision of public access swimming.
- 8) Consider the Petition received at the Council meeting on 8 November 2021 from members of the public expressing support for swimming in Rutland and agree to report back to Council on the action taken in response.

#### **4 BACKGROUND PAPERS**

- 4.1 Report No. 161/2021 – Leisure Options and associated appendices, considered by the Cabinet on 16 November 2021.

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**

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## COUNCIL

13 December 2021

### URGENT DECISION TAKEN BY THE PORTFOLIO HOLDER FOR COMMUNITIES, ENVIRONMENT AND CLIMATE CHANGE

#### Report of the Cabinet

Strategic Aim:	Customer-focussed services		
Exempt Information	No		
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure		
Contact Officer(s):	Marie Rosenthal, Monitoring Officer	mrosenthal@rutland.gov.uk	
Ward Councillors	N/A		

#### DECISION RECOMMENDATIONS

That Council in line with Procedure Rule 208 of the Council's Constitution notes the urgent decision in relation to a Bus Service Improvement Plan for Rutland taken by the Portfolio Holder for Communities, Environment and Climate Change on 26 October 2021.

#### 1 PURPOSE OF THE REPORT

- 1.1 The report advises Council of an Executive Key decision concerning a Bus Service Improvement Plan for Rutland that had been taken as an urgent item under Procedure Rule 208 of the Council's Constitution. This Rule allows an urgent decision to be exempt from scrutiny call-in if a decision needs to be implemented as a matter of urgency. Procedure Rule 208 requires a report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as matter of urgency.
- 1.2 Cabinet considered an urgent report on 26 October 2021 recommending the approval of the Council's draft Bus Service Improvement Plan (BSIP). The BSIP has been produced in line with Government requirements. The report highlighted the implications associated with the BSIP, sought approval to submit the BSIP to the Department for Transport (DfT) and proposed a mechanism for approving future changes to the BSIP and LTP4.
- 1.3 In March 2021 the Government launched a new National Bus Strategy: 'Bus Back Better'. The Strategy set's out the Government's ambition to build back bus use, above and beyond pre covid levels. It aims to do this by making the bus a practical

and attractive alternative to the car – reducing congestion, carbon and pollution whilst supporting those without access to private transport. The Strategy requires council to prepare a BSIP for their areas.

1.4 The government produced guidance on BSIPs on 17 May 2021 which stipulated that they need to be drafted in partnership with local bus operators and provided to the DfT by 31 October 2021. This therefore required an exemption from call-in as the expected call-in period after 26 October 2021 would have meant the Council missing the 31 October deadline.

1.5 Cabinet unanimously endorsed the Portfolio Holder for Communities, Environment and Climate Change to approve the draft BSIP for submission on 26 October 2021.

## **2 MAIN CONSIDERATIONS**

2.1 The Chairman of the Council was consulted in accordance with Procedure Rule 208 of the Council's Constitution and agreed that the Call-in procedure would not apply to this decision on the grounds of urgency, as any delay caused by the call-in process would prejudice the Council's or the public interest.

## **3 ALTERNATIVE OPTIONS**

3.1 None identified

## **4 FINANCIAL IMPLICATIONS**

4.1 None identified at this stage

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

5.1 As detailed in the Report

## **6 DATA PROTECTION IMPLICATIONS**

6.1 A Data Protection Impact Assessments (DPIA) has not been completed.

## **7 EQUALITY IMPACT ASSESSMENT**

7.1 An Equality Impact Assessment (EqIA) has not been completed.

## **8 COMMUNITY SAFETY IMPLICATIONS**

8.1 None identified

## **9 HEALTH AND WELLBEING IMPLICATIONS**

9.1 None identified

## **10 BACKGROUND PAPERS**

10.1 Cabinet Report No. 133/2021 Bus Service Improvement Plan. Considered by Cabinet on 26 October 2021.

## **11 APPENDICES**

11.1 There are no appendices to the report.

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**

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**PLANNING AND LICENSING COMMITTEE**

23 November 2021

**GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

Report of the Strategic Director of Places

Strategic Aim:	Vibrant Communities	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor L Stephenson, Deputy Leader and Portfolio Holder for Communities, Environment and Climate Change	
Contact Officer(s):	Jacqui Harvey, Head of Operations Environmental Health and Licensing	Tel: 01733 453502 Jacqui.harvey@peterborough.gov.uk
	Gareth Brighton – Licensing and Business Manager	Tel: 01733 864103 Gareth.brighton@peterborough.gov.uk
	Terri Martin, Strategic Regulatory Officer	Tel: 01733 453561 Terri.martin@peterborough.gov.uk
Ward Councillors	All Wards	

**DECISION RECOMMENDATIONS**

That the Committee:

1. Approve the proposed revised draft Gambling Act 2005 Statement of Principles, as attached at **Appendix D**; and
2. Recommends to Council at the meeting on 13 December 2021, the formal adoption of the proposed Gambling Act 2005 Statement of Principles for Rutland County Council

**1 PURPOSE OF THE REPORT**

- 1.1 To make members aware of the responses received during the consultation process.
- 1.2 To seek approval of the draft Statement of Principles and to seek recommendation to Council for adoption at the meeting on 13 December 2021.

**2 BACKGROUND**

- 2.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review, for failing in its responsibilities to carry out a statutory duty.
- 2.2 The Act requires that the Statement of Principles is kept under continual review, to incorporate where necessary, any changes to the legislation and or Guidance as appropriate. In addition, the Act specifies that the Statement must be reviewed and subject to consultation every three years.
- 2.3 The current three year period began on 31 January 2019 and therefore is due to expire on 30 January 2022. The revised Statement must be reviewed and consulted upon prior to it being adopted.
- 2.4 In order to meet our statutory obligations, a revised Statement was drafted and subject to consultation.
- 2.5 In formulating the draft revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. This draft is based on the nationally accepted template and contains the minimum of amendments and there are no changes to the intent or direction of the policy.

### **3 CONSULTATION**

- 3.1 The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles.
- 3.2 Before determining its Statement for any three year period, (as required under S.349 of the Act) the licensing authority must consult with the persons listed in s.349(3) as follows:
- a. Chief Officer of Police for the area;
  - b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
  - c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 3.3 For information purposes, a list of consultees is attached at **Appendix A**
- 3.4 A consultation took place between 27 August 2021 and 15 October 2021. The consultation letter gave advice on the following:
- ii) Options on where to access and obtain copies of the draft revised Statement
  - iii) How to make representations on the draft Statement
  - iv) Deadline for making representations, that any comments must be received by 15 October 2021.
- 3.5 The consultation document showing track changes is attached at **Appendix B** (Track changes; additions of text are shown in red and deletions of text are shown with strikethrough)

- 3.6 Two Responses (and one enquiry) were received to the consultation.
- 3.7 The response from the National Association of Bookmakers identified some outdated text within paragraph 18.7 of the draft policy. The outdated text referring to the 'five times betting rule' has been removed and the paragraph is now consistent with current guidance.
- 3.8 The second response was from HMRC, stating that the postal address had changed, Appendix 3 (Responsible Authority contact details), has been updated accordingly.
- 3.9 The revised Statement of Principles including changes made in consideration of consultation responses, is attached at **Appendix D**

#### **4 ALTERNATIVE OPTIONS**

- 4.1 The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 Any costs in relation to the production of the Statement of Principles will be met by income from gambling licensing fees.

#### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 The Statement of Principles should be read in conjunction with the Statutory Guidance issued under Section 25 of the Gambling Act 2005 ('the Act').
- 6.2 The Council must have regard to the Statement of Principles when carrying out its duties under the Act.
- 6.3 Section 349 of the Act requires the Licensing Authority to publish a Statement of Principles every three years, and to consult with the statutory consultees and any other persons who may have an interest.
- 6.4 Legal Services will rely upon the contents of the policy in the event of any appeals to the Magistrates Court against decisions of the council and in any prosecutions.
- 6.5 As per paragraph 4.2 of the Statement of Principles *'It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.'*

#### **7 DATA PROTECTION IMPLICATIONS**

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no DPA implications in producing and publishing the Policy.

#### **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 An Equality Impact Assessment (EqIA) has not been completed as the policy does not seek to discriminate against any particular group.

## **9 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 None identified. Rutland County Council currently has one premises licensed under the Gambling Act 2005 and issue various permits and registrations.
- 9.2 The Gambling Act 2005 sets out the functions to be exercised by licensing authorities, which includes a consultation process with Responsible Authorities and interested parties on new premises applications. The Statement details the Principles it will apply, when exercising those functions, which is consistent with statutory guidance.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 Please refer to 9.1 and 9.2 above.

## **11 ORGANISATIONAL IMPLICATIONS**

- 11.1 No Environmental, Human Resource or procurement implications have been identified.

## **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 To comply with the statutory requirements of the Gambling Act 2005 and to ensure that the Statement of Principles is up to date and remains fit for purpose, the revised Statement of Principles (as attached at **Appendix D**) should be recommended for adoption by Council.

## **13 BACKGROUND PAPERS**

- 13.1 The Gambling Act 2005
- 13.2 Guidance issued to Licensing Authorities under s.25 of the Act issued by the Gambling Commission (published April 2021)  
<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

## **14 APPENDICES**

- 14.1 Appendix A – List of Consultees
- 14.2 Appendix B – Consultation document
- 14.3 Appendix C – Consultation responses
- 14.4 Appendix D – Proposed Statement of Principles for adoption

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.



