

Public Document Pack

To all Members of the

LICENSING COMMITTEE

AGENDA

Notice is given that a Meeting of the above Committee is to be held as follows:

VENUE 008 - Civic Office Floor 2
DATE: Thursday, 15th October, 2015
TIME: 10.00 am

Items for Discussion:

1. Apologies for absence
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.
3. Declarations of Interest, if any.
4. Minutes of the Licensing Committee Meeting held on 25th June, 2015

For Noting

5. Minutes of the Licensing Sub-Committee meeting held on 5th August, 2015
- A. Reports where the public and press may not be excluded**
6. Statement off Licensing Policy 2016 - Licensing Act 2003
7. Statement of Licensing Policy 2016 - Gambling Act 2005
8. Update on Askern, Campsall and Norton Community Alcohol Partnership.

Jo Miller
Chief Executive

Issued on: Wednesday, 7 October 2015

Governance Officer
for this meeting:

Sarah Maxfield
01302 736723

Members of the Licensing Committee

Chair – Ken Keegan
Vice-Chair – Linda Curran

Councillors Iris Beech, Rachael Blake, Elsie Butler, Bev Chapman,
Steve Cox, Neil Gethin, James Hart, Charlie Hogarth, John McHale
David Nevett, Tony Revill and Clive Stone

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING COMMITTEE

25TH JUNE, 2015

A MEETING of the LICENSING COMMITTEE was held at the CIVIC OFFICE, WATERDALE, DONCASTER on THURSDAY, 25TH JUNE, 2015 at 2.00 p.m.

PRESENT:

Vice-Chair, Councillor Linda Curran (In the Chair)

Councillors Iris Beech, Rachael Blake, Elsie Butler, Bev Chapman, Steve Cox, Neil Gethin, Charlie Hogarth, John McHale, David Nevett and Clive Stone.

APOLOGIES:

Apologies for absence were received from the Chair, Councillor Ken Keegan and Councillor Tony Revill.

1. DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

2. MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 18TH DECEMBER, 2014

RESOLVED that the minutes of the Licensing Committee meeting held on 18th December, 2014, be approved as a correct record and signed by the Chair.

3. MINUTES OF THE LICENSING SUB-COMMITTEE 'A' MEETINGS HELD ON 1ST AND 14TH APRIL, 2015 AND THE MINUTES OF THE LICENSING SUB-COMMITTEE 'B' MEETINGS HELD ON 8TH DECEMBER, 2014, AND 7TH APRIL, 2015

RESOLVED that the minutes of the Licensing Sub-Committee 'A' meetings held on 1st April and 14th April 2015 and the minutes of the Licensing Sub-Committee 'B' meetings held on 8th December, 2014, and 7th April, 2015, be noted.

4. TERMS OF REFERENCE, PROCEDURE AND DELEGATIONS

Members considered a report that detailed the Terms of Reference for the discharge of its Licensing Functions, as well as providing information on the procedure for hearings, and asked the Committee to agree the delegation of functions. Finally, the report was also asking the Committee to agree to the appointment of Members to the Sub-Committee.

Officers informed Members that the Terms of Reference remained unchanged from the previous Municipal Year and were attached for noting.

It was noted that the procedure for Sub Committee Hearings for both Licensing and Gambling issues were noted, and that no changes had been made to these. To date, only 1 Gambling Hearing had been held, but a procedure for this had been developed in advance of this.

Members' attention was brought to issues for decision, with the delegation of functions as attached at appendix C1 and C2 considered by the Committee. Members noted that as personal licences now lasted forever, and did not need to be renewed after a set amount of time, and therefore this had been removed from the delegation of functions.

With regard to the establishment of Sub-Committees, Members were informed that a Sub- Committee would now be drawn from the full pool of the Committee. This would avoid the problems encountered in the past whereby a Sub Committee was a mixture of members from Sub Committee 'A' and Sub Committee 'B', and would ensure that all Members would be contactable for the arrangement of a hearing thus making the process more seamless and efficient.

RESOLVED that

- 1) The Terms of Reference for the Licensing Committee as detailed in Appendix A to the report be noted;
- 2) The Terms of Reference for the Licensing Sub Committees as detailed in Appendix A to the report be noted;
- 3) The procedures set out in Appendices B1 and B2 continue to be the procedures for the Licensing Committee and Sub Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively;
- 4) The procedure for dealing with settling appeals after the Sub Committee hearing in the magistrates court is decided;
- 5) The Committee agree the delegation of functions set out in Appendix C1 and C2; and
- 6) The Committee agree to the appointment of all Members to the Licensing Sub-Committee as set out in Appendix D attached to the report.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY – AMENDMENT TO SECTION 3 – CHARACTER REFEREES

Members considered a report that sought approval to amend the Doncaster Council Hackney Carriage and Private Hire Licensing Policy. The current Policy required all new applicants applying for a driver Licence to supply 2 character referees who could vouch for their suitability. The referee must have known the applicant a minimum of 2 years but must not be a relative or be connected in any way to the hackney carriage and/or private hire trade. Further to this, Members were now being asked to approve a change to the policy which also required that the individual providing the reference was not a current serving Member of Doncaster Council. It was outlined that this would enhance the decision making process and whilst there was no evidence to suggest that a Councillor had ever influenced licensing decision, would remove this possibility in the future and provide an additional safeguard for both the public and Doncaster Council.

Members welcomed this change to the policy, and felt that it would only provide further assurance that the decisions made were proper and correct. However, some additional concerns were raised, and one Member felt that DMBC employees should also be precluded from being a referee for a prospective Licence Holder. Officers informed Members that if they felt this was of importance the Policy could be further amended accordingly in the future.

Comments were made in terms of the safety of passengers, and Members welcomed the change to the policy as it would further ensure that people were protected when travelling by making sure the proper check were in place prior to a licence being issued.

RESOLVED that Section 3 of the Hackney Carriage and Private Hire Licensing Policy, in so far as it relates to the matters to be included with a new driver application, be amended as follows and that the amendment be effective immediately:

Existing:

10.2 Character References from persons who have known the applicant for at least 2 years and who are not relatives or connected to the Hackney Carriage and/or Private Hire Trade (New applications only).

Replace with as detailed below:

10.3 Character Referees. Each referee must have known the applicant for at least 2 years, must not be related to the applicant, must not be connected to the taxi/private hire trade and must not be an Elected Member of Doncaster Council. (New applications only).

6. SEXUAL ENTERTAINMENT VENUE (SEV) LICENSING POLICY

Members considered a report that looked at the Sexual Entertainment Venue (SEV) Licensing Policy. This Policy set out the Council's requirements for premises to be licensed as a Sex Establishment within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, (as amended by Section 2 of the Policing and Crime Act 2009)

The adoption of the Policy, whilst there was no statutory requirement to do so, had allowed the Council to control places of sexual entertainment such as table and pole dancing. The Policy follows guidelines set by the Home Office, and although the Policy was in place, each application would be determined very much on its own merits. When the Policy was first adopted, extensive consultation had been carried out, and no relevant legislative changes had been implemented and therefore the existing Policy could continue to be adopted for a further 3 years.

Members had a brief discussion on this issue, and Officers aimed to address any concerns raised by Members. One concern raised by Members was in relation to vulnerable people and how these individuals could be protected. Officers agreed to look further into this issue, and if it was felt pertinent to do so, would bring the Policy back for a further review in the future. However, despite these concerns, it was felt that the Policy should be adopted in its current state in order that this was in place in terms of any pending applications for a SEV.

RESOLVED that the Committee approve the existing policy (Appendix A), subject to minor administrative updates that have been made to contact details and addresses etc. contained in the Policy, and determine that it should be reviewed again no later than June 2018.

7. LICENSING ACT 2003, GAMBLING ACT 2005 AND GENERAL LICENSING UPDATE

Members considered a report that updated them on any recent issues and matters for consideration in relation to the Licensing Act 2003, and the Gambling Act 2005, and provided a general update on any related matters.

Members were informed that this report intended to provide Members with information on the latest developments. Further to a request from a Member, Officers had made the decision to inform the Committee of all decisions taken, outside of the Committee in order that they were fully aware of what was being agreed, along with all the details of any enforcement action taken. Members had a brief discussion on these issues, focussing largely on the action taken, and it was noted that the figures for prosecutions seemed low. However, Members were assured that these figures were accurate, and adequate and relevant checks were undertaken. Members raised the issue of Child Sexual Exploitation in light of the recent Jay Report, and concerns were muted with regard to taxi drivers. However, Members were informed that all safeguarding procedures were implemented, and the report had been taken extremely

seriously at Doncaster, and in actual fact with regard to this issue it was intended to bring a report to a future Licensing Committee to look at this further.

With regard to the review of both the Licensing Policy, and the Gambling Policy, these were due for review before January 2016 and it was the intention of Officers to bring these to the next Licensing Committee, following consultation, to allow for their input prior to consideration by the Cabinet and Council. It was hoped these would be taken to the Council Meeting in November 2015.

The report provided information to the Committee on a proposal to increase taxis far tariffs. The last change to these, was made in 2008, and further to proposals to increase the tariff, it seemed timely to do so. Consultation had been undertaken and the feedback from this was currently being considered and would be brought back to Committee at a future meeting. However, it was noted, that even with the increase, Doncaster would still remain in the bottom half of the country in terms of their cost.

Finally, Members were informed that a Licensing Seminar had been scheduled to take place on Thursday, 17th September, 2015 at the Dome, Doncaster, and it was thought that this would be of use to the Committee and requested that a delegate be sent to attend and then feedback to the Committee at the next meeting. Therefore it was proposed that Councillor Rachel Blake attend the Seminar with either the Chair or Vice Chair and report back to the Committee, training them on issues that needed looking at as a result.

RESOLVED that the Committee note that:

- 1) For the period 1 April 2014 to 31 March, 2015, there had been 3 Licensing Committees and 4 Licensing Sub Committee convened with a total of 5 premises licenses determined;
- 2) Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of licensing enforcement actions, for the period 1 April 2014 to 31 March, 2015 attached as Appendix A to the report;
- 3) The Statement of Licensing Policy (Licensing Act 2003) was due for its quinquennial review. Following a period of consultation, the Licensing Committee would be asked to recommend the reviewed Policy to Council for adoption (Expected to be November 2015), with the policy needing to be adopted by 7 January, 2016;
- 4) The Statement of Licensing Policy (Gambling Act 2005) was due for its triennial review. Following a period of consultation, the Licensing Committee would be asked to recommend the reviewed Policy to the Executive for adoption by Council (November 2015). The Policy would have to be adopted by 3

January, 2016;

- 5) Doncaster Council's Public Health Improvement Coordinator (Alcohol) has requested that the Chair consider a request to update the Licensing Committee on the work that Public Health are undertaking in Askern, Campsall and Norton as part of the Community Alcohol Partnership;
- 6) A proposal to increase the existing hackney carriage (taxi) fare tariff was being considered, and this would be brought back to the Licensing Committee for decision in the near future;
- 7) Further to an invitation to the Committee for Councillors to attend a 'Licensing Hearings' training course in Doncaster on 17 September, 2015, the Committee agreed that either the Chair or Vice Chair along with Councillor Rachel Blake attend and feedback all relevant information to the Committee at the next meeting.

DONCASTER METROPOLITAN BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

5TH AUGUST, 2015

A MEETING of the LICENSING SUB-COMMITTEE was held in ROOM 008, CIVIC OFFICE, DONCASTER, on WEDNESDAY, 5TH AUGUST, 2015, at 10.00 A.M.

PRESENT:

Chair – Councillor Ken Keegan
Vice-Chair – Linda Curran

Councillors Bev Chapman and Charlie Hogarth.

1. DECLARATIONS OF INTEREST

No declarations of interest were made at the meeting.

2. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF CAMRIENNE HOUSE, HOLYWELL LANE, BRAITHWELL, DONCASTER, S66 7AF

The Sub-Committee considered an Application for a new premises licence in respect of Camrienne House, Holywell Lane, Braithwell, Doncaster, S66 7AF.

The Sub-Committee Members, the Applicant, persons making representations and Responsible Authorities, had received the Agenda prior to the meeting.

The Chair made introductions and outlined the procedure to be followed.

The Applicant made representations and answered questions.

The person, who had made written representations, made their representations and answered questions.

All parties were then asked to leave the room whilst the Sub-Committee deliberated on the Application and reached a decision.

RESOLVED that the Licensing Sub-Committee, having considered an Application for a Premises Licence for Camrienne House, Holywell Lane, Braithwell, Doncaster, S66 7AF, and having taken into account the relevance of the written representations made and the evidence presented at the meeting, the steps that are appropriate to promote the Licensing Objectives, The Home Office Guidance and the Council's Statement of Licensing Policy, decided

to grant the Application in its revised form and in the terms set out in Appendix B of the Agenda papers.

The Sub-Committee made its decision for the following reason:-

The Application together with the agreed Conditions at Appendix G and H, meets the four Licensing objectives.

To the Chair and Members of the Licensing Committee

STATEMENT OF LICENSING POLICY 2016 – LICENSING ACT 2003

EXECUTIVE SUMMARY

1. The purpose of this report is to request that members of the Committee consider the Statement of Licensing Policy 2016 (Licensing Act 2003) following its quinquennial review. The route and timetable for adoption is attached as Appendix A.

RECOMMENDATIONS

2. It is recommended that the members of the Committee consider the reviewed Statement of Policy – Licensing Act 2003 and the responses received during the consultation, in particular regarding the cumulative impact policy, with a view to making a recommendation for its adoption by Council.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council is required by the Licensing Act 2003 to produce a Statement of Licensing Policy and to review its Policy quinquennially. This is the fourth Statement of Policy produced by Doncaster Council, under the Licensing Act 2003, which will set out the basis for all relevant licensing decisions to be taken by the Authority over the next five years.

EXEMPT REPORT

4. There are no confidential issues.

BACKGROUND

5. One of the key functions of the Council, in its capacity as the Licensing Authority, is to prepare and publish a Statement of Licensing Policy which sets out the basis upon which the Authority will make its licensing decisions in relation to the following licensable activities:
 - The sale by retail and/or supply of alcohol;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.
6. The duty to do this is contained within Section 5 Licensing Act 2003 which also provides for the Licensing Authority to keep its Policy Statement under review generally and to determine its Policy at least every 5 years, including undertaking a period of statutory consultation. The existing five year period began on 7th January 2011 and the

revised Licensing Policy will replace the current policy on 7th January 2016.

