

# Statement of Policy Gambling Act 2005

Awaiting Approval

This Statement of Licensing Principles was approved by Doncaster Council on [6<sup>th</sup> December 2012] and is effective from 31<sup>st</sup> January 2013

All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 4th Edition, published September 2012.

## **FOREWORD**

This is the third Statement of Policy produced by Doncaster Council under the Gambling Act 2005, which will set out the basis for all licensing decisions to be taken by the Authority over the next three years.

This Statement of Policy will last for a maximum of three years, but can be reviewed and revised by the Authority at any time. The statement has been produced following consultation with those bodies and persons set out in section 1.10.

The Gambling Act 2005 implements a more comprehensive structure of gambling regulation, which modernises previous gambling regulation and is designed to face the challenges of today and the future.

The Policy creates a regime of firm but fair regulation, which encourages residents and visitors to enjoy gambling and recognises the contribution of this sector to the economic development of the Borough. It also takes account of the Council's important duty to protect children, young people and the vulnerable and to reduce the potential risks that gambling can bring.

The Council in its role of licensing premises for gambling recognises the importance of involving all residents and stakeholders in creating and enforcing this Statement of Policy and will seek to balance all the different aspirations and needs of businesses, local residents and the many visitors to the Borough.

## Doncaster Council

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## 1. Statement of Licensing Policy

### 1.1 Introduction

Doncaster Metropolitan Borough Council is the Licensing Authority under the Gambling Act 2005 and is responsible for granting premises licences and receiving notifications in the Borough of Doncaster in respect of:-

- Casino Premises;
- Bingo Premises;
- Betting Premises, including Tracks;
- Adult Gaming Centres;
- Family Entertainment Centres.
- Travelling Fairs
- Club Gaming Permits
- Prize Gaming and Prize Gaming Permits
- Temporary Use Notices
- Occasional Use Notices
- Registration of Small Society Lotteries

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

In producing the final statement, the Licensing Authority declares that 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.

It should be noted that this statement of licensing principles 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 Gambling Act 2005.

The Policy was approved at a meeting of the Full Council on [December 2012] and was published via our website on [Date TBC not later than 3/1/13]. Notice of the Policy and a copy of the Policy were posted at the Mansion House Doncaster inspection on [Date TBC not later than 3/1/13]. This Policy will come into effect on the 31<sup>st</sup> January 2013 and will be further reviewed / revised as necessary, and at least every three years from the date of adoption.

## 1.2 The Borough of Doncaster

Doncaster Metropolitan Borough, extends over 227 square miles, has a population of 302400 and is the largest metropolitan borough by area. A plan of the Borough is attached as Appendix A. The town centre of Doncaster lies in the middle of the Borough and acts as a hub, surrounded by a number of smaller urban areas, some of which are considered market towns. Around 80% of the Borough is classed as green space, with a significant proportion agricultural land.

Due to its geographical location and good rail, road and air links, Doncaster attracts many visitors attending local, regional and national events and activities.

The Borough has been home, since 1776, to the 'St Leger', the oldest classic horse race.

Doncaster has seen significant developments over the last few years with the opening of the Airport, Transport Interchange, Education City (The Hub), the Keepmoat Stadium, the completed improvements at the Racecourse and the creation of a Civic and Cultural Quarter in the town centre.

Doncaster Metropolitan Borough has diverse leisure and entertainment facilities. These range from town centre pubs, country inns and hotels, centres of tourism and sports venues to major nightclubs, which provide facilities for residents and visitors. It is regarded as an important provider of leisure and entertainment within South Yorkshire.

Doncaster's Borough Strategy provides the big picture of the borough's challenges, ambitions and how priorities will be delivered. It was developed by the Doncaster Together Partnership, which includes organisations from the public, private, voluntary and community sectors. This Policy seeks to promote the licensing objectives within the overall context of these themes. Further details can be found in section 2.4 of this policy.