**LIST OF CONSULTEE'S**

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

**Responsible Authorities**

- The Licensing Authority
- Leicestershire Constabulary – the chief officer of police
- Gambling Commission
- Leicestershire Fire & Rescue Service
- Rutland County Council – Planning Control
- Rutland County Council – Pollution Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- British Beer and Pub Association
- National Association of Bookmakers
- Betting and Gaming Council
- Chamber of Commerce
- All local Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Rutland County Council Ward & Parish Councillors
- GamCare
- MP for Rutland
- Police Crime Commissioner
- Director of Public Health
- All residents and businesses within the Rutland County area (through the Council website)

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## APPENDIX B



**Rutland**  
County Council

**Rutland County Council**  
Catmose  
Oakham  
Rutland  
LE15 6HP

**telephone:** 01572 722 577  
**fax:** 01572 758 307  
**email:** [enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
**web:** [www.rutland.gov.uk](http://www.rutland.gov.uk)  
**DX:** 28340 Oakham

27 August 2021

To all Responsible Authorities and Interested Parties

Dear Sir/Madam

### **RE: THE GAMBLING ACT 2005 – Statement of Principles Review**

I write to inform you of a revision to the council's Gambling Act 2005 (the Act) Statement of Principles. The consultation will run from 27 August 2021 to 15 October 2021 and seeks views on the draft revisions. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination of the final policy.

This latest draft of the policy contains the minimum of amendments, additions of text are shown in red, and deletions of text are shown with ~~strikethrough~~.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Rutland County Council, Licensing Team, Catmose, Oakham, Rutland, LE15 6HP

Or by email: [licensing@rutland.gov.uk](mailto:licensing@rutland.gov.uk)

Please note: We are unable to accept verbal responses.

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The Statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published. As the current statement was last published in January 2019 the three year period is coming to an end.

Prior to publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;
- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

As such I would like to invite your comments on the draft revised Statement of Principles.

A copy of the draft revised Statement of Principles can be found on the Council website [www.rutland.gov.uk](http://www.rutland.gov.uk) under the Gambling Act 2005 section. Copies have also been made available in the public library in Oakham during opening hours.

Yours faithfully

The Licensing Team



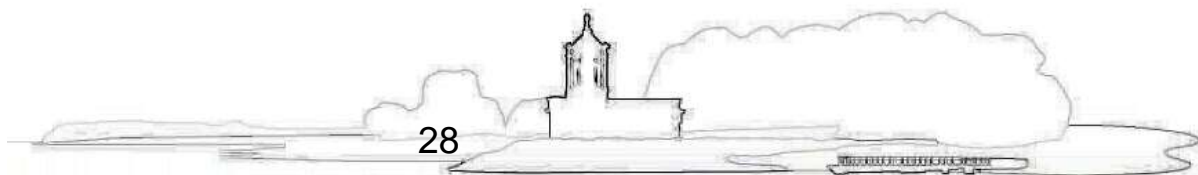
# Rutland County Council

**DRAFT**

## Gambling Act 2005 Statement of Principles

**Subject to consultation - 27 August to 15 October 2021**

Next Review Date	31 January 2022
Approved by Licensing Committee	To be updated <del>23 October 2018</del>
Approved by Full Council	To be updated <del>12 November 2018</del>



## BACKGROUND

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing Justices.

The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by the Gambling Act 2005 in relation to most commercial gambling, or by way of the National Lottery Act 1993, or Financial Services and Markets Act 2000 in the case of spread betting.

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## THE COUNTY OF RUTLAND

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 of approximately 0.87 people per hectare.

Two main market towns, Oakham and Uppingham, plus 50 villages make up the County. There are 37,369 residents according to the 2011 census. 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.

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.

Rutland Water is the largest man-made reservoir in Europe and an amazing spot for every type of water sport. Set in 4200 acres of open countryside, Rutland Water lies at the very heart of the county and is as spectacular in beauty as it is in size. Created in the 1970's to meet an ever increasing demand for water, nowadays it's widely regarded as a leading centre for water and land based leisure activities and has year round appeal for fishermen, cyclists, sailors and bird watchers.

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

Please refer to Appendix 1 for a map of Rutland.



## DEFINITIONS

The **Council** means Rutland County Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

**Members** means Rutland County Councillors

The **Licensing Committee** means the full committee or a subcommittee of no less than three Members.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006 and subsequently updated

**Child** means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

**LA** means Local Authority.

## **PART A - INTRODUCTION**

### **1. THE LICENSING OBJECTIVES**

- 1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

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

- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### **2. STATEMENT OF PRINCIPLES**

- 2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

### **3. CONSULTATION**

- 3.1 Rutland County Council consulted widely upon this statement before finalising and publishing.

- 3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:

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

For a full list of persons this authority consulted please refer to Appendix 2.

- 3.3 The consultation ~~took~~ **will take** place between **27 August 2021 to 15 October 2021**. ~~06 August 2018 and 23 September 2018~~.

**This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy.**

#### **4. APPROVAL OF POLICY STATEMENT**

- 4.1 This statement ~~was~~ **will be recommended for approval** ~~approved~~ at a meeting of the full council on ~~12 November 2018~~. **13 December 2021 and will be published via the Rutland's website upon adoption.**
- 4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

#### **5. DECLARATION**

- 5.1 Rutland County Council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

#### **6. RESPONSIBLE AUTHORITIES**

- 6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates our Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to Appendix 3 or alternatively via the council website.

#### **7. INTERESTED PARTIES**

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.
- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - Has business interests that might be affected by the authorised activities; or
  - Represents persons who satisfy the above.

- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission's guidance for local authorities.
- 7.5 When determining what "sufficiently close to the premises" means (in each case), this authority might include:
- The size of the premises
  - The nature of the premises
  - **The activities taking place at the premises**
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
  - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to "persons with business interests that could be affected" it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being "a person with business interests that could be affected by the premises" under consideration. It should be borne in mind however that the "demand test" in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005, therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
  - The 'catchment' area of the premises (i.e. how far people travel to visit); and
  - Whether the person making a representation has business interests in that catchment area that might be affected.
- 7.8 **The types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.**
- 7.9 § The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents' and tenants' associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives

sufficiently close to the premises to be likely to be affected by the activities applied for.

7.10 <sup>9</sup> Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

7.11 Any objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act 2005. Unlike the Licensing Act 2003 the Gambling Act 2005 does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.

7.12 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made in consideration of a number of factors including the following:

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

## 8. EXCHANGE OF INFORMATION

8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Commissioners of Customs and Excise
- ~~The Gambling Commission~~
- The First Tier Tribunal
- ~~The National Lottery Commission~~
- The Secretary of State
- The Scottish Ministers

8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 and any relevant regulations will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission and adopt the principles of better

regulation, ~~as and when it is published on this matter~~, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

## **9. ENFORCEMENT**

- 9.1 Licensing authorities are required by regulation to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.
- 9.2 The Council follows the principles of the Regulators Code. The Code is based on consistency, transparency and proportionality.
- 9.3 The council proposes, in line with the code, 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 review heard by the Licensing Act Committee, the issue of a Formal Caution or a referral for prosecution.
- 9.4 The main enforcement and compliance role of 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 the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The Council will seek to work actively with the Police and Leicestershire Fire and Rescue Service in enforcing licensing legislation and on compliance issues to ensure an efficient deployment of resources.
- 9.6 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme, **targeting high risk premises.**

## **10 PUBLIC REGISTER**

- 10.1 In accordance with section 156 of the Act, Rutland County Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view on request. This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

## **11. DECISION MAKING / DELEGATION**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice,

this policy and the licensing objectives. Determination of applications made to the licensing authority will be made in accordance with section 153 of the Act.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to Appendix 4.

## 12. LICENSING AUTHORITY FUNCTIONS

12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.



## PART B - PREMISES LICENCES

### 13. GENERAL PRINCIPLES

13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.

13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

13.2.1 The Licensing authority is also aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. The authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

### 13.3 Definition of "premises"

13.3.1 In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

13.3.2 Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.

13.3.3 The local authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

### **13.4 Premises “ready for gambling”**

13.4.1 The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

13.4.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

### **13.5 Location**

13.5.1 Demand issues cannot be considered with regards to the location of premises but that considerations in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **13.6 Duplication with Other Regulatory Regimes**

13.6.1 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

### **13.7 Integrating Strategies**

13.7.1 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.

13.7.2 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.

### **13.8 Licensing Objectives**

13.8.1 Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

- 13.8.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.
- 13.8.3 This licensing authority has noted the Gambling Commission's guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.
- 13.8.4 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.
- 13.8.5 **Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.
- 13.8.6 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).
- 13.8.7 **The Advertising Standards Authority (ASA) enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited.** The Council will work with licensees to ensure advertising on premises is such that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 13.8.8 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

13.8.9 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:-

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

13.8.10 There is no definition of 'vulnerable person' and it is noted that the Gambling Commission are not seeking to offer one, but ~~this could~~ **it does, for regulatory purposes, assume that this group** includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

## 13.9 Conditions

13.9.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

13.9.2 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

13.9.3 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

13.9.4 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.9.5 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.9.6 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.9.7 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

## **13.10 Risk Assessments**

13.10.1 Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy

- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

13.10.2 Social responsibility (SR code 10.1.1) requires licensees to 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 undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

13.10.3 2 Such risks that may be identified could include but are not exhaustive to, the location of nearby services for children, the demographics of the area in relation to vulnerable groups, whether the premises is located in an area with high levels of crime / antisocial behaviour; and set out how vulnerable people, including those with problem gambling behaviours will be protected

13.10.4 The SR provision is supplemented by an ordinary code provision indicating that licensees should 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.