7. In the interim the licensing service have compared the re-issued Home Office Guidance, made under Section 182 of the Act, with our existing policy statement and has made amendments to reflect the new statutory guidance and other legislative changes. These changes have now been incorporated into the revised policy statement.
8. The licensing service has endeavored to create a policy document that is functional and has taken the opportunity to strip out non-policy information and guidance. It is the intention to create a separate Local Licensing Guidance document, to supplement the statutory policy statement, which will contain practical guidance for licence holders and assist local residents or other interested people who may make a representation against an application.
9. There are four licensing objectives set out in the Act and these must be addressed within the Authority's Statutory of Licensing Policy, namely:
 - i. Prevention of crime and disorder;
 - ii. Public safety;
 - iii. Prevention of public nuisance;
 - iv. Protection of children from harm.
10. The Policy sets out, with reference to these four objectives, the steps that need to be taken by applicants to address these issues. It also sets out how the Licensing Committee will conduct hearings for applications that cannot be resolved. The delegation of duties to the Licensing Committee is prescribed within the Act and members of that Committee and any Sub Committee will have to have a detailed knowledge of the Policy and its implications for applicants. Decisions of the relevant committees must state how decisions have been made and how the relevant parts of the Policy have been used to make that decision.
11. Before determining its policy the Act places a duty on the Authority to consult with prescribed persons. This consultation has taken place and four relevant responses have so far been received. The responses and suggested actions are attached and /or summarised in Appendix B.
12. A summary of the main changes is at Appendix C with the proposed Policy is at Appendix D.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

13. The Policy has been reviewed and updated to ensure it is relevant to Doncaster in 2016 going forward and to take account of the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003. If the Policy was to remain in its current form it would be outdated.
14. The alterations that have arisen out of the review process are largely driven by the Licensing Authority seeking to ensure the Policy remains up to date, relevant and in line with the latest guidance.

15. With regard to the responses received during the consultation period (Appendix B and B1 to B4), in particular the consideration of the existing special policy regarding cumulative impact and the proposals to extend, it is appropriate for these to be considered by the Licensing Committee with a view to making a recommendation to Council.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

16.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>It is recognised that licensed premises are, quite often, businesses and places of employment.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>It is recognised that licensed premises are, quite often, businesses, places of employment and potential assets to the community.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 4 licensing objectives, will have regard to this priority when making licensing decisions</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting</i> 	<p>None</p>

	<i>Doncaster's vital services</i>	
	Council services are modern and value for money.	None
	Working with our partners we will provide strong leadership and governance.	None

RISKS AND ASSUMPTIONS

17. Failure to adopt and or review a statement of licensing policy (cause), will exposed the Council to a legal and financial liability (event) brought about by the Council's inability to discharge its functions under the Licensing Act 2003. The initial risk rating is 20 = Likelihood 5 (very likely) x Impact 5 (critical)
18. However, by preparing and publishing a statement of policy, in accordance with the Licensing Act 2003, that has regard to the licensing objectives of the 2003 Act, the revised Home Office guidance issued under section 182 of the 2003 Act, and any responses from those consulted on the statement the current risk rating is 1 = Likelihood 1(very unlikely) x Impact 1 (slight).

LEGAL IMPLICATIONS

19. The Statement of Licensing Policy must be reviewed and published every five years (section 5 Licensing Act 2003). The policy was last adopted to be effective in January 2011 and therefore the Statement of Licensing Policy should be reviewed and then publish that revised statement by 7th January 2016. There are issues that may arise if the policy is not in place by that date. The impact of any issues will only take effect if the Licensing Authority is required to deal with any licence applications between the date the licensing statement should be in force (7th January 2016) and the date it actually comes into force.
20. The Statement of licensing policy sets out the Authority's policy in relation to the exercise of its licensing functions under the Licensing Act 2003 and associated legislation. There is no requirement to make any revisions, however the Home Office have issued revised guidance in respect of the Licensing Act 2003 and therefore it is recommended that revisions are made to take account of this revised Guidance. Before making revisions to the Policy the Authority is required to consult in accordance with the relevant statute.
21. In addition the Authority has now received requests for the Authority to continue to adopt a Cumulative Impact Policy in respect of the town centre and proposals to include additional zones. The effect of adopting such a policy is to create a rebuttable presumption that a licence application, which is likely to add to the existing cumulative impact, will normally be refused following relevant representations.
22. The Cumulative Impact Policy should be aligned with other policies such as planning and also other relevant strategies for example late

night economy strategy. The Home Office Guidance states the steps that should be followed by licensing authorities when adopting a cumulative impact policy:

- Identify concern about crime and disorder or public nuisance;
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- Identify the boundaries of the area where problems are occurring;
- Consult with those specified in section 5(3) of the 2003 Licensing Act; and subject to the outcome of the consultation
- Include and publish details of special policy in licensing policy statement.

23. Once the licensing authority has adopted a special policy it must include within its policy statement the following:

- A full justification as to why the saturation policy has been adopted, including what problems there are and why these cannot be resolved other than by restricting further licensed premises. Please be aware that it is possible for saturation policies to restrict hours in an area. Evidence must be collated to support this and should be summarised in the policy. The policy should also clearly specify the geographical area where the saturation policy is to apply.
- The policy statement must make clear that the special policy is not absolute and that the circumstances of each application will be considered properly. Moreover, where licences are unlikely to add significantly to the cumulative impact on the licensing objectives, the licence will be granted.
- There should be a clear statement regarding the difference between commercial need and the cumulative impact of premises in an area. Need is a matter for the planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority and its committee to consider.
- The policy must not impose quotas of premises or licences.
- A special saturation policy must not include provisions for a terminal hour in a particular area.

FINANCIAL IMPLICATIONS

24. There are no financial implications associated with this report. Any costs involved with the preparation, adoption and implementation of the Policy are met by the fees paid by new applicants and existing licence holders.

HUMAN RESOURCES IMPLICATIONS

25. Not applicable.

TECHNOLOGY IMPLICATIONS

26. Not applicable

EQUALITY IMPLICATIONS

27. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

28. The Licensing Act 2003 requires formal consultation with:
- a. The Chief Officer of Police;
 - b. Representatives of the holders of the various licences for premises within the Borough who will be affected by the Policy; and
 - c. Persons/bodies representing the interests of persons likely to be affected by the Policy.
29. Full details of the consultation process and those consulted with can be found in section 1.2 of the Policy.
30. Responses to the consultation have been received. The relevant responses are summarized at Appendix B.
31. With regard to the Cumulative Impact Policy (CIP), further consultation was undertaken with all parties following the receipt of requests to extend Area 1 – Doncaster Town Centre and add two new areas namely Lower Wheatley and Bawtry. The requests and supporting information is attached at Appendix B1 to B4.

BACKGROUND PAPERS

32. The consultative document, Statement of Licensing Policy 2016 – Licensing Act 2003, is attached at Appendix D.

REPORT AUTHOR & CONTRIBUTORS

Paul Williams: Business Safety and Licensing Manager .

Telephone: 01302 737837
Email: pj.williams@doncaster.gov.uk

Helen Wilson: Senior Legal Advisor
Telephone: 01302 734688
Email: helen.wilson@doncaster.gov.uk

Catherine Anderson: Finance Manager
Telephone: 01302 736611
E Mail: catherine.anderson@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Appendix A
Statement of Licensing Policy 2016 Licensing Act 2003
Adoption Route and Timetable

Meeting / Committee	Date of Meeting
Directors Meeting	1/9/15
Exec Board	15/9/15
Overview and Scrutiny Management Committee	8/10/15
Licensing Committee	15/10/15
Cabinet (for noting)	3/11/15
Council	26/11/15

Appendix B
Relevant consultation responses received

Source	Details	Comments / Recommended Action
South Yorkshire Police	<u>Summary</u> - Section 4.11 - Suggest consideration be given to making reference to door supervisors needing to be registered with the Security Industry Authority (SIA)	It is a mandatory condition under the Licensing Act 2003 that where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority. For the above reason is it not considered necessary to amend the existing wording section 4.11.
South Yorkshire Police	<u>Summary</u> -Proposal to retain the existing Cumulative Impact Policy (Area 1 Town Centre) as detailed in section 7.13 with a suggestion to also expand the zone to include the areas of Market Place and Cleveland Street.	A request has been made of the SYP Licensing Manager to provide supporting evidence with a view to presenting this information to the Licensing Committee for consideration. Additional Information - Appendix B1.
Director Public Health – Doncaster Council	<u>Summary</u> - Support for the continuation of the existing Cumulative Impact Police in respect of the zone detailed in section 7.13 with a proposal to create a new zone in and around Nether Hall Road. E.g. Nether Hall Road, Copley Road and Christchurch Road. To apply to all licences authorising alcohol sales (on and/or off).	Evidence to support the proposal has been provided which will be presented to the Licensing Committee for consideration. Additional Information - Appendices B2 and B3
Bawtry Town Council	<u>Actual response</u> - <i>Licensing objectives - prevent of crime & disorder, public safety, prevention of public nuisance and protection of children from harm. Public nuisance is defined as the effect of licensed activities on persons living and working in the area, which may be disproportionate and unreasonable.</i> Perhaps Bawtry could be helped if 'nuisance car parking' could be added to the list as some residents complain regarding visitor parking on residential streets. We know from DMBC that the number	Parking on residential streets beyond the boundary of licensed premises are matters for the personal responsibility of individuals under law and parking is a matter that is regulated / controlled under specific road traffic legislation. The request to consider the creation

of existing licensed premises is not something to be taken into account when considering a new application, but the draft policy appears to suggest otherwise: "The policy includes a special policy which seeks to limit the cumulative effect of licensed premises in certain areas" Doncaster town centre is designated as a community impact policy area and there, because of the significant number of licensed premises concentrated in one area, the presumption of approval of new applications is reversed, ie they will normally be refused if relevant representations are received. This is the only one designated a CIPA within the Borough. The suggestion is that Bawtry could similarly be designated. There are over 20 establishments licensed to serve alcohol and this is quite high for a small town of c3700 inhabitants. Some residents reside in or very close to Bawtry town centre. Thus it is felt that we should benefit by being able to control the number, and operation, of licensed premises within Bawtry. We would wish to push for this under clause 4.6 and prior to an application being made for a premises license, that consultation with responsible authorities takes place and comments included (referred to) in the application. Clause 6.22 is relevant in this regard.

In the past Bawtry TC has contacted the Authority regarding Early Morning Restrictions Order but apparently SY Police say they have had no cause for concern in connection with drinking in the early hours, thus there seems to be nothing we can do on this particular issue.

It is hoped you will be able to take the above comments into account.

of a special policy regarding cumulative impact for the Bawtry area is noted and will be presented to the Licensing Committee for consideration.

Additional Information - Appendix B4.

The application process for a premises licence requires copies of the application to be served on all responsible authorities. The responsible authorities are defined in the Licensing Act but do not include town/parish councils. Applicants cannot be compelled to consult with responsible authorities or local residents and businesses prior to submitting an application but can, and are, encouraged to do so through Doncaster Council's Statement of Licensing Policy. (Section 6.22)

Whilst tentative enquires have, in the past, been made regarding EMROs no formal request has been received at this time. EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times, serious public nuisance and other instances of alcohol related anti-

		<p>social behaviour which is not directly attributable to specific premises. Section 8.6 outlines the process that would be followed should such a request be received and considered appropriate.</p>
--	--	--

This page is intentionally left blank

Appendix B1

South Yorkshire Police Response in respect of Cumulative Impact Policy

I agree with paragraphs 7.9 through to 7.12.

If we keep the impact area then a possible modification is whether we include other streets within the centre, has there been an increase of off licences since 2008 in any particular area (checking our database Market Place & Cleveland Street crop up on a par to Priory walk – I have entered them under the table below)

I have the following data available which shows incidents recorded on our Licensing database (these are alcohol & ASB related but do not include crimes such as criminal damage/theft from motor vehicle)

Location	Aug 14 2012 – Aug 13 2013	Aug 14 2013 – Aug 13 2014	Aug 14 2014 – Aug 13 2015
Silver Street	122	157 +35	140 -57
High Street	7	9 +2	7 -2
Hallgate	72	72 +/- 0	72 +/- 0
Priory Walk	40	48 +8	26 -22
Bradford Row	2	10 +8	4 -6
Market Place	39	31	38
Cleveland Street	24	31	24

South Yorkshire Police Licensing Manager

This page is intentionally left blank

Public Health supports the continuation of the Cumulative Impact Zone in its current form - Silver Street, High Street, Hall Gate, Priory Walk and Bradford Row. The local Strategic Intelligence Assessment continues to identify Town Centre violence as a key issue for Doncaster - we believe this provides sufficient evidence and reasoning to retain the CIP in the Statement of Licensing Policy.

Public Health would also propose a new Cumulative Impact Zone in and around Nether Hall Road, e.g. Nether Hall Road, Copley Road, Christchurch Road. Consumption in the home has been a key driver for the increases in alcohol harm (National Alcohol Strategy, 2012) and this new zone would seek to minimise harm from further increases in off-license density. The evidence for this proposal is contained in the attached document, which shows that:

- Research shows that levels of alcohol harm have a positive correlation with the density of off-licence premises,
- The proposed zone in Lower Wheatley already has a high density of licensed premises compared to other areas in Doncaster,
- The population of Lower Wheatley already experiences high levels of alcohol harm (e.g. high rates of alcohol-related hospital admissions, high rates of people in specialist drug/alcohol treatment)
- The zone contains or borders locations that are frequented by vulnerable people (e.g. various supported housing provisions and substance misuse treatment services).

Public Health proposes that the existing zone includes all licensed premises; this will limit the availability of alcohol in the evening economy through other routes e.g. off-licenses. Restaurants/cafes should easily meet the requirements of the Cumulative Impact Policy so widening the scope will not harm the wider economy.