## 1.3 Glossary of Terms

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

**Licensing Objectives:** As defined in section 1.4

**Licensing Authority:** Doncaster Metropolitan Borough Council

**Borough:** The area of South Yorkshire administered by Doncaster Metropolitan Borough Council (Map appended at Appendix A)

<b>Licences:</b>	As defined in section 1.5
<b>Application:</b>	Applications for licences and permits as defined in section 1.5
<b>Notification:</b>	Notification of temporary and occasional use notices
<b>Act:</b>	The Gambling Act 2005
<b>Regulations:</b>	Regulations made under the Gambling Act 2005
<b>Premises:</b>	Any place, including a vehicle, vessel or moveable structure
<b>Code of Practice:</b>	Any relevant code of practice under section 24 of the Gambling Act 2005
<b>Mandatory Condition:</b>	A specified condition provided by regulations to be attached to a licence
<b>Default Condition:</b>	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Doncaster Metropolitan Borough Council
<b>Responsible Authority:</b>	For the purposes of this Act, the following are Responsible Authorities in relation to premises: <ol style="list-style-type: none"> <li>1. The Licensing Authority - Doncaster Council;</li> <li>2. The Gambling Commission;</li> <li>3. South Yorkshire Police;</li> <li>4. South Yorkshire Fire and Rescue Service;</li> <li>5. Development Control - Doncaster Council;</li> <li>6. Environmental Health Dept - Doncaster Council;</li> <li>7. Doncaster Safeguarding Children Board;</li> <li>8. HM Customs and Excise;</li> <li>9. Any other person prescribed by regulation made by the Secretary of State;</li> <li>10. In the case of vessels: <ul style="list-style-type: none"> <li>• the Environment Agency,</li> <li>• the British Waterways Board, and</li> <li>• the Secretary of State for Transport.</li> </ul> </li> </ol>
<b>Interested Party:</b>	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ol>

## 1.4 Licensing Objectives

In accordance with the Gambling Act 2005 Doncaster Council will carry out its licensing functions with a view to promoting the following three licensing objectives:-

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

## 1.5 Types of Licence

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

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

## 1.6 Licensable Premises and Permits

The Licensing Authority is 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 (see section below on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted the Licensing Authority is not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## **1.7 General Principles**

Nothing in this Statement of Policy will:-

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

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

All applicants for Premises Licences will be required to set out how they will promote the licensing objectives, as specified in section 1.4, and what measures they intend to employ to ensure compliance with them.

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

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



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

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

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

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

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

## **1.8 Responsible Authorities**

The full list of responsible authorities is shown in Section 1.3. The contact details for the responsible authorities are published on the Licensing Authority’s website [www.doncaster.gov.uk/licensing](http://www.doncaster.gov.uk/licensing)

The Licensing Authority is required to designate in writing a body that is competent to advise it about the protection of children from harm. In making this designation the following principles have been applied:

- the competency of the body to advise the Licensing Authority,
- 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 particular invested interest group etc.

In accordance with the Gambling Commissions Guidance to Local Authorities the Licensing Authority designates Doncaster Safeguarding Children Board for this purpose.

## **1.9 Interested Parties**

See definition of Interested Parties in Section 1.3

Interested parties can be persons who are democratically elected, such as Councillors and MPs. Where appropriate this will include parish and town councillors.

Borough councillors who are members of the Licensing Committee will not qualify to act in this way.

Other than persons mentioned above, the Licensing Authority will require some form of confirmation that a person is authorised to represent an interested party.

The Licensing Authority considers that trade associations, trade unions and resident and tenant associations qualify as 'Interested Parties' where they can demonstrate that they represent persons listed in a) or b) of section 1.3 of this policy (Interested Party).

In determining if a person lives or has business interests sufficiently close to the premises that they are likely to be effected by the authorised activities, the Licensing Authority will consider the following factors:

- The size of the premises
- The nature of the premises
- The distance of the premises from the location of the person making the representation
- The potential impact of the premises (e.g. number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant, which may be relevant to the distance from the premises.
- The catchment area of the premises (i.e. how far people travel to visit)
- Whether the person making the representation has business interests in that catchment area that might be affected.

## **1.10 Consultation**

This Statement of Policy was subject to formal consultation with:-

1. The Chief Officer of Police for the Doncaster District.
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;

3. Persons/bodies representing the interests of persons likely to be affected by this policy.

Doncaster Council has consulted widely upon this policy statement and the list of consultees is provided below:

- The Gambling Commission
- Local Elected Members
- South Yorkshire Police
- South Yorkshire Fire and Rescue Service
- Doncaster Council Development Control
- HM Customs and Excise
- Doncaster Council Environmental Health Department
- Doncaster Safeguarding Board
- Local Tenants' and Residents' Association groups
- Doncaster and South Humber NHS
- British Beer and Pub Association
- Association of British Bookmakers
- The Racecourse Association
- Gamcare and other support groups
- Local Solicitors
- Gamblers Anonymous
- Samaritans
- Citizens Advice Bureau
- The Environment Agency
- British Waterways

Our consultation took place between 9<sup>th</sup> July 2012 and 1<sup>st</sup> October 2012. A copy of any responses received from consultees is available on request to the Licensing Officer at Doncaster Council.