### 13.11 Local Area Profiles

13.11.1 Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Principles there has been no evidence presented to support the assertion that any part of Rutland County Council had or is experiencing problems from gambling activities. This position will be kept under review.

## 14. ADULT GAMING CENTRES

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **15. LICENSED FAMILY ENTERTAINMENT CENTRES**

- 15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- notices / signage
- physical separation of areas
- CCTV
- supervision of entrances / machine areas
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

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

- 15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

## **16. CASINOS**

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

## **17. BETTING PREMISES**

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a 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 the door supervision is both necessary and proportionate.

## **18. TRACKS**

- 18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
  - location of gaming machines
  - supervision of entrances / machine areas
  - notices / signage
  - provision of information leaflets / helpline numbers for organisations such as Gamcare

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



- 18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”
- 18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.
- 18.8 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided

through occasional use notices where the boundary premises do not need to be defined.

## **19. BINGO PREMISES**

19.1 This licensing authority notes that the Gambling Commission's guidance states:

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

19.2 This licensing authority must satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

19.3 This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **20. TRAVELLING FAIRS**

20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **21. PROVISIONAL STATEMENTS**

21.1 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 for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

## **22. REVIEWS**

22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.

22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
  - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
  - c) suspend the premises licence for a period not exceeding three months; and/or
  - d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

- 22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. **Equally, the premises licence holder must only offer the type of gambling that they are permitted to.**

## PART C - PERMITS / REGISTRATIONS / NOTICES

### 23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

### 24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act **for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines** ~~(i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)~~
  - the premises are mainly used for gaming; or
  - an offence under the Act has been committed on the premises

- 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include:
- adult machines being in sight of bar
  - notices / signage
- 24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.
- 24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

## **25. PRIZE GAMING PERMITS**

- 25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.
- 25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:

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

25.3 The licensing authority will determine each application on its own merits.

*(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)*

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## **26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS**

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the

gaming is permitted by separate regulations. A members club must be permanent in nature, not established to make commercial profit, and controlled by its members equally.

26.4 This licensing authority is aware that it may only refuse an application on the grounds that:

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

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

## **27 SMALL SOCIETY LOTTERIES**

27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:

- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
- Exempt Lotteries (including small society lotteries registered with Rutland County Council)

27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:

- Small society lotteries;
- Incidental non-commercial lotteries;
- Private lotteries;
- Private society lottery;
- Work lottery;
- Residents' lottery;
- Customers' lottery.

27.3 **S.19 of the Act defines a society as such if it is established and conducted:**

- **For charitable purposes, as defined in s.2 of the Charities Act 2006**



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

27.4 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

27.5 If a society running small lotteries fails to comply with any of the conditions of running such lotteries specified in Part 4 of Schedule 11 of the Act, it will be operating in an illegal manner, irrespective of whether it is registered with a licensing authority or not. In these circumstances, small society lottery operators may face prosecution by the Commission, a licensing authority, or the police.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

[http://www.gamblingcommission.gov.uk/gambling\\_sectors/lotteries.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx)

## **28. TEMPORARY USE NOTICES**

28.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.

28.2 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

28.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.

28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## **29. OCCASIONAL USE NOTICES**

29.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at;

<https://www.rutland.gov.uk/my-business/licensing/licensing-a-gambling-policy/>

Consultation Draft

# APPENDIX 1

## MAP OF RUTLAND



## **APPENDIX 2**

### **LIST OF CONSULTEE'S**

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

#### **Responsible Authorities**

- The Licensing Authority
- Leicestershire Constabulary – the Chief Officer of Police
- Gambling Commission
- Leicestershire Fire & Rescue Service
- Rutland County Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- British Beer and Pub Association
- British Bookmakers Trade Association
- All local Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Ward & Parish Councillors
- GamCare
- All residents and businesses within the Rutland County area (through the Council website)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### THE RESPONSIBLE AUTHORITIES:

**Licensing Team:**

The Licensing Team  
Catmose  
Oakham  
Rutland  
LE15 6HP  
[licensing@rutland.gov.uk](mailto:licensing@rutland.gov.uk)

**The Gambling Commission:**

Victoria Square House  
Victoria Square  
Birmingham B2 4BP  
Tel: 0121 230 6500  
Fax: 0121 237 2236  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

**Leicestershire Police:**

Licensing Department  
Leicestershire Police  
Mansfield House  
74 Belgrave Gate  
Leicester  
LE1 3GG

**Fire Authority:**

Leicestershire Fire & Rescue Service  
LFRS Headquarters  
12 Geoff Monk Way  
Birstall  
Leicester  
LE4 3BU

**Pollution Control:**

Pollution Control  
Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP

**Planning:**

Head of Planning & Development Control  
Rutland County Council  
Catmose

Oakham  
Rutland  
LE15 6HP

**HM Revenue & Customs:**

National Registration Unit  
Portcullis House  
21 India House  
Glasgow  
G2 4PZ

**Safeguarding Children Board  
Leicestershire and Rutland:**

Safeguarding Children Partnership  
Local Safeguarding Business Office  
Room 100  
County Hall  
Glenfield  
LE3 8RA  
E: james.fox@leics.gov.uk

\_\_\_\_\_ Safeguarding Service Manager  
\_\_\_\_\_ Rutland County Council  
\_\_\_\_\_ Catmose  
\_\_\_\_\_ Oakham  
\_\_\_\_\_ Rutland  
\_\_\_\_\_ LE15 6HP

Consultation Draft

## APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
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 licence		Where representations have been received from the Commission or RA	Where no representations received from the Commission or RA
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give counter notice to temporary use notice		X	



## APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current limits for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set). Any changes to the limits will be published on the Gambling Commission's website. <https://www.gamblingcommission.gov.uk/home.aspx>.

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 <sup>1</sup>
B2	£2 <del>£100</del>	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only



**A large print version of this document is available on request**



**Rutland**  
County Council

Rutland County Council  
Catmose, Oakham, Rutland LE15 6HP

01572 722 577  
[enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
[www.rutland.gov.uk](http://www.rutland.gov.uk)

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**Fw: GAMBLING ACT 2005 - DRAFT GAMBLING POLICY**

Licensing &lt;Licensing@rutland.gov.uk&gt;

Wed 06/10/2021 11:23

To: Terri Martin &lt;terri.martin@peterborough.gov.uk&gt;

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Hi Terri

Please see below.

Thank you

Savannah Parkinson  
Licensing Officer  
Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP  
01572 758366

---

**From:** NRUBettingGaming@hmrc.gov.uk <NRUBettingGaming@hmrc.gov.uk>**Sent:** 06 October 2021 09:58**To:** Licensing <Licensing@rutland.gov.uk>**Subject:** GAMBLING ACT 2005 - DRAFT GAMBLING POLICY

Good Morning

Thank you for your recent correspondence.

As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-

HM Revenue and Customs  
Excise Processing Teams  
BX9 1GL  
United Kingdom

Our contact telephone number is now 0300 322 7072 Option 7.

Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk

Kind Regards

Janet (Marron)  
Excise Processing Team  
HM Revenue & Customs  
BX9 1GL  
United Kingdom  
0300 322 7072 Option 7

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Email Enquiries: [enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
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**Fw: Gambling Act 2005 - Statement of Principles Review and Consultation**

Licensing &lt;Licensing@rutland.gov.uk&gt;

Tue 28/09/2021 09:51

To: Terri Martin &lt;terri.martin@peterborough.gov.uk&gt;

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Hi Terri

Please see below response re the Gambling consultation.

Thank you

Savannah Parkinson  
Licensing Officer  
Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP  
01572 758366

---

**From:** secretary@nab-bookmakers.co.uk <secretary@nab-bookmakers.co.uk>**Sent:** 27 September 2021 19:07**To:** Licensing <Licensing@rutland.gov.uk>**Subject:** RE: Gambling Act 2005 - Statement of Principles Review and Consultation

Dear Sir/Madam,

Many thanks for including the National Association of Bookmakers Ltd in the circulation of your proposed draft Statement of Principles and we would just like to comment on 18.7 where reference is made to the "Five times rule" areas. As a direct result of the implantation of the Gambling Act 2005, the "five times" Rule fell away and on the 1<sup>st</sup> September 2012 all racecourses commenced with a new contract between themselves and on-course bookmakers which some areas are charged at 10 times and annual marketing fees are also applied.

Kind regards

Simon Walmsley  
Chairman, NAB

---

**From:** Licensing <Licensing@rutland.gov.uk>**Sent:** 27 September 2021 10:50**To:** Licensing <Licensing@rutland.gov.uk>**Subject:** Fw: Gambling Act 2005 - Statement of Principles Review and Consultation

Good afternoon,

This is a polite reminder that the consultation on Rutland's draft Statement of Principles as required under the Gambling Act 2005, ends on Friday 15 October 2021.

If you would like to respond and make comment on the draft revisions, please ensure that you do so on or before the 15th of October. This is to ensure your comments can be properly considered prior to determination of the final policy.

Thank you if you have already responded. Your comments will be taken into consideration by the Licensing and Planning Committee when formulating the final policy.