Similarly we propose the new zone covering Netherhall Road / Copley Road / Christchurch Road also covers all licensed premises

Dr Rupert Suckling
Director Public Health

This page is intentionally left blank



Proposed Cumulative Impact Policy for **Off-Licenses in Doncaster**

Contents

1. Introduction.....	3
2. Objectives of this report.....	3
3. Research linking outlet density to alcohol harm.....	3
4. Priority communities.....	4
5. Key locations for vulnerable people.....	5
6. Off-license density.....	6
7. Overlay of priority communities, vulnerable locations and off-license density...	8
8. Strengths and limitations of the data and process.....	10
9. Appendix 1 – Profiles for the priority communities.....	12

1. Introduction

This report outlines the local data that could be used to support a Cumulative Impact Policy (CIP) for off-licenses in Doncaster. Doncaster is one of 20 pilot areas under the Local Alcohol Action Area; this forms part of a project assessing the feasibility of health as a licensing objective within the Licensing Act 2003. It has been produced in collaboration with the Home Office and Public Health England.

The proposed CIP is based in areas outside the Town Centre and would, where appropriate, seek to limit the density of off-licenses in residential communities. The reasoning for this is threefold; i) the national Alcohol Strategy 2012 identifies home drinking as a key driver for the increase in alcohol related harm, ii) Academic research shows that off-license density is associated with rates of alcohol harm (see section 3 below), iii) Doncaster already has a CIP for the Town Centre to manage on-licenses.

2. Objectives of this report

- To identify health and social care data relevant to a CIP for licensed premises. Within this, to acknowledge the validity, strengths and weaknesses of the sources available.
- To map the density of off-licenses in Doncaster against the indicators and indices of deprivation.
- To define and propose a geographic area that would benefit from a CIP.

3. Research linking outlet density to alcohol harm

There is an evidential link between the density of premises and alcohol harm;

Theall, K.P. et al (2009). The neighbourhood alcohol environment and alcohol-related morbidity. *Alcohol and Alcoholism*, **44**(5), pp.491-499.

Alcohol outlets had a significant impact on health and social outcomes at a neighborhood level, irrespective of individual consumption. There was a significant association between off-licence density and rates of liver disease, sexually transmitted infections and violence.

Livingston, M (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*, **106**(5), pp.919-925.

Alcohol outlets had a significant impact on rates of domestic violence; the affect was larger for off-licenses compared to on-licences. A 10% increase in the number of off-licenses increased hospital admissions by 1.9% (on-licenses = 0.5%).

Osterberg, E (2009). *Availability of Alcohol*, a chapter within *Alcohol in the European Union; Consumption, Harm and Policy Approaches*. WHO Regional Office for Europe, pp83-88.

Consistent evidence that limiting availability (regulating the density of outlets and times of sale) leads to a reduction in alcohol harm.

Alcohol Concern (2011). *One on every corner – The relationship between off-license density and alcohol harms in young people*. Report by the Alcohol Concern Youth Policy Project.

Moderate but significant relationship between off-license density and underage alcohol specific admissions; 10% of admissions were directly attributable to off-license density.

4. Priority Communities

There are 88 communities in Doncaster. These have been prioritised based on the levels of alcohol harm, and associated indicators, experienced by their populations.

These communities were defined in 2004 using ONS Output Areas. NHS Doncaster and Doncaster Council worked in unison, developing these to reflect natural boundaries and to create homogenous socio-economic geographies.

The prioritisation criteria is based on those communities that are significantly ‘worse’ than the Doncaster average using 95% confidence intervals (i.e. accounting for natural variation). The following indicators are argued to be directly or indirectly influenced by alcohol misuse. Numbers in structured drug and alcohol treatment and alcohol related hospital admissions are the primary criteria and the remaining indicators provide extra context;

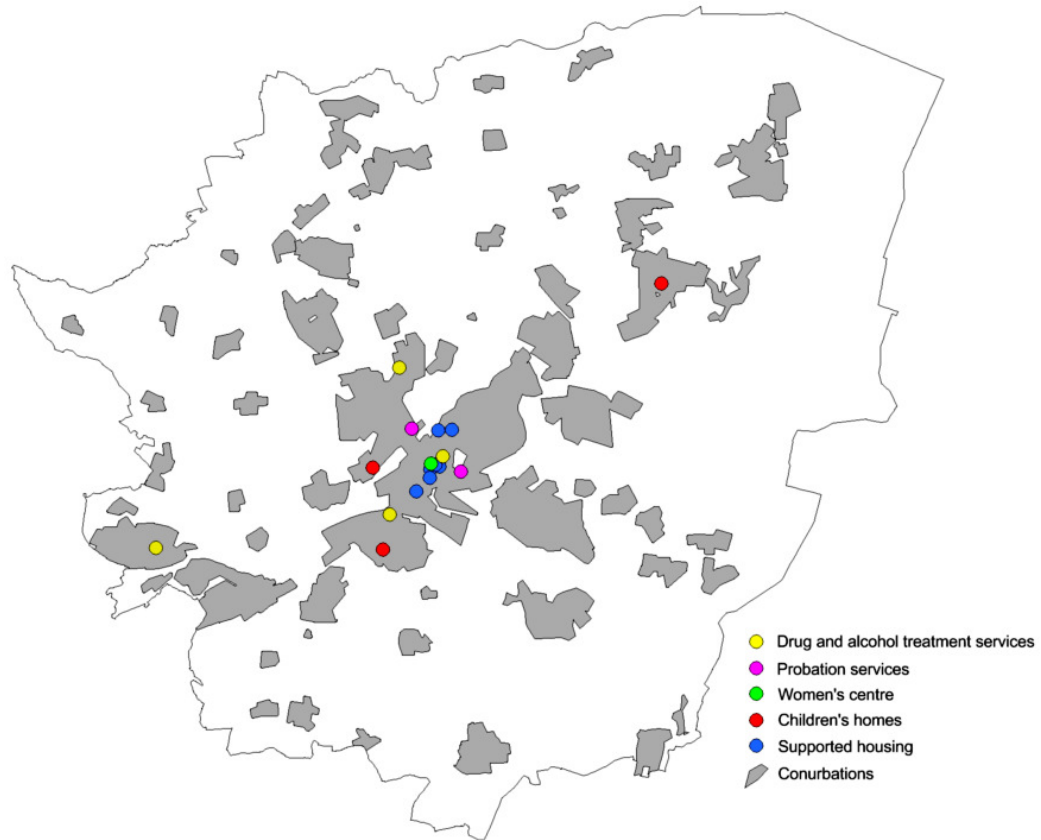
Numbers in structured drug and alcohol treatment	First time entrants to the Youth Justice Service
Alcohol related hospital admissions	Child social care referrals
A&E attendance under 18 years	NEET young people
Emergency admissions under 18 years	Teenage conceptions
Hospital admissions for self-harm	Unemployment
Antisocial behaviour	

9 communities have a significantly high number of residents in drug / alcohol treatment and significantly high rates of alcohol related hospital admissions and significantly worse outcomes for a number of the other indicators. Detailed profiles are available in Appendix 1.

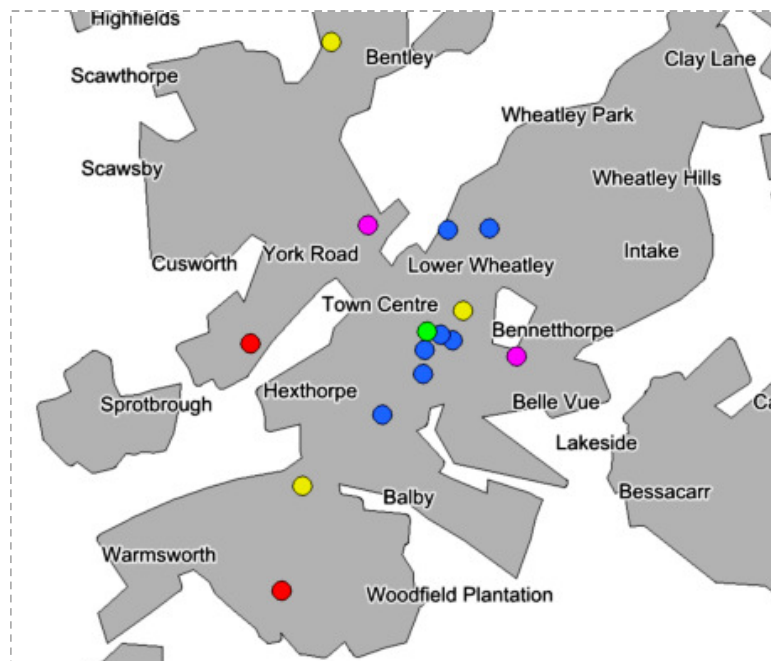


5. Key locations for vulnerable people

The maps below pinpoint locations frequented by people who may be vulnerable to alcohol misuse, either through their own misuse or that of others;



Urban centre of Doncaster

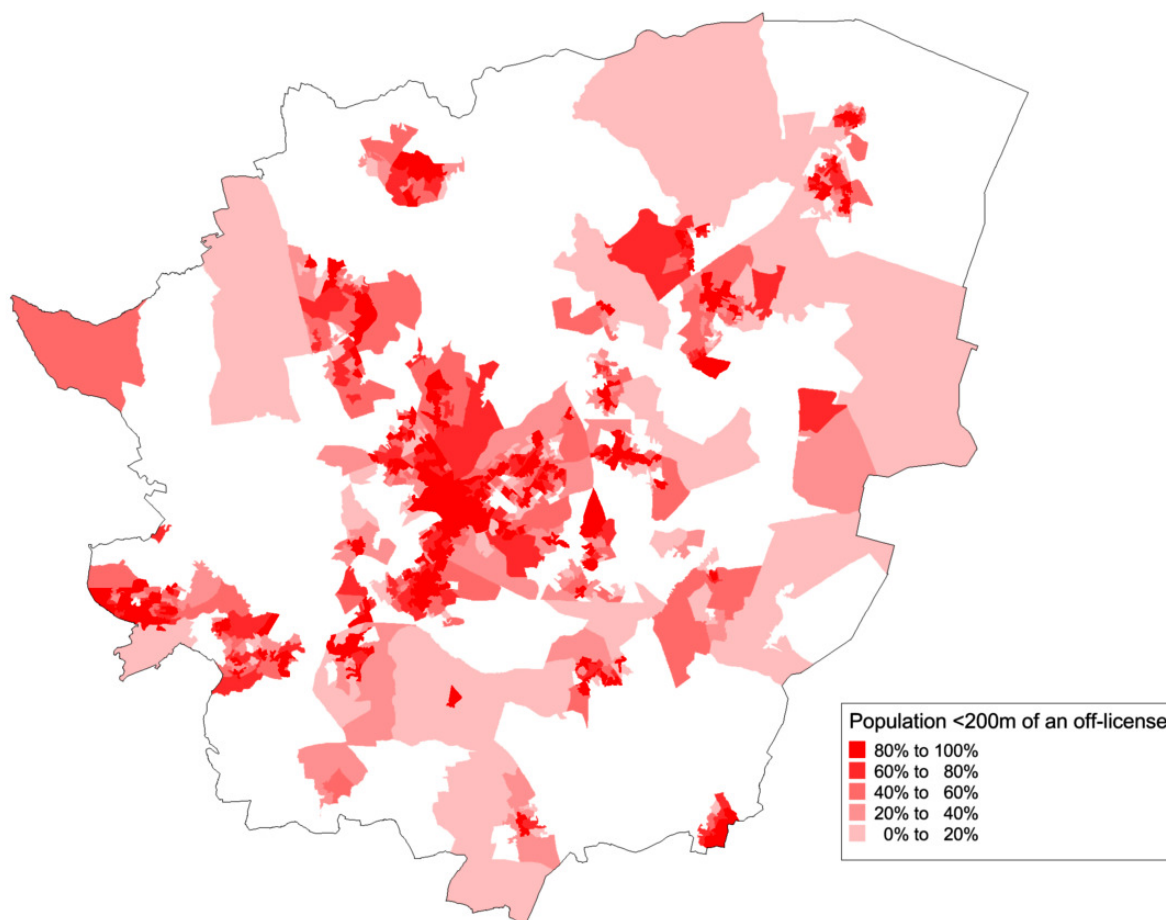


6. Off-license density

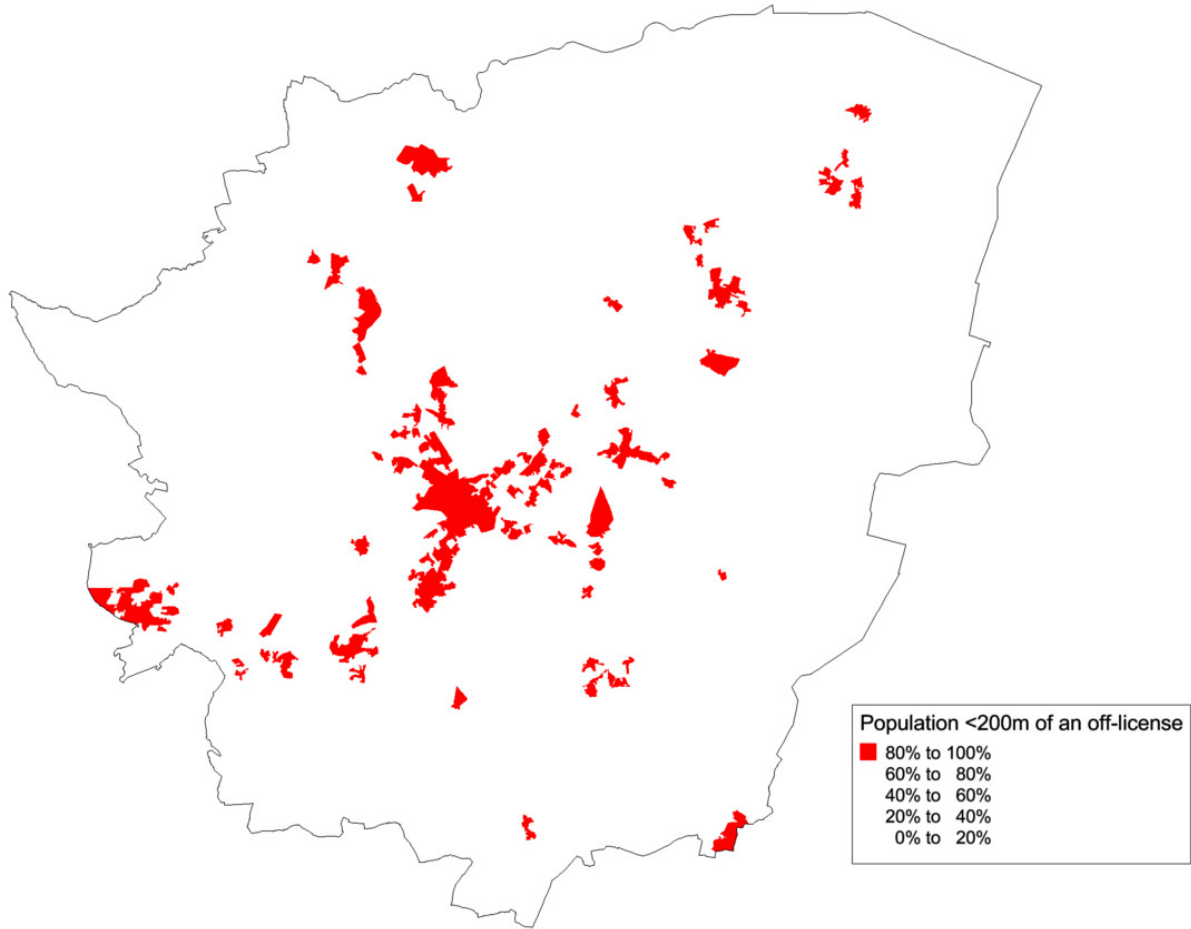
The following maps detail the % of residents that live within 200m of an off-license by ONS Output Area.