### **1.11 Information Exchange**

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

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

## **2. Legislation, Policies and Strategies**

### **2.1 Legislation - Duplication with other Regulatory Regimes**

This Licensing Authority seeks to avoid 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 it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should a situation arise.

When dealing with a premises licence application for finished buildings, this Authority will not take into account whether those buildings have to comply with the necessary planning or building consents (see section 2.2). Fire or health and safety risks will not be taken into account, as these matters are dealt with under other relevant regulations and must not form part of the consideration for the premises licence.

It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

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

### **2.2 Relationship with Planning Policies**

When determining an application, the Licensing Authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

When dealing with a premises licence application for finished buildings the Licensing Authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under the relevant planning and building regulation powers. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

An applicant can apply for a provisional statement if the building is not complete or if he does not yet have a right to occupy it. Such an

application is again a separate and distinct process to the granting of planning permission or building regulation approval.

### **2.3 National Strategies**

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

### **2.4 Local Strategies and Policies**

Where appropriate, the Licensing Authority will consider applications with reference to other relevant local strategies and policies. In particular it will have regard to Doncaster's Borough Strategy which covers the following key themes:

1. Creating a strong, connected and inclusive economy.
2. Developing stronger communities.
3. Increasing and improving housing.
4. Protecting and improving all our children's lives.
5. Improving health and support for independent lives.
6. Tackling crime and anti-social behaviour.
7. Creating a cleaner and better environment.

### **2.5 Integrating Strategies**

The Licensing Authority recognises there are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. Where the Licensing Authority is aware of stakeholders' plans and strategies linked to matters related to the licensing objectives it will aim to consider them.

Whilst the Licensing Authority recognises the importance of the co-ordination and integration of this policy with other policies and strategies applicants will not be required to demonstrate a requirement to fulfil criteria not in keeping with the licensing objectives of the Gambling Act 2005.

## **3. Decision Making**

### **3.1 Committee Terms of Reference**

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

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

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

The Licensing Sub-Committee will also refer to the Licensing Committee 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.

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

Every determination of a licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear and relevant 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. A summary of the decision shall also be posted on the Council's website as soon as practicable after the decision has been confirmed.

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

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

### **3.2 Allocation of Decision Making Responsibilities**

The Licensing Authority is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.

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

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

The scheme of delegation of licensing functions is set out in Appendix B.

This form of delegation is without prejudice to officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

### **3.3 Licensing Reviews**

The Licensing Authority will carry out a review of a premises licence either of its own volition or following receipt of an application for review in accordance with the 2005 Act that is relevant to one of more or the licensing objectives. It is for the 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 Authority's statement of licensing policy.

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

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

The Licensing Authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks appropriate.

In particular, the licensing authority may also 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.

## **4. Local Standards**

### **4.1 Applications**

An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined. (Note: Race Tracks do not require an operating licence in order to apply for a premises licence.)

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the licensing objectives in the form of a written operating schedule. The applicant may ask the Licensing Authority for advice as to the scope of information to be provided.

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

Definitions of “Responsible Authorities” and “Interested Parties” who are able to make representations under this Act can be found in sections 1.3, 1.8 & 1.9.

### **4.2 Assessment of Need**

In accordance with Section 153 of the 2005 Act when deciding whether or not to grant a licence the Licensing Authority will not have regard to the expected demand for gambling premises that are the subject of the application.

### **4.3 Conditions**

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

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

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



#### 4.4 Enforcement

The Licensing Authority is committed to the principles and approach to enforcement set out in the Regulators' Compliance Code, will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This Licensing Authority will adopt and implement a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

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

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with The South Yorkshire Police and South Yorkshire's Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

#### **4.5 Casinos**

The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games, whereby casino games are defined as a game of chance, which is not equal gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house at different odds to their fellow players.

The Licensing Authority has not passed a 'no casino' resolution under the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be taken by the Full Council.

#### **4.6 Adult Gaming Centres**

Adult Gaming Centres are a category of premises introduced by the Act. They are allowed to have limited numbers of Category B and any number of Category C & D gaming machines and are not allowed to admit under-18s.

The 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, for example, ensure that under 18 year olds do not have access to the premises.

#### **4.7 (Licensed) Family Entertainment Centres**

Licensed Family Entertainment Centres are permitted to provide both Category C & D Gaming machines and must ensure that under 18s have no access to Category C machines.