Kind regards

Consultation Officer  
The Licensing Team  
Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP

---

**From:** Licensing <[Licensing@rutland.gov.uk](mailto:Licensing@rutland.gov.uk)>  
**Sent:** 31 August 2021 11:50  
**Subject:** Gambling Act 2005 - Statement of Principles Review and Consultation

CAUTION: This email originates outside of Peterborough City Council's network. Do **NOT** click on links or open attachments unless you recognise the sender and know the content is safe. Please report any concerns or issues to ICT

Good morning,

I write to inform you of a revision to the council's Gambling Act 2005 (the Act) Statement of Principles. As part of the consultation process, we are writing to those likely to be affected by the policy and recognise that in some areas it may be difficult to identify the correct persons or bodies to consult. With this in mind, it would be appreciated if you could forward this email to the most appropriate person or body to respond, if necessary.

The consultation will run from 27 August 2021 to 15 October 2021 and seeks views on the draft revisions. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination of the final policy.

This latest draft of the policy contains the minimum of amendments, additions of text are shown in **red**, and deletions of text are shown with ~~strikethrough~~.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Rutland County Council, Licensing Team, Catmose, Oakham, Rutland, LE15 6HP

Or by email: [licensing@rutland.gov.uk](mailto:licensing@rutland.gov.uk)

Please note: We are unable to accept verbal responses.

The Act requires all licensing authorities to prepare and publish a Statement of Principles, setting out how it will administer its duties. The Statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently

re-published. As the current statement was last published in January 2019 the three year period is coming to an end.

Prior to publishing its statement the Act requires the licensing authority to consult the following on the statement or any subsequent revision;

- in England and Wales, the chief officer of police for the authorities area;
- one or more persons who appear to the licensing authority to represent the interests of persons carrying on the gambling businesses in the authorities area; and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

As such I would like to invite your comments on the draft revised Statement of Principles.

A copy of the draft revised Statement of Principles is attached to this email. It can also be found on the Council website [www.rutland.gov.uk](http://www.rutland.gov.uk) under the Gambling Act 2005 section. Paper copies have also been made available in the public library in Oakham during opening hours.

Yours faithfully

Consultation Officer  
The Licensing Team

Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP

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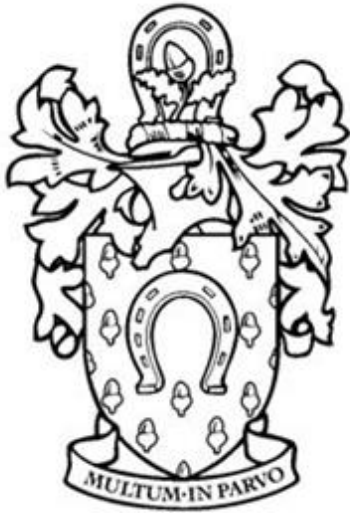
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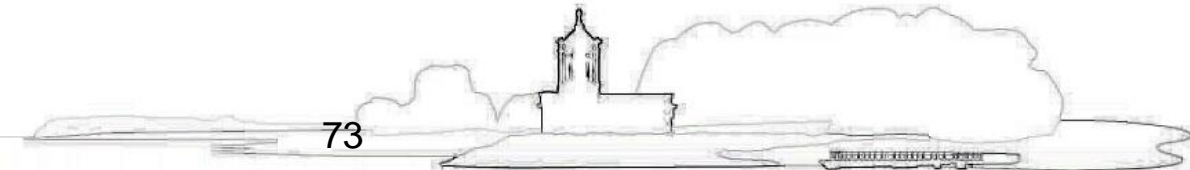




# Rutland County Council

## Gambling Act 2005 Statement of Principles

Next Review Date	31 January 2025
Approved by Licensing Committee	23 November 2021
Approved by Full Council	13 December 2021



## **BACKGROUND**

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing Justices.

The overall approach of the Act is to state that gambling is unlawful in Great Britain, unless permitted by the Gambling Act 2005 in relation to most commercial gambling, or by way of the National Lottery Act 1993, or Financial Services and Markets Act 2000 in the case of spread betting.

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## THE COUNTY OF RUTLAND

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 of approximately 0.87 people per hectare.

Two main market towns, Oakham and Uppingham, plus 50 villages make up the County. There are 37,369 residents according to the 2011 census. 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.

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.

Rutland Water is the largest man-made reservoir in Europe and an amazing spot for every type of water sport. Set in 4200 acres of open countryside, Rutland Water lies at the very heart of the county and is as spectacular in beauty as it is in size. Created in the 1970's to meet an ever increasing demand for water, nowadays it's widely regarded as a leading centre for water and land based leisure activities and has year round appeal for fishermen, cyclists, sailors and bird watchers.

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

Please refer to Appendix 1 for a map of Rutland.

## DEFINITIONS

The **Council** means Rutland County Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

**Members** means Rutland County Councillors

The **Licensing Committee** means the full committee or a subcommittee of no less than three Members.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006 and subsequently updated

**Child** means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

**LA** means Local Authority.

## **PART A - INTRODUCTION**

### **1. THE LICENSING OBJECTIVES**

1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

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

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### **2. STATEMENT OF PRINCIPLES**

2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

### **3. CONSULTATION**

3.1 Rutland County Council consulted widely upon this statement before finalising and publishing.

3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:

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

For a full list of persons this authority consulted please refer to Appendix 2.

3.3 The consultation took place between 27 August 2021 to 15 October 2021.

This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy.

#### **4. APPROVAL OF POLICY STATEMENT**

- 4.1 This statement was approved at a meeting of the full council on 13 December 2021 and will be published via the Rutland's website upon adoption.
- 4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

#### **5. DECLARATION**

- 5.1 Rutland County Council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

#### **6. RESPONSIBLE AUTHORITIES**

- 6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates our Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to Appendix 3 or alternatively via the council website.

#### **7. INTERESTED PARTIES**

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.
- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - Has business interests that might be affected by the authorised activities; or
  - Represents persons who satisfy the above.



- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission's guidance for local authorities.
- 7.5 When determining what "sufficiently close to the premises" means (in each case), this authority might include:
- The size of the premises
  - The nature of the premises
  - The activities taking place at the premises
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
  - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to "persons with business interests that could be affected" it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being "a person with business interests that could be affected by the premises" under consideration. It should be borne in mind however that the "demand test" in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005, therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
  - The 'catchment' area of the premises (i.e. how far people travel to visit); and
  - Whether the person making a representation has business interests in that catchment area that might be affected.
- 7.8 The types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.
- 7.9 The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents' and tenants' associations. This authority however will not generally view these bodies as interested parties unless they have a member who can be classed as an interested party under the terms of the Act e.g. lives

sufficiently close to the premises to be likely to be affected by the activities applied for.

- 7.10 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.
- 7.11 Any objections to new premises or requests for a review should be based on the licensing objectives of the Gambling Act 2005. Unlike the Licensing Act 2003 the Gambling Act 2005 does not include the prevention of public nuisance and anti-social behaviour as a specific licensing objective.
- 7.12 The licensing authority will not consider representations that are frivolous or vexatious or which relate to demand or need for gambling facilities. A decision on whether representations are frivolous or vexatious will be made in consideration of a number of factors including the following:
- who is making the representation, and whether there is a history of making representations that are not relevant
  - whether it raises a 'relevant' issue
  - whether it raises issues specifically to do with the premises that are the subject of the application.

## **8. EXCHANGE OF INFORMATION**

- 8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:
- A Constable or Police Force
  - An Enforcement Officer
  - A Licensing Authority
  - Her Majesty's Commissioners of Customs and Excise
  - The First Tier Tribunal
  - The Secretary of State
  - The Scottish Ministers
- 8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 and any relevant regulations will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission and adopt the principles of better

regulation, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.
- 8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

## **9. ENFORCEMENT**

- 9.1 Licensing authorities are required by regulation to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.
- 9.2 The Council follows the principles of the Regulators Code. The Code is based on consistency, transparency and proportionality.
- 9.3 The council proposes, in line with the code, 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 review heard by the Licensing Act Committee, the issue of a Formal Caution or a referral for prosecution.
- 9.4 The main enforcement and compliance role of 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 the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The Council will seek to work actively with the Police and Leicestershire Fire and Rescue Service in enforcing licensing legislation and on compliance issues to ensure an efficient deployment of resources.
- 9.6 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme, targeting high risk premises.

## **10 PUBLIC REGISTER**

- 10.1 In accordance with section 156 of the Act, Rutland County Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view on request. This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

## **11. DECISION MAKING / DELEGATION**

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice,

this policy and the licensing objectives. Determination of applications made to the licensing authority will be made in accordance with section 153 of the Act.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to Appendix 4.

## 12. LICENSING AUTHORITY FUNCTIONS

12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

## **PART B - PREMISES LICENCES**

### **13. GENERAL PRINCIPLES**

13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.

13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives, and
- in accordance with the authority's Statement of Principles

13.2.1 The Licensing authority is also aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. The authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

### **13.3 Definition of "premises"**

13.3.1 In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.

13.3.2 Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.

13.3.3 The local authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

### **13.4 Premises “ready for gambling”**

13.4.1 The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

13.4.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

### **13.5 Location**

13.5.1 Demand issues cannot be considered with regards to the location of premises but that considerations in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **13.6 Duplication with Other Regulatory Regimes**

13.6.1 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

### **13.7 Integrating Strategies**

13.7.1 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.