This has been calculated by creating a 200m buffer around the off-licenses. All Doncaster postcodes, which also contain the adult population for each postcode, have then been superimposed over the 200m buffer. It is then possible to identify the postcodes and populations that sit inside and outside the 200m boundary. The postcodes have then been aggregate into Output Areas to calculate the proportion of residents within 200m as a % of all residents.

This first map presents all Output Areas on a gradient from 0% of residents <200m up to 100% of residents <200m;

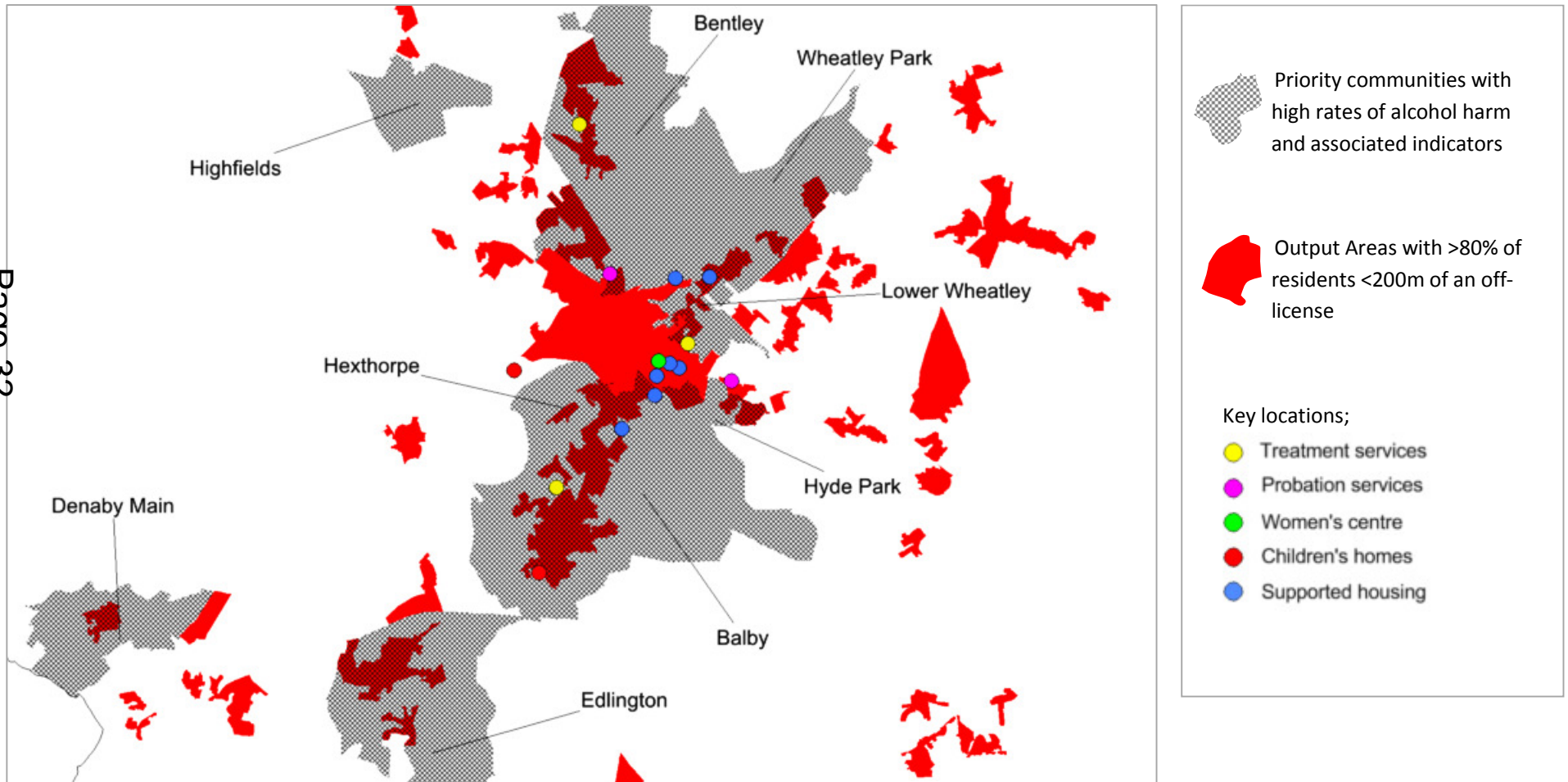


This second map presents only those Output Areas where >80% of the population live within 200m of an off-license. This isolates those Output Areas with the highest outlet density and the greatest availability of alcohol;

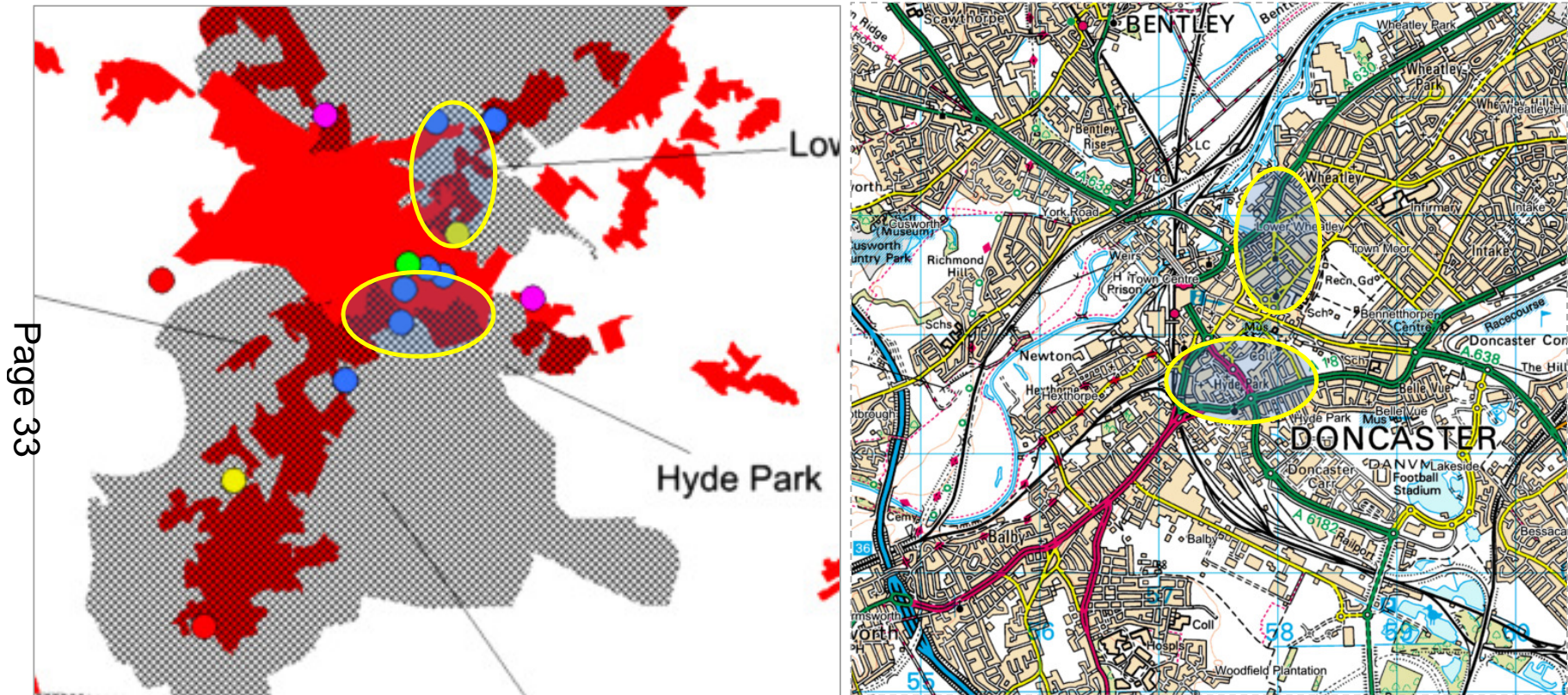


7. Overlay of priority communities, vulnerable locations and off-license density

The map below overlays each of the datasets in the previous sections; i) the 9 priority communities, ii) the key vulnerable locations and iii) the Output Areas where >80% of the population live <200m of an off-license.



The areas highlighted in yellow below are suggested as possible candidates for a CIP based on the health data, triangulating the different sources of information. However these are subject to the strengths and limitations identified in section 8.



8. Strengths and limitations of the data and process

Strengths

- The Licensing Authority believes that Community level data is at a low enough scale to evidence need for a CIP.
- Numerous datasets are available in the Community Profiles, which are already created as part of the Joint Strategic Needs Assessment. These can be easily collated and applied to the Licensing process (see profiles in Appendix 1). These community profiles are refreshed every 2-3 years meaning the datasets remain up to date.
- The Community Profiles contain a wide breadth of indicators with data covering direct alcohol harm (numbers in treatment, hospital admissions) but also the wider social impacts of alcohol (child social care referrals, teenage conceptions).
- Over half the indicators focus on children and young people. Issues affecting children and young people are particularly emotive and it may be easier to pass a CIP framed on these issues, negating the argument of personal choice and responsibility levelled at older drinkers. As discussed below, the emphasis on young people also has limitations.
- The process triangulates multiple sources with a holistic view based on alcohol harm, social impacts, vulnerable locations and off-license density. Coupled with a stakeholder consultation, this would present a strong evidence base to present to a Licensing Committee.
- The process is supported by a strong ethos of partnership working. Doncaster has a Data Observatory, giving a platform for analytical teams in different organisations to collaborate on specific projects. Data sharing agreements are in place and the Observatory can draw on a broad pool of expertise across the NHS, Police and Local Authority. The Community Profiles were produced through this process.

Limitations

- The effectiveness of the existing Town Centre CIP is unknown. The CIP may encourage applicants to accept more restrictive conditions but this has not been evaluated, and only one application has been successfully rejected. The CIP may act to discouraged applicants altogether but there is no way of measuring this.
- Health data cannot be aggregated and presented at small geographic scales. Low counts need to be suppressed to protect identities and statistical methods require a volume of data to identify significant differences. Community level is as low as health data can be meaningfully analysed. Output Areas and postcodes are not feasible. This would be an issue responding to new applicants within the CIP, where evidence needs to be relevant to specific, individual locations.

- It can be argued that the indicators used to prioritise the communities are all influenced by alcohol but some are more clearly linked than others. For instance, the number of NEET young people will be dependent on a number of factors at an individual, family, community and societal level. The role of alcohol should not be over emphasised for the indicators.
- This process was dependent on data that was readily available from the community profiles. Those indicators that had a link with alcohol tended to focus on children and young people (e.g. hospital activity for people under 18, first time entrants to the youth justice system, child social care referrals). Ideally the indicators would have been more balanced across the life course describing need in working Age people and older people. Some of the indicators in this report could just be incorporated into the existing objectives, e.g. protecting children from harm, without the need to create a new health objective.
- A high number of areas, and significant populations, were covered by the areas that overlap alcohol harm and high outlet density. It is impractical to impose a CIP across all these areas – CIPs usually regulate discrete areas numbering a handful of streets. Those areas that contained or bordered vulnerable locations (supported housing et cetera) also bordered the Town Centre, which already has a high density of on and off-licensed premises. The criteria in this process (prioritising the communities and mapping the % of residents <200m) could be more strict to isolate smaller areas.
- Presumably a CIP in residential areas would be more susceptible to displacement. A Town Centre CIP based on the evening economy is more workable as premises benefit from being near to each other so need to operate in specific streets and require a specific type of premise. A small business, such as a corner shop, benefits from great flexibility and could operate just outside the cumulative impact zone.
- Key datasets are missing. At present Public Health receives data on A&E attendance for alcohol related injury which names licensed premises where appropriate. But the field naming licensed premises is not consistently and rarely states off-licenses, plus there is an assumption that the actions of the named premise contributed to the injury. The data is not at postcode level and thus could not be used in this mapping exercise. Similarly, ambulance data is not available but would provide a useful insight.
- There is a risk that a CIP would create a protected zone that reduces competition in an area. Incumbents may not need to try as hard, so perversely standards may drop.
- Policy governing Cumulative Impact contradicts directives from other Government Departments. For example the Department of Culture, Media and Sport are seek to deregulate activities (i.e. alcohol within the Deregulation Bill currently in its Third reading at the House of Lords) at the same time the Home Office tightens controls. This creates conflict within local areas.