The 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

#### **4.8 Bingo Premises**

The Act does not define Bingo, but previous legislation divided this category into Cash Bingo, played in commercial Bingo Halls and Prize Bingo, traditionally played in arcades or travelling funfairs. As Bingo premises can provide Category B, C & D Gaming machines, under 18s must not be allowed access to Category B & C machines, if provided.

The Licensing Authority will take note of the Gambling Commissions guidance and look to ensure that those issues whereby machines of category C or above are available there are sufficient precautions in place so that they are not available to children. The Licensing Authority will also take note of any further guidance issued.

#### **4.9 Betting Premises**

Betting premises are premises such as bookmakers and betting offices where various types of gambling are allowed to take place. Children & Young People will not be able to enter such premises.

*Betting machines* - The 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.

#### **4.10 Tracks**

Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the 'totaliser' or 'tote'), and also general betting, known as 'fixed-odds' betting.

These premises may be subject to one or more premises licence. The Licensing Authority will expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities and will take into account any guidance issued by the Gambling Commission in relation to these premises.

This 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.

This Licensing Authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion 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.

*Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

*Betting machines* - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (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 proposes to offer.

#### **4.11 Travelling Fairs**

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met. Travelling fairs have the right to provide an unlimited number of category D gaming machines and / or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair.

The Licensing Authority will ensure that any fair complies with the requirements of the regulations.

#### **4.12 Prize Gaming Permits**

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

The Licensing Authority has prepared a 'Statement of Principles' which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law
- Clear policies that outline the steps to be taken to protect children from harm.

In making its decision on an application for this permit the Licensing Authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by 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.

#### **4.13 Unlicensed Family Entertainment Centres (FEC)**

Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.

The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant.

The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their 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. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

#### **4.14 (Alcohol) Licensed Premises**

Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to vulnerable persons the applicant could consider the provision of information for support services that offer advice.

#### **4.15 Club Gaming and Club Machine Permits**

Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miner's Welfare Institutes are defined as associations established for recreational or social purposes.

Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

#### **4.16 Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues

These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The 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 Licensing Authorities.

#### **4.17 Occasional Use Notices**

The Licensing Authority has very little discretion with regard to these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing Authority will though consider the definition of 'track' and whether the applicant is permitted to avail themselves of the notice.

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

The Licensing Authority places a considerable importance on the prevention of crime and disorder, and will do all it reasonably can to prevent crime and disorder in the Borough. A high standard of control is therefore expected to be exercised over licensed premises.

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

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

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

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

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors, for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

## **6. Ensuring that gambling is conducted in a fair and open way**

The Licensing Authority has noted the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the control of the Gambling Commission.

However, the Licensing Authority will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Commission's Code of Practice.

The Licensing Authority is also aware of the special circumstances that apply to Tracks with regard to operator and premises licences.

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

### **7.1 Access to Licensed Premises**

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

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

The Licensing Authority will consult with the Doncaster Safeguarding Children Board and with other relevant bodies, on any application that indicates there may be concerns over access for children or vulnerable persons.

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

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

The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Licensing Authority will



work closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

## **7.2 Vulnerable Persons**

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

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to impaired capacity resulting from mental health or disability problems, alcohol or drugs.

The Licensing Authority will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Whilst the Licensing Authority acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the Licensing Authority would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.

## **7.3 Conditions**

Applicants may consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee’s ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- stickers or notices on gaming machines to identify the stakes/prizes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines

- stickers / posters with GamCare Helpline and website in prominent locations, ie on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant.

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.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

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 the 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.

This Authority will also ensure 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.

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 consider the impact upon the third licensing objective 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.

It is noted that there are conditions which the Licensing Authority cannot attach to premises licences which 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 membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

#### **7.4 Door Supervisors**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary.

### **8. Complaints against Licensed Premises**

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are

encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

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

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

Due consideration will be given to all relevant representations unless they fit the exceptions detailed in section 3.3 of this policy.

## **9. Further information**

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

The Licensing Section  
Doncaster Council  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Tel: 01302 737590  
Fax: 01302 737323  
E-mail: [licensing@doncaster.gov.uk](mailto:licensing@doncaster.gov.uk)  
Website: [www.doncaster.gov.uk/licensing](http://www.doncaster.gov.uk/licensing)

Information is also available from:-

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6666  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## APPENDIX A

### The area of South Yorkshire administered by Doncaster Council



## APPENDIX B

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
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 a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	