13.7.2 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.

### **13.8 Licensing Objectives**

13.8.1 Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

- 13.8.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.
- 13.8.3 This licensing authority has noted the Gambling Commission's guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.
- 13.8.4 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.
- 13.8.5 **Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.
- 13.8.6 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).
- 13.8.7 The Advertising Standards Authority (ASA) enforces the UK Advertising Codes (the Codes), written by the Committees of Advertising Practice. The Codes cover the content and placement of advertising and are designed to ensure that advertisements for gambling products are socially responsible, with particular regard to the need to protect children, young persons under 18 and other vulnerable persons from being harmed or exploited. The Council will work with licensees to ensure advertising on premises is such that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 13.8.8 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



13.8.9 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:-

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

13.8.10 There is no definition of 'vulnerable person' and it is noted that the Gambling Commission are not seeking to offer one, but it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

## 13.9 Conditions

13.9.1 Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

13.9.2 Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

13.9.3 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

13.9.4 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.9.5 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.9.6 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.9.7 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

## **13.10 Risk Assessments**

13.10.1 Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy

- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

13.10.2 Social responsibility (SR code 10.1.1) requires licensees to 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 undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

13.10.3 Such risks that may be identified could include but are not exhaustive to, the location of nearby services for children, the demographics of the area in relation to vulnerable groups, whether the premises is located in an area with high levels of crime / antisocial behaviour; and set out how vulnerable people, including those with problem gambling behaviours will be protected

13.10.4 The SR provision is supplemented by an ordinary code provision indicating that licensees should 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.

### **13.11 Local Area Profiles**

13.11.1 Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Principles there has been no evidence presented to support the assertion that any part of Rutland County Council had or is experiencing problems from gambling activities. This position will be kept under review.

## **14. ADULT GAMING CENTRES**

14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.

14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation
- location of entry
- notices / signage
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **15. LICENSED FAMILY ENTERTAINMENT CENTRES**

- 15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:

- notices / signage
- physical separation of areas
- CCTV
- supervision of entrances / machine areas
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- suspected child truancy handling training

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

- 15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

## **16. CASINOS**

- 16.1 This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

## **17. BETTING PREMISES**

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.
- 17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a 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 the door supervision is both necessary and proportionate.

## **18. TRACKS**

- 18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
  - location of gaming machines
  - supervision of entrances / machine areas
  - notices / signage
  - provision of information leaflets / helpline numbers for organisations such as Gamcare

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

18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission’s suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any ‘betting ring’ areas must be indicated on the plan.

18.8 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided

through occasional use notices where the boundary premises do not need to be defined.

## **19. BINGO PREMISES**

19.1 This licensing authority notes that the Gambling Commission's guidance states:

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

19.2 This licensing authority must satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

19.3 This authority also notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **20. TRAVELLING FAIRS**

20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **21. PROVISIONAL STATEMENTS**

21.1 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 for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

## **22. REVIEWS**

22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.

22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.



The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
  - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
  - c) suspend the premises licence for a period not exceeding three months; and/or
  - d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

- 22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them. Equally, the premises licence holder must only offer the type of gambling that they are permitted to.

## **PART C - PERMITS / REGISTRATIONS / NOTICES**

### **23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
  - the premises are mainly used for gaming; or
  - an offence under the Act has been committed on the premises
- 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission

under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include:

- adult machines being in sight of bar
- notices / signage

24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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

24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.

24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

## **25. PRIZE GAMING PERMITS**

25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.

25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in regulations; and

- that the gaming offered is within the law.

25.3 The licensing authority will determine each application on its own merits.

*(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)*

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

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

## **26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS**

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be

permanent in nature, not established to make commercial profit, and controlled by its members equally.

- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and / or young persons
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been lodged by the Gambling Commission or the police.
- 26.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **27 SMALL SOCIETY LOTTERIES**

- 27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:
- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
  - Exempt Lotteries (including small society lotteries registered with Rutland County Council)
- 27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:
- Small society lotteries;
  - Incidental non-commercial lotteries;
  - Private lotteries;
  - Private society lottery;
  - Work lottery;
  - Residents' lottery;
  - Customers' lottery.
- 27.3 S.19 of the Act defines a society as such if it is established and conducted:
- For charitable purposes, as defined in s.2 of the Charities Act 2006

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

27.4 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in s.19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

27.5 If a society running small lotteries fails to comply with any of the conditions of running such lotteries specified in Part 4 of Schedule 11 of the Act, it will be operating in an illegal manner, irrespective of whether it is registered with a licensing authority or not. In these circumstances, small society lottery operators may face prosecution by the Commission, a licensing authority, or the police.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

[http://www.gamblingcommission.gov.uk/gambling\\_sectors/lotteries.aspx](http://www.gamblingcommission.gov.uk/gambling_sectors/lotteries.aspx)

## **28. TEMPORARY USE NOTICES**

28.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.

28.2 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

28.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.

28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## **29. OCCASIONAL USE NOTICES**

29.1 This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

### **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at;

<https://www.rutland.gov.uk/my-business/licensing/licensing-a-gambling-policy/>

# APPENDIX 1

## MAP OF RUTLAND





## **APPENDIX 2**

### **LIST OF CONSULTEE'S**

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

#### **Responsible Authorities**

- The Licensing Authority
- Leicestershire Constabulary – the Chief Officer of Police
- Gambling Commission
- Leicestershire Fire & Rescue Service
- Rutland County Council – Planning Control
- Rutland County Council – Pollution Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- British Beer and Pub Association
- National Association of Bookmakers
- Betting and Gaming Council
- Chamber of Commerce
- All local Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Rutland County Council Ward & Parish Councillors
- GamCare
- MP for Rutland
- Police Crime Commissioner
- Director of Public Health
- All residents and businesses within the Rutland County area (through the Council website)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### THE RESPONSIBLE AUTHORITIES:

<b>Licensing Team:</b>	The Licensing Team Catmose Oakham Rutland LE15 6HP <a href="mailto:licensing@rutland.gov.uk">licensing@rutland.gov.uk</a>
<b>The Gambling Commission:</b>	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
<b>Leicestershire Police:</b>	Licensing Department Leicestershire Police Mansfield House 74 Belgrave Gate Leicester LE1 3GG
<b>Fire Authority:</b>	Leicestershire Fire & Rescue Service LFRS Headquarters 12 Geoff Monk Way Birstall Leicester LE4 3BU
<b>Pollution Control:</b>	Pollution Control Rutland County Council Catmose Oakham Rutland LE15 6HP
<b>Planning:</b>	Head of Planning & Development Control Rutland County Council Catmose

Oakham  
Rutland  
LE15 6HP

**HM Revenue & Customs:**

Excise Processing Teams  
BX9 1GL  
United Kingdom

**Safeguarding Children Board  
Leicestershire and Rutland:**

Safeguarding Children Partnership  
Local Safeguarding Business Office  
Room 100  
County Hall  
Glenfield  
LE3 8RA  
E: james.fox@leics.gov.uk

## APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
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 licence		Where representations have been received from the Commission or RA	Where no representations received from the Commission or RA
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give counter notice to temporary use notice		X	

## APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current limits for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set). Any changes to the limits will be published on the Gambling Commission's website. <https://www.gamblingcommission.gov.uk/home.aspx> .

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 <sup>1</sup>
B2	£2 <del>£100</del>	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

**A large print version of this document is available on request**



**Rutland**  
County Council

Rutland County Council  
Catmose, Oakham, Rutland LE15 6HP

01572 722 577  
[enquiries@rutland.gov.uk](mailto:enquiries@rutland.gov.uk)  
[www.rutland.gov.uk](http://www.rutland.gov.uk)

**AUDIT AND RISK COMMITTEE**

30 November 2021

**CONSTITUTION REVIEW****Report of the Interim Monitoring Officer**

Strategic Aim:	Customer-focussed services	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Helmsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal Interim Monitoring Officer	mrosenthal@rutland.gov.uk
Ward Councillors	N/A	

**DECISION RECOMMENDATIONS**

That the Audit and Risk Committee:

1. Approves the Terms of Reference set out in the Report for a Constitution Review by the Constitution Review Working Group.
2. Refers this report to Council for approval.

**1 PURPOSE OF THE REPORT**

- 1.1 To agree terms of Reference for a comprehensive review of the Constitution to ensure it is up to date and fit for purpose.

**2 BACKGROUND**

- 2.1 The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people.
- 2.2 The Council has a legal duty to publish an up-to-date Constitution and keep it up to date with any necessary changes being normally considered at the annual council meeting.
- 2.3 The Council has made several ad hoc changes to the Constitution over the years but there has not been a comprehensive review for some time. This has led to some internal inconsistency e.g., in relation to Petitions and the setting up of Scrutiny Task and Finish groups.

- 2.4 Under Part 3, Section 6.3 of the Constitution, the Audit and Risk Committee is currently responsible for oversight of the Constitution. The Audit and Risk Committee are asked to agree that the Constitution Working Group lead the review reporting back on progress as appropriate.

### **3 THE CONSTITUTION**

- 3.1 The Constitution must contain:

- (a) the Council's standing orders/procedure rules.
- (b) the members' code of conduct.
- (c) such information as the Secretary of State may direct.
- (d) Such other information (if any) as the authority considers appropriate

- 3.2 A Constitution Direction was issued by the Secretary of State in December 2000 that requires 80 matters to be included within council constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area.