Appendix 1 - Profiles for the priority communities**Balby**

Indicator	Balby		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	217	13.5 (11.8, 15.4)	1,569	6.6 (6.3, 6.9)	1.6			25.7
2. Alcohol related hospital admissions	3,321	6,286 (6,067, 6,511)	45,315	5,542 (5,490, 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	1,736	364.9 (351.2, 378.7)	24,442	375.1 (371.4, 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	497	104.5 (95.9, 113.5)	6,628	101.7 (99.4, 104.1)	5.2			152.3
5. Hospital admissions for self-harm	165	252.6 (215.1, 294.6)	1,898	206.8 (197.6, 216.4)	67.0			716.5
6. Antisocial behaviour incidents	9,371	450.9 (441.8, 460.1)	107,456	355.3 (353.2, 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	100	13.1 (10.6, 15.9)	1,144	9.9 (9.4, 10.5)	3.5			19.8
8. Child social care referrals	515	108.2 (99.5, 117.4)	6,797	104.3 (102.0, 106.7)	15.0			173.2
9. NEET young people	51	67.1 (50.4, 87.3)	521	46.0 (42.2, 50.0)	11.1			151.4
10. Teenage conceptions	65	57.2 (44.5, 72.4)	684	40.9 (37.9, 44.0)	17.7			126.7
11. Unemployment	1,035	76.1 (71.7, 80.7)	8,795	45.4 (44.5, 46.3)	0.0			124.6

Bentley

Indicator	Bentley		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	100	11.9 (9.7, 14.5)	1,569	6.6 (6.3, 6.9)	1.6			25.7
2. Alcohol related hospital admissions	1,864	6,989 (6,651, 7,340)	45,315	5,542 (5,490, 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	904	353.2 (334.7, 372.1)	24,442	375.1 (371.4, 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	273	106.7 (95.0, 119.3)	6,628	101.7 (99.4, 104.1)	5.2			152.3
5. Hospital admissions for self-harm	120	356.3 (294.4, 427.3)	1,898	206.8 (197.6, 216.4)	67.0			716.5
6. Antisocial behaviour incidents	5,145	468.2 (455.5, 481.2)	107,456	355.3 (353.2, 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	50	12.0 (8.9, 15.8)	1,144	9.9 (9.4, 10.5)	3.5			19.8
8. Child social care referrals	283	110.6 (98.7, 123.4)	6,797	104.3 (102.0, 106.7)	15.0			173.2
9. NEET young people	24	56.3 (36.4, 82.6)	521	46.0 (42.2, 50.0)	11.1			151.4
10. Teenage conceptions	55	85.5 (65.1, 109.8)	684	40.9 (37.9, 44.0)	17.7			126.7
11. Unemployment	445	62.8 (57.3, 68.7)	8,795	45.4 (44.5, 46.3)	0.0			124.6

Denaby Main

Indicator	Denaby Main		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	52	16.4 (12.3 , 21.5)	1,569	6.6 (6.3 , 6.9)	1.6			25.7
2. Alcohol related hospital admissions	1,040	9,096 (8,529 , 9,691)	45,315	5,542 (5,490 , 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	611	569.3 (539.1 , 599.2)	24,442	375.1 (371.4 , 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	107	99.7 (82.4 , 119.2)	6,628	101.7 (99.4 , 104.1)	5.2			152.3
5. Hospital admissions for self-harm	54	489.9 (365.0 , 643.0)	1,898	206.8 (197.6 , 216.4)	67.0			716.5
6. Antisocial behaviour incidents	2,322	552.5 (530.2 , 575.4)	107,456	355.3 (353.2 , 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	31	15.6 (10.6 , 22.1)	1,144	9.9 (9.4 , 10.5)	3.5			19.8
8. Child social care referrals	120	111.8 (93.6 , 132.2)	6,797	104.3 (102.0 , 106.7)	15.0			173.2
9. NEET young people	18	96.7 (57.9 , 149.4)	521	46.0 (42.2 , 50.0)	11.1			151.4
10. Teenage conceptions	10	40.8 (19.8 , 73.8)	684	40.9 (37.9 , 44.0)	17.7			126.7
11. Unemployment	195	77.7 (67.5 , 88.9)	8,795	45.4 (44.5 , 46.3)	0.0			124.6

Edlington

Indicator	Edlington		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	56	9.8 (7.4 , 12.7)	1,569	6.6 (6.3 , 6.9)	1.6			25.7
2. Alcohol related hospital admissions	1,206	6,407 (6,032 , 6,798)	45,315	5,542 (5,490 , 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	694	405.6 (382.2 , 429.3)	24,442	375.1 (371.4 , 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	164	95.8 (82.3 , 110.8)	6,628	101.7 (99.4 , 104.1)	5.2			152.3
5. Hospital admissions for self-harm	45	188.8 (137.3 , 253.1)	1,898	206.8 (197.6 , 216.4)	67.0			716.5
6. Antisocial behaviour incidents	3,631	481.9 (466.3 , 497.8)	107,456	355.3 (353.2 , 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	47	15.6 (11.4 , 20.6)	1,144	9.9 (9.4 , 10.5)	3.5			19.8
8. Child social care referrals	212	123.9 (108.6 , 140.4)	6,797	104.3 (102.0 , 106.7)	15.0			173.2
9. NEET young people	22	76.0 (47.9 , 113.1)	521	46.0 (42.2 , 50.0)	11.1			151.4
10. Teenage conceptions	25	56.3 (36.8 , 82.0)	684	40.9 (37.9 , 44.0)	17.7			126.7
11. Unemployment	325	66.7 (59.9 , 74.1)	8,795	45.4 (44.5 , 46.3)	0.0			124.6

Hexthorpe

Indicator	Hexthorpe		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	44	15.9 (11.6, 21.3)	1,569	6.6 (6.3, 6.9)	1.6			25.7
2. Alcohol related hospital admissions	712	7,969 (7,374, 8,599)	45,315	5,542 (5,490, 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	397	460.0 (426.4, 494.0)	24,442	375.1 (371.4, 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	117	135.6 (113.4, 160.2)	6,628	101.7 (99.4, 104.1)	5.2			152.3
5. Hospital admissions for self-harm	39	365.3 (255.3, 505.0)	1,898	206.8 (197.6, 216.4)	67.0			716.5
6. Antisocial behaviour incidents	1,848	517.5 (494.2, 541.6)	107,456	355.3 (353.2, 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	22	17.4 (10.9, 26.2)	1,144	9.9 (9.4, 10.5)	3.5			19.8
8. Child social care referrals	128	148.3 (125.3, 173.8)	6,797	104.3 (102.0, 106.7)	15.0			173.2
9. NEET young people	7	61.6 (25.2, 122.4)	521	46.0 (42.2, 50.0)	11.1			151.4
10. Teenage conceptions	13	74.0 (40.0, 123.2)	684	40.9 (37.9, 44.0)	17.7			126.7
11. Unemployment	295	124.6 (111.5, 138.6)	8,795	45.4 (44.5, 46.3)	0.0			124.6

Highfields

Indicator	Highfields		Doncaster		Best Score	Range Doncaster	● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	13	13.8 (7.4, 23.6)	1,569	6.6 (6.3, 6.9)	1.6			25.7
2. Alcohol related hospital admissions	250	9,932 (8,555, 11,425)	45,315	5,542 (5,490, 5,595)	2,252.9			23,099.3
3. A&E attendance under 18yrs	170	376.7 (331.8, 423.2)	24,442	375.1 (371.4, 378.8)	118.7			614.9
4. Emergency admissions under 18yrs	41	90.9 (66.0, 121.2)	6,628	101.7 (99.4, 104.1)	5.2			152.3
5. Hospital admissions for self-harm	14	327.9 (177.6, 552.5)	1,898	206.8 (197.6, 216.4)	67.0			716.5
6. Antisocial behaviour incidents	599	435.6 (401.4, 472.0)	107,456	355.3 (353.2, 357.5)	64.1			865.9
7. First time entrants to the Youth Justice System	6	9.2 (3.4, 20.0)	1,144	9.9 (9.4, 10.5)	3.5			19.8
8. Child social care referrals	67	148.5 (117.0, 184.7)	6,797	104.3 (102.0, 106.7)	15.0			173.2
9. NEET young people	10	151.4 (73.5, 263.7)	521	46.0 (42.2, 50.0)	11.1			151.4
10. Teenage conceptions	14	126.7 (71.0, 203.5)	684	40.9 (37.9, 44.0)	17.7			126.7
11. Unemployment	75	86.1 (68.3, 106.7)	8,795	45.4 (44.5, 46.3)	0.0			124.6









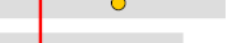

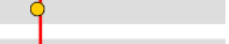
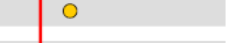
Hyde Park

Indicator	Hyde Park		Doncaster		Best Score	Range Doncaster	<ul style="list-style-type: none"> ● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster 	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	34	12.1 (8.4, 16.9)	1,569	6.6 (6.3, 6.9)	1.6		25.7	
2. Alcohol related hospital admissions	555	7,293 (6,603, 8,028)	45,315	5,542 (5,490, 5,595)	2,252.9		23,099.3	
3. A&E attendance under 18yrs	452	409.2 (380.0, 438.8)	24,442	375.1 (371.4, 378.8)	118.7		614.9	
4. Emergency admissions under 18yrs	100	90.5 (74.3, 109.0)	6,628	101.7 (99.4, 104.1)	5.2		152.3	
5. Hospital admissions for self-harm	23	210.2 (122.9, 329.6)	1,898	206.8 (197.6, 216.4)	67.0		716.5	
6. Antisocial behaviour incidents	1,549	403.5 (383.6, 424.1)	107,456	355.3 (353.2, 357.5)	64.1		865.9	
7. First time entrants to the Youth Justice System	21	12.4 (7.7, 18.9)	1,144	9.9 (9.4, 10.5)	3.5		19.8	
8. Child social care referrals	93	84.2 (68.5, 102.1)	6,797	104.3 (102.0, 106.7)	15.0		173.2	
9. NEET young people	15	97.3 (54.9, 156.3)	521	46.0 (42.2, 50.0)	11.1		151.4	
10. Teenage conceptions	16	70.7 (40.9, 112.3)	684	40.9 (37.9, 44.0)	17.7		126.7	
11. Unemployment	285	110.7 (98.9, 123.5)	8,795	45.4 (44.5, 46.3)	0.0		124.6	

Lower Wheatley

Indicator	Lower Wheatley		Doncaster		Best Score	Range Doncaster	<ul style="list-style-type: none"> ● Better than Doncaster ● Similar to Doncaster ● Worse than Doncaster 	Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)				
1. Numbers in structured drug and alcohol treatment	111	25.7 (21.2, 30.8)	1,569	6.6 (6.3, 6.9)	1.6		25.7	
2. Alcohol related hospital admissions	1,184	9,095 (8,535, 9,680)	45,315	5,542 (5,490, 5,595)	2,252.9		23,099.3	
3. A&E attendance under 18yrs	392	397.0 (366.3, 428.3)	24,442	375.1 (371.4, 378.8)	118.7		614.9	
4. Emergency admissions under 18yrs	138	139.8 (118.7, 163.0)	6,628	101.7 (99.4, 104.1)	5.2		152.3	
5. Hospital admissions for self-harm	83	474.0 (369.8, 596.8)	1,898	206.8 (197.6, 216.4)	67.0		716.5	
6. Antisocial behaviour incidents	4,437	845.1 (820.5, 870.4)	107,456	355.3 (353.2, 357.5)	64.1		865.9	
7. First time entrants to the Youth Justice System	17	12.3 (7.2, 19.7)	1,144	9.9 (9.4, 10.5)	3.5		19.8	
8. Child social care referrals	125	126.6 (106.5, 149.0)	6,797	104.3 (102.0, 106.7)	15.0		173.2	
9. NEET young people	7	52.4 (21.3, 104.5)	521	46.0 (42.2, 50.0)	11.1		151.4	
10. Teenage conceptions	11	54.7 (27.6, 95.8)	684	40.9 (37.9, 44.0)	17.7		126.7	
11. Unemployment	415	110.5 (100.7, 121.0)	8,795	45.4 (44.5, 46.3)	0.0		124.6	

Wheatley Park

Indicator	Wheatley Park		Doncaster		Best Score		Worst Score
	Num.	Rate (95% CI)	Num.	Rate (95% CI)			
1. Numbers in structured drug and alcohol treatment	48	10.3 (7.6, 13.6)	1,569	6.6 (6.3, 6.9)	1.6		25.7
2. Alcohol related hospital admissions	900	6.515 (6,059, 6,995)	45,315	5.542 (5,490, 5,595)	2,252.9		23,099.3
3. A&E attendance under 18yrs	732	448.3 (424.0, 472.8)	24,442	375.1 (371.4, 378.8)	118.7		614.9
4. Emergency admissions under 18yrs	177	108.4 (93.7, 124.5)	6,628	101.7 (99.4, 104.1)	5.2		152.3
5. Hospital admissions for self-harm	46	230.3 (167.7, 308.2)	1,898	206.8 (197.6, 216.4)	67.0		716.5
6. Antisocial behaviour incidents	2,524	402.4 (386.8, 418.4)	107,456	355.3 (353.2, 357.5)	64.1		865.9
7. First time entrants to the Youth Justice System	39	14.1 (10.0, 19.2)	1,144	9.9 (9.4, 10.5)	3.5		19.8
8. Child social care referrals	127	77.8 (65.3, 91.9)	6,797	104.3 (102.0, 106.7)	15.0		173.2
9. NEET young people	12	44.2 (22.7, 76.8)	521	46.0 (42.2, 50.0)	11.1		151.4
10. Teenage conceptions	22	54.7 (34.6, 81.6)	684	40.9 (37.9, 44.0)	17.7		126.7
11. Unemployment	205	50.1 (43.6, 57.2)	8,795	45.4 (44.5, 46.3)	0.0		124.6

Bawtry Town Council

DMBC Licensing Policy review September 2015

A case for designating Bawtry as a Cumulative Impact Policy area

Currently, only part of Doncaster town centre is designated as a Cumulative Impact Policy area. That reflects the high number of licensed premises there.

Bawtry should have the same status. There are in excess of 20 licensed premises in this small town, which has a population of only 3573. These licensed premises have a very substantial impact upon the people of Bawtry, many of whom live in, or very close to, the town centre where the licensed premises are situated. It is suggested this proportional impact in Bawtry is much greater than in Doncaster centre, where relatively few people live.

Bawtry Town Council has been concerned about the growing number of licensed premises in the town for many years, and has tried, unsuccessfully, to oppose new applications. Last year, the Bawtry Residents' Group was formed. Many residents who have attended Group meetings have expressed the same concern. More specific information about residents' views has been obtained by a survey of residents and business owners conducted in the spring of 2015 as part of the consultation to inform a Neighbourhood Plan. To date, 109 returns have been analysed.