- 3.3 The Council's Constitution currently comprises 398 pages organised into 10 Parts (many divided into several sections). The document is difficult to navigate because there is inconsistent pagination, there is no Index and a very limited search facility.

### **4. INDEPENDENT HEALTH CHECK REVIEW**

- 4.1 It is suggested that the first phase of the Review during comprise an independent review of compliance with legislative provisions and best practice.

- 4.2 This first phase would bring forward options for members to consider with a view to developing a clearer, more succinct Constitution which better reflects the present values of the Council, is accessible, up to date and will incorporate changes to modernise the document and make it easier to use.

### **5. ROLE OF CONSTITUTION WORKING GROUP [CRWG]**

- 5.1 It is proposed that the CRWG steer the work of the Constitution Review using its scheduled meetings on 12 January, 2 March 2022 with a view to bringing proposals to the Council meeting on 11 April to permit any changes to take effect from the annual meeting on 9 May 2022.

### **6. PROPOSED TERMS OF REFERENCE AND PROGRAMME FOR THE REVIEW**

- 6.1 It is proposed that the Review encompass the following activities:

- develop a shortened, streamlined, and improved Constitution to better support effective and efficient decision making
- review the Overview and Scrutiny arrangements across the Council in accordance with the statutory government guidance published in May 2019
- carry out a survey of all members on how the Constitution can be improved
- review the use of remote meetings
- assist the Interim Monitoring Officer in recommending to full council a revised version of the constitution by May 2022
- propose a programme of training and development for members and officers on



the new Constitution.

## 6.2 The following outline Programme is suggested to carry out the Review

Agree Terms of Reference	11 November 2021
Information Report	Audit and Risk Committee 9 November 2021 and Council 13 December 2021
Phase 1 Health Check	12 January 2022
Member Survey Analysis	12 January 2022
Initial Recommendations	12 January 2022
All Member Seminar	February 2022
Scrutiny New Proposals	2 March 2022
All Member Seminar	March 2022
Report to Council	9 April 2022

Any changes come into effect from Annual Council 9 May 2022

## 7 CONSULTATION - MEMBER SURVEY

7.1 It is suggested that the CRWG commission an all-member survey to alert councillors to the Review and to seek ideas for improvement. The survey will consist of a series of questions designed to test members' appreciation of the 7 purposes of the Rutland Constitution set out in Article 1.

- The Constitution provides guidance on how the Council provides leadership to the community and partnership with citizens, businesses, and other organisations.
- The Constitution supports the active involvement of citizens in the process of council decision making; it is easy to understand and is up to date
- The Constitution helps Councillors to represent their constituents more effectively.
- The Constitution enables decisions to be taken efficiently and effectively.
- The Constitution ensures that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision
- The Constitution creates a powerful and effective means of holding decision makers to public account.
- the Constitution ensures that proposals and decisions are effectively and fairly reviewed.
- The Constitution provides a means of improving the delivery of services to the community.

7.2 The Survey will ask members about their experience of the council's scrutiny function, what is working well and what could be improved. The Survey will also canvass views on member development and other ways the council can better support its councillors in leading the Council.

7.3 The Survey will also ask participants to comment on their answers and identify ways in which the Constitution could be improved.

## 8 SCRUTINY REVIEW

- 8.1 It is understood that the Council's Scrutiny arrangements were last comprehensively reviewed in 2011. The proposed Review offers a timely opportunity to review the existing Rutland scrutiny arrangements.
- 8.2 Mandatory government Statutory Guidance was published in May 2019 under the provisions of section 9Q of the Local Government and Housing act 2000 and Schedule 5A of the Local Democracy, Economic Development and Constriction Act 2009 encouraging all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.
- 8.3 This Guidance was issued to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring. Local authorities and combined authorities must have regard to it when exercising their functions.

## **9 ALTERNATIVE OPTIONS**

- 9.1 Not to carry out the Review. This is not recommended

## **10 FINANCIAL IMPLICATIONS**

- 10.1 None identified

## **11 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 11.1 Section 37 of the Local Government Act 2000 sets out the duty of the Council to prepare and keep up to date its constitution as follows:

(1) A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution) which contains— (a) such information as the Secretary of State may direct, (b) a copy of the authority's standing orders for the time being, (c) a copy of the authority's code of conduct for the time being under section 51; and (d) such other information (if any) as the authority consider appropriate.

(2) A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.  
6

(3) A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

## **12 DATA PROTECTION IMPLICATIONS**

- 12.1 A Data Protection Impact Assessments (DPIA) has not been completed at this stage.

## **13 EQUALITY IMPACT ASSESSMENT**

- 13.1 An Equality Impact Assessment (EqIA) has not been completed as it is not necessary at this stage. One will be completed when considering public participation and access.

**14 COMMUNITY SAFETY IMPLICATIONS**

None Identified

**15 HEALTH AND WELLBEING IMPLICATIONS**

15.1 None identified

**16 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

16.1 There is a need to carry out a comprehensive review of the Rutland Council Constitution to ensure that it is fit for purpose and up to date.

**17 THERE ARE NO ADDITIONAL BACKGROUND PAPERS TO THE REPORT**

**18 THERE ARE NO APPENDICES**

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**COUNCIL**

13 December 2021

**POLITICAL BALANCE AND ALLOCATION OF SEATS TO  
POLITICAL GROUPS**

**Report of the Monitoring Officer**

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Marie Rosenthal, Monitoring Officer	mrosenthal@rutland.gov.uk
	Tom Delaney, Governance Officer	01572 720 933 tdelaney@rutland.gov.uk
Ward Councillors	N/A	

**DECISION RECOMMENDATIONS**

That Council:

1. Adopts the political balance calculation for the Council at Table A.
2. Approves the allocation of seats to Political Groups, as determined by the political balance, as set out in Appendix A of the report.
3. Notes the group's nominations for the Scrutiny and Standing Committees in Appendix A based on the seats allocated, with several nominations to be confirmed by Group Leaders at the meeting.
4. Appoints a Chair of the Adults and Health Scrutiny Committee from among the membership of the Committee.

**1 PURPOSE OF THE REPORT**

- 1.1 To request that Council approve the political balance calculation for the Council following several events to change the political makeup of the Council, agrees the number of voting places, and allocates seats to political groups on relevant committees appointed by Council.
- 1.2 To request that Council appoints a Chair of the Adults and Health Scrutiny

Committee to fill a vacancy in this position.

## **2 BACKGROUND**

- 2.1 The Council is required by Section 15 of the Local Government and Housing Act 1989 to review the representation of Groups on Committees at its Annual Meeting each year and as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council.
- 2.2 The Council reviewed the political balance and allocation of seats at the Annual Meeting on 10 May 2021 and established the following Committees to which political proportionality applies, with 54 seats available in total:

<b>Committee</b>	<b>Number of Places</b>
Audit and Risk Committee	7
Conduct Committee	7
Planning and Licensing Committee	12
Employment and Appeals Committee	7
Adults and Health Scrutiny	7
Children and Young People's Scrutiny	7
Growth, Infrastructure and Resources Scrutiny	7
<b>Total</b>	<b>54</b>

- 2.3 The Council subsequently reviewed the political balance and allocation of seats at the meeting on 13 September 2021.
- 2.4 As several events have taken place to alter the political balance between Groups since 13 September the Council is now recommended to review the political balance and allocation of seats again to reflect these changes.

## **3 SUMMARY OF CHANGES TO THE POLITICAL COMPOSITION OF THE COUNCIL SINCE 13 SEPTEMBER**

- 3.1 Councillor Adam Lowe, a non-aligned Member representing Oakham North-West, resigned from the Council on 9 September 2021. A by-election for Oakham North-West subsequently took place on Thursday, 4 November. This was won by Councillor Leah Toseland, who now sits as a non-aligned Member.
- 3.2 On Thursday, 4 November, Councillor Alan Walters left the Conservative Group and now sits as a non-aligned Member.
- 3.3 Councillor Richard Coleman, a non-aligned Member representing Ryhall and Casterton, resigned from the Council on Friday, 5 November, and this seat currently

remains vacant leaving 26 Members of the Council.

- 3.4 On Wednesday, 23 November, Councillor Paul Ainsley left the Conservative Group and now sits as a non-aligned Member.

#### **4 POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS**

- 4.1 Following the changes set out in Section 3.0, the Political Composition of the Council and subsequent allocation of seats is set out in **Table A** below:

Group	Number of Councillors	As a % of 26	Number of seats	Rounded number of seats (and change from September 2021)
Conservatives	12	46%	24.92	<b>25 (-3)</b>
Independent and Green Group	6	23%	12.46	<b>13 (+1)</b>
Liberal Democrat	4	15%	8.31	<b>8</b>
Non-aligned	4	15%	8.31	<b>8 (+2)</b>
<b>Total</b>	<b>26</b>	<b>100%</b>	<b>54</b>	<b>54</b>

- 4.2 The allocations set out in **Appendix A** show the allocation of seats to groups based on the calculations in Table A.

- 4.3 **Appendix A** also shows the individual Councillors allocated to each committee seats, as informed by Group Leaders and the non-aligned Members at the time of publication. Several nominations will be confirmed by the respective Group Leaders before or at the meeting on 13 December.

#### **5 APPOINTMENT OF CHAIR OF THE ADULTS AND HEALTH SCRUTINY COMMITTEE**

- 5.1 On 2 December 2021 the Leader of the Council gave notice that Councillor Samantha Harvey would be joining the Cabinet with effect from Monday, 13 December.

- 5.2 In accordance with Procedure Rule 13, by virtue of her appointment to Cabinet , Councillor Harvey will cease to sit on the Adults and Health Scrutiny Committee and Children and Young People Scrutiny Committee with effect from Monday, 13 December.

- 5.3 As Councillor Harvey was the Chair of the Adults and Health Scrutiny Committee

this position is now vacant, and Council is recommended to appoint a new Chair from among the Membership in Appendix A.

- 5.4 Councillor Harvey was also the Vice-Chair of the Children and Young People Scrutiny Committee, and the Committee will be asked to appoint a new Vice-Chair from among its membership at the next meeting of the Committee.

## **6 CONSULTATION**

- 6.1 Consultation has taken place with the Leaders of all Political Groups on the Council and the four non-aligned Members during the writing of this report.

## **7 ALTERNATIVE OPTIONS**

- 7.1 In line with the relevant legislation, the Council must review the Political Balance and allocation of seats at its Annual Council or as soon as practicable after events to change the political balance have occurred.
- 7.2 The Council could choose to await the outcome of a by-election in Ryhall and Casterton before deciding to calculate the political balance and allocate committee seats to political groups.
- 7.3 However, the date for a by-election is not yet known and a delay would leave a number of Committee seats allocated to non-aligned Members vacant therefore this option is not recommended.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications arising from this report.

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 The Council is required to review the representation of Political Groups at its Annual Meeting each year and as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990.
- 9.2 The allocation of seats is required to conform to the principles of proportionality contained in sections 15 and 16 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the order shown:
- a) Not all the seats on the body are allocated to the same political group
  - b) A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority.
  - c) Subject to (a) and (b) above, that the number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority; and



d) Subject to (a) to (c) above, that the number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority.

e) For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

9.3 Legislation and Procedure Rule 20 require the allocation of seats strictly in accordance with political group membership at the time. This means that non-aligned members do not automatically qualify. However, provided no member of the Council votes against any proposed arrangement that departs from strict proportionality, seats can be allocated to non-aligned members as suggested in the Report.

9.4 The Council is also required under Procedure Rule 18 to appoint a new Chair of any Committee at the first ordinary meeting after a vacancy occurs.

## **10 DATA PROTECTION IMPLICATIONS**

10.1 A Data Protection Impact Assessments (DPIA) has not been completed as there are no service, policy or organisational changes being proposed.

## **11 EQUALITY IMPACT ASSESSMENT**

11.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## **12 COMMUNITY SAFETY IMPLICATIONS**

12.1 There are no community safety implications arising from the report.

## **13 HEALTH AND WELLBEING IMPLICATIONS**

13.1 There are no health or wellbeing implications arising from the report.

## **14 ORGANISATIONAL IMPLICATIONS**

14.1 There are no organisational implications.

## **15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The report sets out a number of changes that have affected the political composition of the Council and a new Political Balance calculation to reflect this, and the subsequent nominations of Political Groups to match this calculation.

15.2 The Council is recommended to agree the Political Balance and allocation of Committee seats to Political Groups as set out in Appendix A in order to satisfy legislative requirements and ensure that Committee seats are not left vacant.

15.3 Furthermore, the recommendation to appoint a new Chair of the Adults and Health Scrutiny Committee ensures that this position is not left vacant.

## **16 BACKGROUND PAPERS**

- 16.1 Report No. 53/2021 - Political Balance and Allocation of Seats to Political Groups. Considered by Council on 10 May 2021.
- 16.2 Report No. 106/2021 - Political Balance and Allocation of Seats to Political Groups. Considered by Council on 13 September 2021.

## **17 APPENDICES**

- 17.1 Appendix A – Committee Allocations to Political Groups and Membership as informed by Group Leaders at time of publication.

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**

**Committee Places**

	<b>AUDIT &amp; RISK COMMITTEE</b>	
	<b>Councillor</b>	<b>Allocation</b>
1	<i>Edward Baines</i>	<i>Conservative</i>
2	<i>Gordon Brown</i>	<i>Conservative</i>
3	<i>Nick Begy</i>	<i>Conservative</i>
5	<i>Rosemary Powell</i>	<i>Independent &amp; Green</i>
6	<i>TBC</i>	<i>Independent &amp; Green</i>
7	<i>Abigail MacCartney</i>	<i>Liberal Democrat</i>
8	<i>Alan Walters</i>	<i>Non-aligned</i>

	<b>EMPLOYMENT &amp; APPEALS COMMITTEE</b>	
	<b>Councillor</b>	<b>Allocation</b>
1	<i>Kenneth Bool</i>	<i>Conservative</i>
2	<i>Gordon Brown</i>	<i>Conservative</i>
3	<i>Samantha Harvey</i>	<i>Conservative</i>
4	<i>Oliver Hemsley</i>	<i>Conservative</i>
5	<i>Rosemary Powell</i>	<i>Independent &amp; Green</i>
6	<i>Gale Waller</i>	<i>Liberal Democrat</i>
7	<i>Jeff Dale</i>	<i>Non-aligned</i>

	<b>PLANNING &amp; LICENSING COMMITTEE</b>	
	<b>Councillor</b>	<b>Allocation</b>
1	<i>Kenneth Bool</i>	<i>Conservative</i>
2	<i>Edward Baines</i>	<i>Conservative</i>
3	<i>Nick Begy</i>	<i>Conservative</i>
4	<i>Gordon Brown</i>	<i>Conservative</i>
5	<i>William Cross</i>	<i>Conservative</i>
6	<i>Karen Payne</i>	<i>Conservative</i>
7	<i>David Blanksby</i>	<i>Independent &amp; Green</i>
8	<i>Andrew Brown</i>	<i>Independent &amp; Green</i>
9	<i>Marc Oxley</i>	<i>Independent &amp; Green</i>
10	<i>Paul Browne</i>	<i>Liberal Democrat</i>
11	<i>Abigail MacCartney</i>	<i>Liberal Democrat</i>
12	<i>Jeff Dale</i>	<i>Non-aligned</i>

	<b>CONDUCT COMMITTEE</b>	
	<b>Councillor</b>	<b>Allocation</b>
1	<i>Nick Begy</i>	<i>Conservative</i>
2	<i>Oliver Hemsley</i>	<i>Conservative</i>
3	<i>Samantha Harvey</i>	<i>Conservative</i>
4	<i>Andrew Brown</i>	<i>Independent &amp; Green</i>
5	<i>Sue Webb</i>	<i>Independent &amp; Green</i>
6	<i>Joanna Burrows</i>	<i>Liberal Democrat</i>
7	<i>Paul Ainsley</i>	<i>Non-aligned</i>

Scrutiny Commission		
Chair of Adults & Health	Chair of Children & Young People	Chair of Growth, Infrastructure & Resources

GIR SCRUTINY COMMITTEE		
	Councillor	Allocation
1	Nick Begy	Conservative
2	Gordon Brown	Conservative
3	June Fox	Conservative
4	Miranda Jones	Independent & Green
5	Marc Oxley	Independent & Green
6	Gale Waller	Liberal Democrat
7	Leah Toseland	Non-aligned

ADULTS & HEALTH SCRUTINY COMMITTEE		
	Councillor	Allocation
1	William Cross	Conservative
2	June Fox	Conservative
3	TBC	Conservative
4	Rosemary Powell	Independent & Green
5	Gale Waller	Liberal Democrat
6	Leah Toseland	Non-aligned
7	Alan Walters	Non-aligned

CHILDREN & YOUNG PEOPLE SCRUTINY COMMITTEE		
	Councillor	Allocation
1	Nick Begy	Conservative
2	TBC	Conservative
3	TBC	Conservative
4	Andrew Brown	Independent & Green
5	Sue Webb	Independent & Green
6	Paul Browne	Liberal Democrat
7	Paul Ainsley	Non-aligned

**COUNCIL**

13 December 2021

**NEW ARMED FORCES COVENANT LEGISLATION**

**Report of the Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure**

Strategic Aim:	Protecting the vulnerable	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr Oliver Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	John Morley, Strategic Director for Adult Services and Health	01572 758442 jmorley@rutland.gov.uk
	Karen Kibblewhite, Head of Commissioning	01572 758127 kkibblewhite@rutland.gov.uk
Ward Councillors	N/A	

**DECISION RECOMMENDATIONS**

That Council:

1. Notes the implications of the forthcoming amendment to the Armed Forces Bill for Rutland
2. Endorses the approach used to manage implementation of the new legislative requirements

**1 PURPOSE OF THE REPORT**

- 1.1 This report outlines the progress of the Armed Forces Covenant legislation as part of the updated Armed Forces Bill, and the plans to ensure appropriate implementation in Rutland. The report refers to 'new legislation' throughout for ease, though it is recognised that this clause is an addition to the existing Armed Forces Bill.

**2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 The Armed Forces Covenant is a promise ensuring that those who serve or who have served in the Armed Forces and their families are treated fairly, will not be disadvantaged in accessing public services due to their military service, and where

appropriate there is special consideration, especially for those who have given most such as the injured and the bereaved. The intention is that by bringing the Covenant duties into legislation, a greater consistency in the national of delivery of the Covenant will be created.