Specific concerns are about noise, litter, nuisance parking, and anti-social behaviour which are all believed to be related to persons (often from outside Bawtry) frequenting licensed premises and the consumption of alcohol. Of the residents who completed a return, 34 complained that there are too many licensed premises in the town. There were 49 complaints about anti-social behaviour, excessive noise, litter, and nuisance parking, with the vast majority of these explicitly related to alcohol consumption. Although these numbers may be considered modest in absolute terms, they actually evidence a serious concern, with many residents no longer feeling comfortable in the town at night, and some feeling unsafe. This fear is accentuated by the lack of a police presence in the town; officers only attend in response to an incident, unlike in Doncaster town centre where they are permanently deployed. Bawtry has a higher than average (within DMBC) number of older residents, and it would appear this fear is most prevalent amongst them.

The growth in the number of licensed premises that has occurred in Bawtry over several years is readily acknowledged to have created a significant night time economy and a degree of vibrancy to the town. That has undoubtedly been of benefit, but arguably mostly to the businesses concerned and to people from across the area who want a good night out. Many of Bawtry's residents also value these facilities, but they also suffer the unwelcome side effects of having too many premises serving alcohol.

Doncaster's licensing policy has objectives of preventing crime and disorder, maintaining public safety, preventing public nuisance, and protecting children. It is suggested that the further unrestricted development of Bawtry as a venue for the consumption of alcohol would be incompatible with the realisation of these objectives. It would not be the intention to use designation of Bawtry as a Cumulative Impact Policy area to try to refuse all new applications for licenses – but to facilitate much improved control of future development, with some differentiation between different sorts of licensed premises and the application of local knowledge. For instance, an application for a licence to serve alcohol in a new restaurant venue might be supported, whereas a similar application relating to a bar might be resisted, on the grounds that the clientele of a licensed restaurant might not be expected to put the licensing policy objectives at risk in the same way as the clientele of a bar might.

Appendix B4

In the relatively short period allowed for consultation about the new licensing policy it has not been possible to identify all the evidence of the need for a CIP for Bawtry that may be available. It is, however, believed that the evidence that has been offered is wholly consistent with that described in Section 7.16 of the proposed new policy, although more may be available from responsible local authorities, such as the Police, the Area Health Authority, and DMBC Environmental Health. It is expected that DMBC gives this matter the most careful consideration, and does not consider the proposal less generously than the historical judgement exercised to apply a CIP to Doncaster town centre. In that context, it should be stressed that people live in Bawtry's town centre; they do not live in very significant numbers in Silver St, the High St, Hall Gate, Priory Walk and Bradford Row.

Appendix C
Statement of Licensing Policy 2016 - Licensing Act 2003
Summary of Key Changes

We have compared the re-issued Guidance under Section 182 of the Act with our existing policy statement and have made amendments to reflect the new statutory guidance and other changes. These changes have now been incorporated into our draft policy statement.

We have endeavored to create a policy document that is functional and manageable by taking the opportunity to strip out non-policy information and guidance. It is our intention to create a separate 'Local Licensing Guidance' document, to supplement this policy, which will contain practical guidance for licence holders and assist local residents or other interested people who may make a representation against an application.

In addition to the general concept outlined above, the following key changes have been made to the policy all of which are necessitated by legislative changes that have come about since the commencement of the previous policy (January 2011)

1. Removal of the 'vicinity' test - persons wishing to make representations about a new application or to review an existing permission are no longer required to be located in the vicinity of the premises.
2. Removal of the 'interested parties' term and replace with 'any other person' – this facilitates 1 above and widens the scope for persons wishing to make representations.
3. Change to the policy review period from 3 years to 5 years.
4. Recognition that the responsible authorities have been expanded to now include the Licensing Authority and the body responsible for Public Health.
5. Change to wording relating to the imposition of conditions on a licence. Conditions may only be imposed that are 'appropriate and proportionate' to the promotion of the licensing objectives. Previously the term was 'necessary and proportionate'.
6. Recognition of the introduction of new mandatory licence conditions in particular those which effectively ban irresponsible drink promotions, ban the dispensing of alcohol directly into the mouth and ensure that customers have access to free drinking water.
7. Removal of the renewal requirement for Personal Licences. Prior to 2015 all Personal Licences were valid for 10 years.
8. Changes to Temporary Events
 - a. recognition that, in addition to the Police, the Environmental Health service can now intervene to prevent or modify an event; and
 - b. new provision to facilitate a temporary event required at short notice where the minimum period of notice cannot be achieved.
9. Introduction of the new provisions relating to:
 - a. Late Night Levy
 - b. Early Morning Restriction Orders.

Section 7 - Cumulative Impact - The consultation has resulted in requests to retain and extend the existing area (Area 1 – Doncaster Town Centre) along with proposals to add 2 additional areas, namely Lower Wheatley and Bawtry.

This page is intentionally left blank



Doncaster
Metropolitan Borough Council

Consultative Document Statement of Licensing Policy 2016 - 2021

Licensing Act 2003

Further copies of this document can be obtained from:

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590

Email: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing

CONTENTS

	Page Number
Executive Summary	4
Section 1 The purpose and scope of the licensing policy	5
Section 2 The Doncaster district	7
Section 3 Integrating other guidance, policies, objectives and strategies	8
Section 4 Promotion of the licensing objectives	9
Crime and disorder	9
Public Safety	10
Public Nuisance	10
Protection of children from harm	12
Section 5 General principles	14
Human Rights	14
Impact of licensed activity	14
Special events in the open air or temporary structures	15
Community applications	15
Other regulatory regimes	16
Application process	16
Advertising applications	16
Licensing Committee	16
Representations	16
Reasons for decisions	17
Promotion of equality	17
Section 6 Applications for Premises Licences and Club Premises Certificates	18
Planning	18
Licensing hours	18
Local, national and international events	19
Drinking up time	19
Operating schedules	19
Risk assessments	20
Excessive consumption of alcohol	21
Conditions	21
Designated premises supervisors	21
Staff training	22
Club Premises Certificates	22
Minor variations	22
Alcohol deliveries	23
Children and cinemas	23
Section 7 Cumulative Impact	24
Effect of Special Policies	24
Rebutting the presumption against grant in a cumulative impact policy area	25

	Cumulative Impact Policies Area 1 – Doncaster Town Centre	25
Section 8	Early Morning Restriction Orders Current Position	27 27
Section 9	Late Night Levy Current Position	28
Section 10	Personal Licences	29
Section 11	Temporary Event Notices Police and/or Environmental Health Intervention Additional limits	30 31 31
Section 12	Enforcement and reviews Detection and Prosecution of breaches Reviews Reviews arising in connection with crime Review of a premises licence following persistent sales of alcohol to children	32 32 32 33 33
Section 13	Administration, exercise and delegation of functions	34
Appendix 1	Further reading and useful information	35

Executive Summary

The Licensing Act 2003

Doncaster Council is the Licensing Authority for the Doncaster Metropolitan Borough area.

Section 5 of the Licensing Act 2003 (the Act) requires the Licensing Authority to prepare a statement of its licensing policy (the policy) that it is proposed to apply in exercising its functions under the Act. The policy must be reviewed at least every five years, but may be reviewed within that period and revised as appropriate.

Any decision taken by the Council in regard to determination of licences, certificates and notifications should aim to promote the licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The policy covers the licensable activities as specified in the Act which are:

- Sale by retail or supply of alcohol
- Regulated entertainment
- Late night refreshment

Licensable activities are carried out under 'authorisations', which can be:

- Premises licence
- Club Premises Certificate
- Temporary Event Notice

The policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Additionally the Council has regard for a number of other local strategies such as the Safer Doncaster Partnership and Crime Reduction strategy.

The Licensing Authority has the remit to determine premises licences, club premises certificates, personal licences and temporary event notices.

Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Where appropriate the Council consults with the responsible authorities as described in the Act.

Local people and elected members of the Council are able to have their say and their opinion heard through public consultation on this policy and by making representations about applications or requesting reviews of licences for problem premises.

The policy includes a special policy which seeks to limit the cumulative effect of licensed premises in certain areas.

Enforcement of the legislation is a requirement of the Act that is undertaken by the Council. This policy describes the Council's enforcement principles and the principles underpinning the right of review.

Section 1 Purpose of the policy

1.1 This policy is prepared under Section 5 of the Licensing Act 2003 and was approved by Doncaster Council as Licensing Authority on (Target date 26th November 2015) and is effective from 7th January 2016. It will be kept under review and as a minimum will be revised no later than 2020, with a new policy in place by January 2021, unless statute changes. Unless otherwise stated any references to the Council are to the Doncaster Licensing Authority.

1.2 In preparing this policy the Council has consulted with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Representatives of local premises licence holders
- Representatives of local club certificate holders
- Representatives of local personal licence holders
- Local Licensing solicitors
- Charitable organisations that deal with the social impact of alcohol misuse
- The responsible authorities namely:
 - Chief officer of South Yorkshire Police
 - Chief officer of South Yorkshire Fire and Rescue Service
 - Doncaster Council – Environmental Health
 - Doncaster Council – Health & Safety
 - Doncaster Council – Safeguarding Children & Adults
 - Doncaster Council – Planning
 - Doncaster Council – Director of Public Health
 - Doncaster Council – Trading Standards

1.3 This policy also has regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

1.4 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

1.5 The Council adopts the overall approach of permitting the responsible promotion of licensed activities. However, in the interests of all its residents and other businesses, irresponsible licensed activity will not be tolerated. Following relevant representations the Council will refuse applications, restrict hours and activities or impose conditions where it is appropriate to do so to promote the licensing objectives. Effective and proportionate enforcement, in partnership with responsible authorities and other agencies, will be used to address premises where there are problems.

1.6 This policy is concerned with the regulation of licensable activities on licensed premises, by qualifying clubs and at temporary events. The conditions that the Council attaches to the various licences will focus on matters that are relevant to the four licensing objectives and will centre upon the premises that are being used for licensable activities.

1.7 The Council is aware that the prevention of public nuisance is not narrowly defined in the Act and can include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate

circumstances, the reduction of the living and working amenity and environment of other people living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

1.8 The Council will monitor the effect of this policy throughout the period it covers through licensing liaison meetings with representatives of licence holders such as Pub-Watch meetings and also by way of regular meetings with the responsible authorities.

Scope of the policy

1.9 This policy covers licensable activities within the Doncaster district as defined by the Licensing Act 2003. These are:

- The sale by retail or supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment

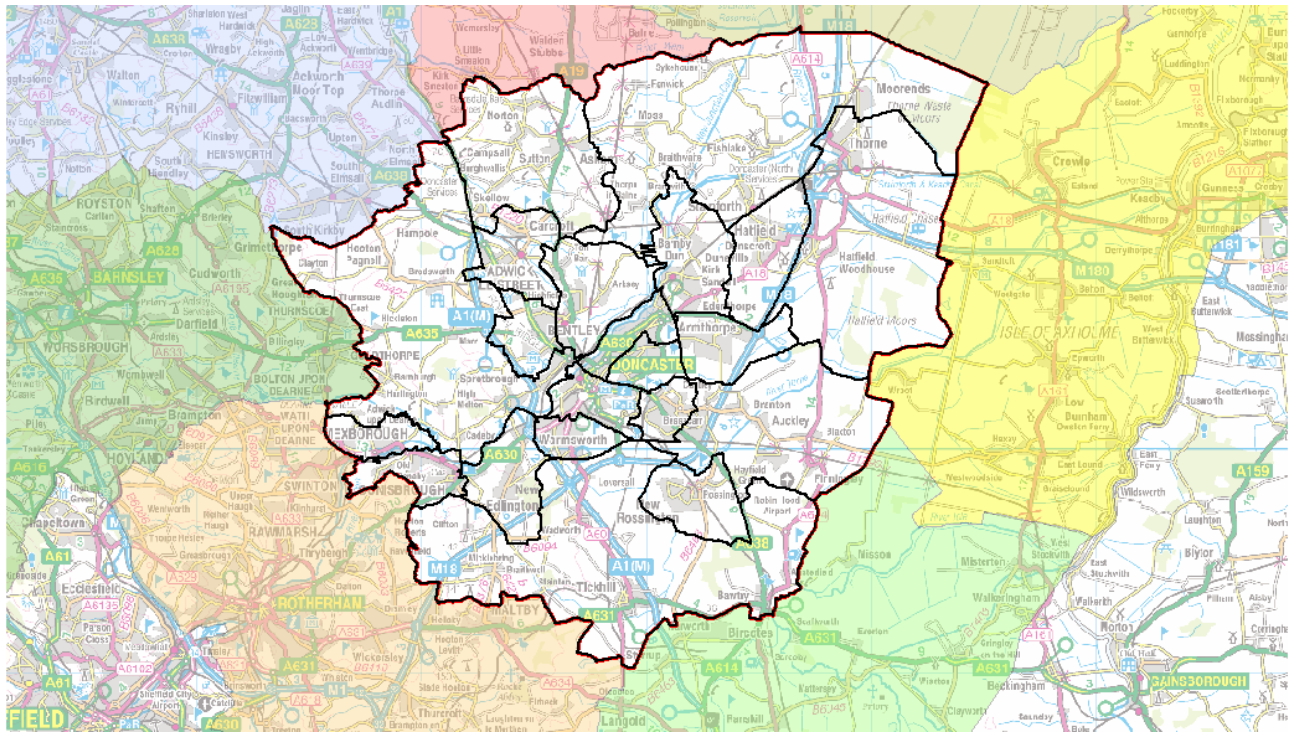
1.10 Advice on whether a licence is required for premises or an event can be obtained from the Licensing service at Doncaster Council.

1.11 Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, applications for variations and consideration of any request to review a licence.

1.12 The scheme of the Licensing Act is that applicants should make applications and assess what matters, if any, need to be included within the operating schedule to address the licensing objectives. If an application is lawfully made and no relevant representations are received then the Council must grant the application. Only if relevant representations are made will the Council's discretion be engaged.

1.13 Applicants for premises licences should be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the Council is likely to take on certain key issues where representations have been made.

Section 2 – The Doncaster District



2.1 Doncaster has a wide range of leisure and entertainment facilities, including town centre bars, village pubs, clubs, hotels, restaurants and major venues such as Doncaster Racecourse, Cast theatre and performance venue, Keepmoat Stadium, The Dome and Robin Hood Airport providing excellent facilities for residents and visitors.

2.2 The Doncaster Metropolitan Borough extends over 58,000 hectares (224 square miles) and has a population of 302,400 (taken from the 2011 census). It includes the town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry.

2.3 Each area of the district has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Applicants may consult with the Licensing service to ensure they have as much information as possible before making their application.