2.2 The Armed Forces Community is defined as:

- Members of the Regular and Reserve Forces;
- Members of British Overseas Territory Forces who are subject to Service Law;
- Former members of any of Her Majesty's forces who are ordinarily resident in the UK
- Relevant family members; and
- Bereaved immediate family of Service Personnel and veterans who have died.

### 3 THE RUTLAND ARMED FORCES COMMUNITY

3.1 Rutland has a significant Armed Forces population. It is estimated that one fifth of the Rutland population is part of the Armed Forces community, be it serving, dependent, reservist, or veteran.

3.2 Rutland has two army barracks: Kendrew in Cottesmore and St Georges in North Luffenham. There are approximately 1,500 serving personnel across both. Additionally, there are serving personnel and their families from other military bases resident in Rutland.

3.3 Veteran numbers are estimated to be in the region of 5,000, although actual figures are difficult to identify. It is important to remember that veterans can be any age, although as reflects the wider Rutland demographics the majority of veterans in Rutland are older people.

### 4 THE LEGISLATION

4.1 The Council will be required under the duty to give 'due regard' and 'special consideration' to the Armed Forces community when developing policy, procedures and making decisions in the specified policy areas of:

4.1.1 **Education** including: general functions of Local Authorities; admissions and school places; and identification of and education provision for children with Special Educational Needs and Disabilities (SEND).

4.1.2 **Housing** including: allocation of social housing; homelessness applications; adaptations and Disabled Facilities Grants; tenancy strategies; and improvements of living conditions.

4.1.3 **Health** including: service improvement and effectiveness; patient choice; reducing health inequalities; and identification of and health provision for children with Special Educational Needs and Disabilities (SEND).

4.2 It is should be noted that where relevant functions have been contracted out, the

public body responsible for managing the contract, will need to ensure that policies and processes of the contractor comply with the Covenant Duty.

- 4.3 The legislation does not mandate specific outcomes, but will operate in a similar way to the Equalities duty public bodies have, in that the Council must be able to demonstrate how it has considered any potential implications of decisions on the Armed Forces Community. This includes individual service user, operational, and strategic decisions.
- 4.4 The legislation will be enforced through existing internal complaints procedures, relevant ombudsmen or, as last resort, judicial review.
- 4.5 The Ministry of Defence Armed Forces Covenant Team (AFCT) in conjunction with the Local Government Associate (LGA) has produced draft guidance for local authorities on implementing the new legislation, and further guidance is due in late November. The LGA is also holding regular meetings with stakeholders to update on progress, and Rutland is represented at these by our RCC Armed Forces Officer.
- 4.6 There is also scope within the Act to further extend the policy areas included under delegated powers to the Secretary of State; Adult Social Care is one such area that has been mooted both during the LGA and AFCT stakeholder meetings and during the Bill's parliamentary readings.

## **5 IMPLICATIONS FOR THE COUNCIL**

- 5.1 The key issue for the Council is ensuring clear demonstration that that the legislative requirements of paying 'due regard' and 'special consideration' are met.
- 5.2 The Council is already well-placed in terms of Covenant delivery – it has been signed up to the Covenant for a number of years and there is a dedicated 0.6fte Armed Forces Officer who works across the Council and with local stakeholders to support Rutland's Armed Forces communities.
- 5.3 The Covenant duties are well embedded into day to day business for most service areas, and it is envisaged that the majority of requirements are already in place in for the three areas currently covered by the Covenant. The Council will need to take steps to ensure that sufficient evidence and data is collected to be able to demonstrate this.
- 5.4 The MOD have stated that the legislation will be enforced once passed, although it is expected that there will be a grace period of six months between implementation and enforcement.
- 5.5 The MOD have also stated that a review into the support offered by local authorities to the Armed Forces community under the legislation will be conducted twelve months following the implementation, it is therefore expected that there will be a requirement to provide data for at least the first year.
- 5.6 The legislation is likely to be very high profile both nationally and locally. The events in Afghanistan have already led to increased focus and publicity on support for the Armed Forces community, and this is expected to continue. Additionally, it is expected that the legislation will have a high profile locally due to the significant Armed Forces population in Rutland and the level of Armed Forces activity within Rutland's wider communities. It is important therefore that expectations across the

community of what this legislation will mean in practice and what the Council will do in response are managed appropriately.

## **6 TIMESCALES FOR THE LEGISLATION**

- 6.1 The Bill is currently at the Committee stage in the House of Lords, the third reading of which was 23<sup>rd</sup> November. The second draft guidance on implementation will be provided after the Committee stage.
- 6.2 The expectation currently is that Royal Assent will be sought before Christmas and that the legislation will be enacted from January 2022. It is expected that final guidance on implementation will be provided in January, with training resources following in early 2022.
- 6.3 All timescales are subject to change.

## **7 IMPLEMENTATION**

- 7.1 Implementation of the new legislation is being managed using the Corporate Project Governance process to ensure rigorous oversight. The existing Armed Forces Project Board comprising the Director for Adults and Health (chair), Cllr Razzell (Armed Forces Champion), the Head of Commissioning and the Armed Forces Officer, will be extended to become the Project Board for the implementation.
- 7.2 As the Armed Forces Officer is a shared post with Harborough District Council, the strategic lead for Harborough – the Director for Law and Governance - will also attend. Other officers from both Rutland and Harborough will be invited to attend for specific areas of work as relevant. Undertaking the work jointly with Harborough will also enable sharing of knowledge and ideas, and make better use of capacity and resources.
- 7.3 In addition, a small working group has been established with the other Leicestershire and Leicester councils to consider mitigation of risk and ensure a consistent approach sub-regionally. As the area with the largest Armed Forces community, Rutland is leading this monthly meeting.
- 7.4 **Implementation Plan**
  - 7.4.1 An initial plan has been developed covering the following areas:
    - a) Education
    - b) Housing
    - c) Health
    - d) Training and awareness raising (internally)
    - e) External communications
    - f) Evidencing compliance
  - 7.4.2 The plan sets out the key actions needing to be undertaken, timescales and the officer lead responsible in each business area.



## **8 CONSULTATION**

- 8.1 The Armed Forces Officer for Rutland is engaged with the Local Government Association and Ministry of Defence Armed Forces Covenant Team to provide direct feedback into the national guidance being produced.
- 8.2 Regular updates are provided to the Member Armed Forces Champion as part of the overall Armed Forces work update.

## **9 ALTERNATIVE OPTIONS**

- 9.1 There is no alternative to complying with the legislation.

## **10 FINANCIAL IMPLICATIONS**

- 10.1 There is no New Burdens funding attached to the legislation. Local authorities are expected to implement without any additional resources.
- 10.2 There are a number of potential risks for Rutland in terms of finance and resources:
- i) Costs of training materials and officer time;
  - ii) Communications resources, awareness raising, and wider communications;
  - iii) Cost implications for SEND services, given the size of the serving population, and young veteran families.
- 10.3 Depending on any additional policy areas included in the future, the Council may face additional financial risks or pressures.
- 10.4 As part of the implementation planning, officers are considering possible mitigation of these.

## **11 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 11.1 Once the Armed Forces Bill has been passed, the requirement will be within legislation and the Council will have a duty to comply.

## **12 DATA PROTECTION IMPLICATIONS**

- 12.1 A Data Protection Impact Assessments (DPIA) has been completed. No adverse or other significant risks/issues were found. A copy of the DPIA can be obtained from Karen Kibblewhite, Head of Commissioning.
- 12.2 Information on individuals' Armed Forces status will be managed in line with information collected under Equalities legislation.

## **13 EQUALITY IMPACT ASSESSMENT**

- 13.1 An Equality Impact Assessment screening has been undertaken. A full Equality Impact Assessment has not been undertaken as the legislation will not have an adverse impact on other specific groups.
- 13.2 Recording of Armed Forces status will be undertaken as part of the Council's equality and diversity monitoring, including inclusion in Equality Impact

Assessments undertaken for policy and decision-making.

## **14 COMMUNITY SAFETY IMPLICATIONS**

14.1 There are no specific Community Safety implications arising from the implementation of the legislation.

## **15 HEALTH AND WELLBEING IMPLICATIONS**

15.1 The requirement of 'due regard' will mean that any Armed Forces specific consideration for Rutland residents in relation to their health and wellbeing will necessarily have to be considered, both on an individual level and in relation to strategy and policy development.

## **16 ORGANISATIONAL IMPLICATIONS**

16.1 Human Resource implications

16.1.1 Training of all officers across the Council will need to be undertaken to ensure that the responsibilities under the Covenant duties are understood in relation to each service area. Training resources may be provided centrally by the MOD Armed Forces Covenant Team, but this is yet to be confirmed.

16.1.2 The Council will need to ensure that staff status in relation to Armed Forces is recorded. This will be managed in line with other Equalities information recorded.

16.2 Communications Implications

16.2.1 A communications strategy is being developed to ensure that Rutland's Armed Forces communities and internal stakeholders are aware of the legislation and its implications.

16.2.2 Given the expected high profile of the legislation, any communications provided by the Council will support the management of expectations within the community.

## **17 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

17.1 The legislation will have an impact across the Council, not just in those areas it specifically refers to. The Council will need to be able to demonstrate how the legislation is complied with and ensure that it is implemented effectively.

## **18 BACKGROUND PAPERS**

18.1 There are no additional background reports.

## **19 APPENDICES**

19.1 There are no Appendices.

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