Section 3 Integrating other guidance, policies, objectives and strategies.

3.2 The Council (through its Licensing Committee) may, from time to time, receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in this policy and the overriding need to promote the four licensing objectives it may have regard to them when making licensing decisions.

3.3 The Committee may, after receiving such reports, make recommendations to the Council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Section 4 Promotion of the licensing objectives.

4.1 The Council will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

4.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Council at all times.

4.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.

4.4 The Council recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.

4.5 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes necessary and proportionate measures.

4.6 The Council recommends early consultation with responsible authorities. Many responsible authorities would be prepared to discuss matters with an applicant with a view to reaching agreement on measures to be proposed. Contact details for the responsible authorities are available from the Licensing Office or from the Licensing website.

Crime and Disorder

4.7 Under the Crime and Disorder Act 1998, the Council must exercise its functions, having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

4.8 Where its discretion is engaged, the Council will seek to promote the licensing objective of preventing crime and disorder in a manner which supports the Safer Doncaster Partnership, and any local crime reduction strategy.

4.9 There are many steps an applicant may take to prevent crime and disorder. The Council will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, police views on matters relating to crime and disorder will be given considerable weight.

4.10 If relevant representations are made in relation to a premises licence or club premises certificate, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.

4.11 Conditions will be targeted on deterrence and the prevention of crime and disorder. The Council may consider:

- The need for and location of CCTV cameras; (Consideration will be given to the code of practice for CCTV issued by Information Commissioner's Office)
- The need for door supervision;
- Conditions setting capacity limits where this is necessary to prevent overcrowding likely to lead to disorder and violence;
- Membership of a recognised pub watch or similar scheme.

4.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

Public Safety

4.13 The public safety objective is concerned with the physical state of people using the premises. Public safety includes safety of staff and performers appearing at any premises.

4.14 On 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Council will not seek to impose fire safety conditions as conditions on licences where the Order applies.

4.15 Capacity limits will only be imposed where appropriate for the promotion of public safety or for reasons of crime and disorder. Capacity limits will not be imposed as a condition of the licence on fire safety grounds.

4.16 Applicants are advised to consult with the Council's Environmental Health Officers (Health & Safety Enforcement) who can offer advice as to appropriate measures to be included in risk assessments and potentially in operating schedules. They can also offer advice in relation to workplace health and safety matters including compliance with the smokefree legislation.

4.17 Conditions requiring possession of certificates on the safety or satisfactory nature of equipment or fixtures on premises will not normally be imposed as those are dealt with by other legislation. However, if it is considered necessary in light of the evidence on each individual case, conditions may be imposed requiring checks on the equipment to be conducted at specified intervals and evidence of the checks to be retained. Conditions may also seek to require equipment of particular standards to be maintained on premises.

4.18 Special considerations will apply to night clubs and similar venues. Applicants are encouraged to consider the Safer Clubbing Guide published by the Home Office and DCMS, which gives advice on these issues.

4.19 Special events in the open air or temporary structures raise particular issues. Applicants are referred to other sections of this document where guidance on holding these types of event is given.

Public Nuisance

4.20 In considering the promotion of this licensing objective, applicants need to focus on the effect of licensable activities on persons living and working in the area around the premises which may be disproportionate and unreasonable.

4.21 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.

4.22 Issues will mainly concern noise nuisance, light pollution, noxious smells and litter. These include issues arising from the implementation of the smoking ban where customers may now be more inclined to use external areas of premises.

4.23 Where applicants are completing operating schedules the Council encourages them to have regard to the location of the proposed or actual premises and, in particular, whether proposals may have a disproportionate impact in dense residential areas or near to sensitive premises such as nursing homes, accommodation for the elderly, hospitals, hospices or places of worship.

4.24 Applicants are recommended to consult the Environmental Health Service for advice on measures that may need to be incorporated into an operating schedule.

4.25 If relevant representations are made, the Council will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents but may seek to reduce the impact of the behaviour of customers entering or leaving the premises on people living or working near to the premises. The Council considers that patrons who are using external smoking areas or shelters are there as a direct result of the licensed premises and are within the control of the licensee.

4.26 The Council will consider whether issues relating to public nuisance can be effectively dealt with by necessary and appropriate conditions. These conditions will normally focus on the more sensitive periods, for example, noise from premises in the late evening or early morning when residents may be attempting to sleep.

4.27 When considering such matters, the Council will have particular regard to representations made by the Environmental Health Service and by local residents.

4.28 The Council may consider the following matters:

- Whether doors and windows will or can be kept closed after a particular time.
- Whether other noise control measures such as acoustic curtains or other speaker mounts are required.
- The fact that lighting outside the premises may help to prevent crime and disorder, but may give rise to light pollution for neighbours.
- Signs placed at the exit to buildings can encourage patrons to be quiet until they leave the area, and to respect the rights of residents.
- The size and location of smoking areas and any facilities provided may encourage patrons to use the external areas more extensively than for just smoking and returning to the inside of the premises.
- Provision of litter bins in the vicinity of premises serving hot food after 11pm.
- Display of contact details or a direct telephone link to a private hire/taxi firm.

4.29 The Council recognises that it is necessary to balance the rights of local residents, businesses and others with those wishing to provide licensable activities and those who wish to use such facilities.

4.30 Ultimately if it is necessary for the prevention of public nuisance where conditions do not

adequately address the issues an application can be refused.

Protection of children from harm

4.31 The Council recognises the Doncaster Safeguarding Children Board as the responsible authority for the protection of children from harm.

4.32 The protection of children from harm includes protection from physical and psychological harm.

4.33 The Council notes that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed unless there is good reason to restrict entry or exclude children completely.

4.34 Issues relating to access of children to premises may give rise to concern:

- where adult entertainment is provided on an occasional basis and is not already licensed under other legislation;
- where there have been convictions of the current management for serving alcohol to minors;
- where the premises have a reputation for allowing under-age drinking;
- where requirements of proof of age is not the norm;
- where premises have a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises; and
- where the supply of alcohol consumption on the premises is the exclusive or primary purpose of the services provided.

4.35 Such situations can be identified through a risk assessment of the operation. In these circumstances, applicants are advised to consider offering appropriate conditions through their operating schedule. In addition licensees may identify that the access of children to particular parts of the premises poses more risk than others and seek only to exclude children from areas of highest risk.

4.36 On receipt of relevant representations, the Council will consider whether conditions are necessary. If conditions are necessary these may include:

- limitations on the hours when children will be present;
- limitation upon the presence of children of certain ages when specified activities are taking place;
- limits on the parts of the premises to which children may have access;
- age limitations;
- limitations or exclusions only when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under the age of 18 when any licensable activities are taking place.

4.37 In such cases, representations by the Doncaster Safeguarding Children Board and the Police will be given considerable weight where they address issues regarding the admission of children.

4.38 The Council recognises that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

4.39 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 21/25 type schemes and such a scheme volunteered as part of an operating schedule will be given the appropriate weight when the Council determines the licence application.

Consultation Document

Section 5 General Principles.

5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, having regard to the need to promote the four licensing objectives and taking into account this licensing policy and the guidance issued under Section 182 by the Secretary of State. Where it is necessary to depart from the guidance or this policy the Council will give clear and cogent reasons for doing so.

5.2 Nothing in this policy will undermine any person's right to apply for a variety of permissions under the Act.

5.3 Applicants are reminded of the Government's Alcohol Strategy. Matters set out in the strategy may be relevant to general licensing principles and to one or more of the licensing objectives.

Human Rights

5.4 Human Rights Act 1998 and The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the human Rights Act 1998 and the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions.

Impact of Licensed Activity

5.5 Where no representations are made the Council must grant a licence subject to conditions consistent with the operating schedule.

5.6 When determining any application where relevant representations are made, the Council will consider it in the light of the four licensing objectives and in order to support a number of other key aims and purposes as set out in this policy. The requirement to promote the licensing objectives will be the paramount consideration. The Council will focus upon the impact of the activities taking place on members of the public living, working or engaged in normal activity near the premises.

5.7 Where relevant representations are made in relation to a premises licence, club premises certificate or temporary event notice the following factors will normally be taken into account when the Council is looking at the impact of the activities concerned:

- the style of operation, the numbers of customers and customer profile likely to attend the premises;
- the location of the premises and the proximity of noise sensitive properties;
- the proposed hours of operation;
- the transport arrangements for customers attending or leaving the premises and any possible impact on local residents or businesses;
- any proposed methods for the dispersal of customers;
- the scope for mitigating any impact;
- the extent to which the applicant has offered conditions to mitigate the impact;
- how often the activity occurs.

In considering any application for a variation to a premises licence or club premises certificate where a relevant representation has been received, the Council may take into account, in addition to the above matters, any evidence:

- of past demonstrable adverse impact from the activity especially on local residents or businesses;
- that, if adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

5.9 Other relevant matters may be considered as the individual case dictates.

Special Events in the Open Air or in Temporary Structures

5.10 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.

5.11 However, the success of such events by way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of safety and consideration for the rights of people who live or work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

5.12 In recognition of the special factors that are relevant, particularly with respect to major open air events such as a music festival, the Council has established a multi-agency forum (Safety Advisory Group) to assist organisers in co-ordinating such events. This includes Council departments who have an interest in or legislative role relevant to such events together with representatives of the various emergency services.

5.13 Members of the forum are notified about all proposals to hold such events and where necessary a special meeting will be organised in order to consider any issues that will require to be addressed and to open up lines of communication with organisers.

5.14 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health & Safety Executive.

5.15 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

5.16 Whilst this policy is aimed at all licensable activities under the Licensing Act 2003 it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operators and small or temporary activities such as those which might be proposed by cultural or community groups.

5.17 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Service.

5.18 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act so as to promote the licensing objectives.

Other Regulatory Regimes

5.19 The licensing policy is not intended to be the primary mechanism for the general control of nuisance, anti-social behaviour and environmental crime but nonetheless is a key aspect of such control and the licensing policy and licensing decisions are intended to be part of an holistic approach to the delivery of the Council plan and the management of the evening and night time economy of the Doncaster district.

5.20 In preparing this policy the Council has sought to avoid unnecessary duplication of existing legislation and regulatory regimes. However, on occasions, it has been necessary to set out some of the detail in this policy for ease of understanding. Nothing in this policy is intended to revoke or replace the need for applicants to act in accordance with legal requirements. All applicants are advised to seek proper advice to ensure that the activities they propose are within the boundaries set by existing legislation and regulations.

Application Process

5.21 Applications must be made to the Council in the form prescribed by Regulations. Guidance is available to applicants setting out the detail of the process. The Council actively supports the ability for applications, where permitted, to be submitted electronically.

Advertising Applications

5.22 Where an application is required to be advertised in a local newspaper, e.g. a new application or an application to vary to an existing authorisation, it is the policy of the Council that the chosen newspaper should be one which is published daily or weekly and is widely available in the vicinity of the premises to which the application relates.

Licensing Committee

5.23 The Council appoints a licensing committee and licensing functions will often be delegated to a licensing subcommittee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 13 of this policy.

5.24 Councillors will have regard to the Council Code of Conduct for Members. Where a Councillor who is a member of the Licensing Committee or subcommittee discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

5.25 The Terms of reference, procedure for hearings and scheme of delegation of the Licensing Authority is agreed annually by the Licensing Committee and is published on the Council website.

Representations

5.26 Depending on the type of application representations may be made by a responsible authority or other persons (as defined by the Licensing Act 2003). The Council has agreed protocols with responsible authorities and issued guidance to other persons making representations, setting out the detail of the process. Guidance is available on the Council website or by contacting the Licensing Office.

5.27 Members of the public who wish to submit a representation in regards to a premises licence or club premises certificate application need to be aware that their personal details will

be made available to the applicant. If this is an issue they may contact a local representative such as a ward, parish or town councillor or any other locally recognised body such as a residents association about submitting the representation on their behalf. The Council is not able to accept anonymous representations.

5.28 Where a representation is received which is not from a responsible authority the Council will in the first instance make a judgement on whether it is relevant, i.e. based upon one or more of the four licensing objectives.

5.29 'Relevant representations' are representations:

- about the likely effect of the premises licence on the promotion of the licensing objectives;
- which have not been withdrawn and are not, in the opinion of the Council, frivolous or vexatious.

5.30 Where relevant representations are received about an application the Council will hold a hearing to consider them unless the Council, the applicant and everyone who has made representations agree that the hearing is not necessary. Applicants and those making representations should seek, in advance of any hearing, to try to reach agreement or to narrow the areas in dispute, particularly where both are professionally represented.

Reasons for Decisions

5.32 Every decision made by the Licensing Committee, subcommittee or officers shall be accompanied by clear reasons for the decision.

Promotion of Equality

5.33 The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.34 At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.

5.35 We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice

5.36 Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:

- informs the development of policies and plans across Doncaster;
- increases understanding to support the main population based needs assessment reports;
- improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
- improves the commissioning of Public Services.

Section 6 Applications for Premises Licences and club Premises Certificates

6.1 A premises licence and club premises certificates authorises the sale or supply of alcohol, regulated entertainment and late night refreshment (sale of hot food and drink after 11pm). Businesses wishing to apply for a licence or certificate must use the prescribed form which includes details of the hours of operation, any hours for licensable activities and an operating schedule.

Planning

6.2 The use of premises for the sale or provision of alcohol, regulated entertainment or late night refreshment is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

6.3 In line with the S182 Guidance the planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

6.4 Where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers will consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

6.5 Where relevant representations are received, any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct. It will take into account what the impact of granting the application will be on the four licensing objectives.

Licensing Hours

6.8 The Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The Act gives the Council the power to make decisions regarding licensed opening hours based on local knowledge and in consultation with other responsible authorities.

6.9 In some circumstances, staggered licensing hours with regards to the sale of alcohol are important to ensure that the concentration of customers leaving premises simultaneously is reduced. The intention behind this is to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance.

6.10 Providing the customers with greater choice is an important consideration in the development of a thriving and safe evening and night-time economy in Doncaster. However any licensable activity has the potential to impact adversely on the surrounding area due to disturbance or crime and disorder. Customers may be noisy when leaving, leave litter or use on-street car parking. The impact of these activities can be particularly intrusive at night when ambient noise levels are much lower.

6.11 The Council supports the development of a wide ranging and culturally diverse night-time economy where this can be achieved whilst promoting the four licensing objectives and without compromising the ability to resource local services associated with the night-time economy such as street cleansing.

6.12 Under the Act there are no permitted hours for the sale of alcohol. Applicants are able to suggest in their operating schedule the hours they wish to open and to apply to vary their

existing authorisation if they wish to open beyond their current permitted hours. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives will be the paramount consideration at all times.

6.13 If relevant representations are made the Council will only grant the hours of use proposed where the operating schedule and any risk assessment adequately demonstrates that:

- the applicant has properly considered what is appropriate for the local area when considering what hours and activities to apply for;
- the potential effect on the licensing objectives is not significant;
- the agreed operating schedule demonstrates that the applicant is taking appropriate steps to minimise any adverse impact on local residents and businesses.

6.14 Restrictions may be made to the proposed hours of use where, after receiving relevant representations, the Council considers it appropriate for the promotion of the licensing objectives to do so.

6.15 As a general rule shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

Local, national and international occasions

6.16 It should be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year, for example bank holidays, and to incorporate appropriate opening hours for these occasions in their operating schedules.

6.17 Additional occasions for which extensions may be required may be covered by a Temporary Event Notice.

Drinking up time

6.18 The traditional 'drinking up time' was not carried over into the Licensing Act 2003. However the hours during which applicants are licensed to sell or supply alcohol and the opening hours need not be identical and therefore applicants of premises licensed for the on-sale of alcohol are recommended to consider a drinking up/cooling down period during which music volume may be reduced, customers may consume their drinks and make arrangements for transport from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce impact on the area.

6.19 Where relevant representations are made the Council will consider imposing a condition on drinking up time where such a condition is appropriate in order to promote the licensing objectives in any individual case.

Operating Schedules

6.20 Under the Licensing Act 2003 applicants are required to complete an 'operating schedule'. Applicants are expected to have regard to the Council's Statement of Licensing Policy. They must also be aware of the expectations of the Licensing Authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

6.21 Operating schedules are the key to ensuring that the four licensing objectives are

promoted. An operating schedule should include enough information to enable any responsible authority or other person to assess whether the steps to be taken to promote the licensing objectives are satisfactory.

6.22 Whilst applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The Council encourages co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

6.23 Other publicly available sources which may be of use to applicants include:

- the Crime Mapping website;
- Neighbourhood Statistics websites;
- websites or publications by local responsible authorities;
- websites or publications by local voluntary schemes and initiatives; and
- on-line mapping tools.

6.24 Applicants should make their own enquiries and demonstrate how they have considered the following in their operating schedule:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children and young persons may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes such as local taxi-marshalling schemes, street pastors and other schemes), which may help mitigate potential risks.

6.25 The Council expects individual applicants to complete the operating schedule in a manner that is specific to the application being made in respect of those premises and the licensable activity to be carried on rather than in general or standard terms. Information should be given to demonstrate how the individual application proposes to address and promote the licensing objectives. Applicants are referred to the section below which contains information on carrying out a risk assessment.

6.26 Any application or operating schedule not completed in accordance with the Act and the regulations may be returned to the applicant unprocessed with a request to complete the forms correctly before the application is accepted by Council.

Risk assessments

6.27 The Council recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the Council and responsible authorities to assess how they will seek to promote the licensing objectives.

6.28 The Council is aware that any risk assessment will vary according to the nature of the business. It is for applicants to decide what is appropriate in each case.

6.30 It is recognised that some areas of the risk assessment may duplicate issues which applicants have previously addressed in order to satisfy other legislation. Where this does occur the operating schedule may cross reference to alternative documents.

6.31 The Council recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face additional representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.

Excessive Consumption of Alcohol

6.37 The Council is acutely aware of that certain 'irresponsible' drinks promotions give rise to a significant risk of breaching one or more of the four licensing objectives.

6.38 The Council also recognises the impact that excessive or binge drinking can have on public health and that positive action on promoting the licensing objectives is equally likely to have an indirect impact on public health.

6.39 The Council as the licensing authority will use the powers contained within the Licensing Act to ensure operators' promotional activities do not undermine the licensing objectives.

6.40 Applicants should be aware of the specific mandatory conditions, attached to all licences authoring the sale or supply of alcohol for consumption on the premises, which effectively:

- Ban irresponsible promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free drinking water if they ask for it.

6.41 As a consequence any on-trade premises that participates in irresponsible drinks promotions will be breaching licence conditions and will be dealt with in accordance with the appropriate legislation.

Conditions

6.42 The Council recognises it may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives.

6.43 The Council recognises that the only conditions that should be imposed on a licence are those which are appropriate and proportionate to the promotion of the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and no additional conditions are required.

6.44 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.

6.45 Applicants are strongly encouraged to make early contact with the appropriate responsible authorities to discuss proposed conditions in advance of the submission of their application to the Council.

Designated Premises Supervisor

6.46 An applicant for a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times; however the responsible authorities will expect the DPS to be available to discuss the conduct

of the premises at reasonable times.

6.47 The DPS will be readily identifiable on the premises as a person in a position of authority. No sale or supply of alcohol may be made at a time when no DPS has been specified on the licence or at a time when the DPS does not hold a Personal Licence.

Staff Training

6.48 The Council recommends that all persons employed on licensed premises who are engaged in the sale and supply of alcohol be encouraged to attend training programmes to raise awareness of their responsibility and particularly of the offences contained within the Act. Similarly persons employed at on-licensed premises should be encouraged to attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises and that suitable training is extended to all staff involved in managing or supervising the premises.

6.49 It is also strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

6.50 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises.

Club Premises Certificate

6.51 The Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason qualifying clubs may apply for a Club Premises Certificate as an alternative to a premises licence.

6.52 A Designated Premises Supervisor and Personal Licence Holders are not required where a Club Premises Certificate is in force. However, an applicant for a Club Premises Certificate is still required to act in a manner which promotes the licensing objectives. An application for a Club Premises Certificate must be in the form prescribed by regulations.

6.53 Any qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the public, including the sale of alcohol. Any individual on behalf of the club may also provide Temporary Events Notices. The Council has issued guidance to clubs on applying for a Club Premises Certificate.

Minor Variations

6.54 It is possible to make small changes to premises licences or club premises certificates through the minor variation process which is cheaper, easier and quicker than the full variation process. The test for whether a proposed variation is 'minor' is whether it could impact adversely on any of the four licensing objectives. The Government has issued guidance on this process which can be accessed on the Council's website. Anyone considering submitting an application for minor variation is advised to first discuss the proposed variation with the Licensing Officer prior to submitting the application

Alcohol Deliveries

6.55 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should consider including in their operating schedule the procedures

they intend to operate to ensure that:

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

Children and Cinemas

6.56 In relation to premises giving film exhibitions, the Council expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films.

Consultation Document

Section 7 - Cumulative Impact

7.1 Cumulative impact means the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Cumulative impact policies (CIPs) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

7.2 The licensing policy is not the only means of addressing such problems. Other controls include:

- planning controls
- CCTV
- provision of transport facilities including taxi ranks
- Designated Public Places Orders
- police powers
- closure powers
- positive measures to create safer, cleaner and greener spaces.

7.3 The Council encourages the development of a variety of premises providing a range of licensed activities catering for a wide range of users. Any policy adopted from time to time on the cumulative impact of licensed premises imposes restrictions only to the extent that they are justified by the available evidence having regard to the guidance issued by the Secretary of State.

Effect of Special Policies

7.4 A cumulative impact policy creates a rebuttable presumption that those applications within the designated cumulative impact area for new premises licences or variations that are likely to add to the existing cumulative impact will normally be refused if relevant representations are received. It is for the applicant to demonstrate that their application would not add to the cumulative impact of such licensed premises in the area.

7.5 An applicant wishing to obtain a new or varied licence for premises falling within any cumulative impact area must identify, through the risk assessment process (if used) and operating schedule, the steps that he or she intends to take so that the Council and responsible authorities can be satisfied that granting a new licence will not add to the impact already being experienced.

7.6 To assist this process applicants are encouraged to submit a full and thoroughly considered application at the earliest opportunity. The onus is on the applicant to demonstrate to the responsible authorities the suitability and detail for their site. The applicant is encouraged to make early contact with the responsible authorities to discuss their plans, and suggested control measures. Applicants should also have particular regard to the guidance issued by the Home Office under section 182 of the Act.

7.7 Despite the presumption against grant, responsible authorities and other persons will still need to make a relevant representation before the Council may lawfully consider giving effect to its cumulative impact policy. The Licensing Authority, in its role as a responsible authority may make a representation to any application received in respect of a new premises licence or a full variation of an existing premises licence, in a cumulative impact area. This representation will include the latest evidence in relation to that cumulative impact policy area. Any other representations, from responsible authorities and members of the public, which are

based on the negative effects of cumulative impact will stand in their own right, but will also support and strengthen the licensing authority representation.

7.8 The Council recognises that a cumulative impact policy should not be absolute. The circumstances of each application will be considered properly and application for licences that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence, the licensing authority will consider whether it would be justified in departing from its cumulative impact policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the Council decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved

Rebutting the presumption against grant in a Cumulative Impact Policy area

7.9 When considering the presumption against grant in a CIP area, the Council will need to be satisfied that the grant will not impact on the cumulative impact of existing licensed premises in the area. Applicants will often suggest measure which they assert will demonstrate there will be no impact.

7.10 Examples of factors the Council may consider as demonstrating there will be no impact may include, though are not limited to:

- Small premises who intend to operate before midnight.
- Premises which are not alcohol led and only operate during the day time economy
- Instances where the applicant is relocating their business to a new premises but retaining the same style of business.
- Conditions which ensure that the premises will operate in a particular manner such as a minimum number of covers or waiter/waitress service to secure a food led operation.

7.11 Examples of factors the licensing authority will not consider as meeting the standard of rebuttal include:

- That the premises will be well managed and run, as all licensed premises should meet this standard
- That the premises will be constructed to a high standard
- That the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint

7.12 Any relevant representation of support will be taken into consideration by the Council when making its determination.

Cumulative Impact Policies (CIP)

Area 1 – Doncaster Town Centre

7.13 Historically, a major concern for Doncaster town centre is the impact on policing the night time economy due to the concentration of licensed premises.

The Council first adopted a Cumulative Impact Policy (CIP) in January 2008 encompassing the following streets in the Doncaster Town Centre:

- Silver Street
- High Street
- Hall Gate
- Priory Walk
- Bradford Row

7.14 Year on year there has been a reduction in alcohol related crime due to the implementation of local initiatives involving partnership working between the Council, Police and other statutory/voluntary bodies. However, the prevalence of crime continues to be a cause for concern in some areas of the Doncaster town centre, in particular relating to large vertical drinking establishments.

7.15 It is a matter for this consultation to identify:

1. if the CIP should continue in its current form;
2. whether the existing CIP should be modified;
3. whether consideration should be given to additional CIPs

7.16 In order to make a decision to include a CIP within this statement of policy there must be an evidential basis. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local councillors; and
- evidence obtained through local consultation.

Section 8 - Early Morning Restriction Order

8.1 The power conferred on licensing authorities to make, vary or revoke an Early Morning Restriction Order (EMRO) is set out in section 172A to 172E of the Licensing Act 2003. The government has provided guidance as part of the S182 Guidance to Licensing Authorities.

8.2 An EMRO enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

8.3 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

8.4 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.

8.5 An EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices;
- Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
- Applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
- Applies to the whole or any part of the licensing authority's area
- Will not apply to any premises on New Year's Eve (defined as 12am to 6am on 1 January every year);
- Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

8.6 It is anticipated that any request to consider introducing an EMRO would be referred to the Licensing Office where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request would be referred to the Licensing Committee for consideration. Ultimately it would be for full Council to approve the final order.

Current Status

8.7 There are currently no EMROs in place in the geographical area administered by Doncaster Council.

Section 9 – The Late Night Levy

9.1 The late night levy is a tool conferred on licensing authorities by provision in the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area as a means of raising a contribution towards the costs of policing the late-night economy.

9.2 The decision to introduce the levy is an option available to all licensing authorities in the whole of their respective areas. The levy will be payable by the holders of any premises licence or club premises certificate in relation to premises in the authority's area, which authorise the sale or supply of alcohol on any days during a period beginning at or after midnight and ending at or before 6am.

9.3 The decision to introduce the levy is for a licensing authority to make should it consider it appropriate to do so. The licensing authority would be expected to consult with the chief officer of police and police and crime commissioner.

9.4 Local residents can use existing channels and forums to put forward views and call for the implementation or not of the levy in their area.

9.5 When considering whether to introduce a levy, licensing authorities should note that any financial risk (for example lower than expected revenue) rests at a local level and should be fully considered prior to implementation.

9.6 The decision to introduce, vary or end the requirement for the levy must be made by the full Council. Other decisions in relation to the introduction and administration of the levy may be delegated in the manner which the licensing authority considers most appropriate.

9.7 A late night levy can only be introduced following a statutory consultation with all parties affected including licence holders and the Council must take into account any representations made.

Current Position

9.8 There is currently no late night levy applied in the Doncaster Council area.

9.9 Any future consideration of a late night levy will be made in accordance with the relevant legislation and Home Office Guidance (Appendix 1).

Section 10 - Personal Licences

10.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of a Personal Licence holder at all material times but if any sales are made when a Personal Licence Holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the actions of those he authorises to make such sales.

10.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear what their legal responsibilities are. Any premises at which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 10.7 to 10.9 on the role of the 'Designated Premises Supervisor'.

10.3 The Council recognises it has no discretion regarding the granting of personal licences where:

- the applicant is 18 or over,
- possesses a licensing qualification,
- has not had a licence forfeited in the last five years and
- has not been convicted of a relevant offence.

10.4 An application for a personal licence to sell alcohol must be made in the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant must also be able to produce evidence of the relevant qualifications.

10.5 Applicants must produce a Criminal Record Bureau certificate along with the application form. The certificate must be current and comply with the regulations on personal licence applications. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or a similar offence.

10.6 Where the application discloses relevant unspent convictions the Council will notify the police of that application and the convictions. The police may make objection on the grounds of crime and disorder. If an objection is lodged the applicant is entitled to a hearing before the Council. If the police do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the Council must grant it.

10.7 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

Section 11 - Temporary Event Notices.

11.1 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or TEN).

11.2 Temporary event notices are subject to various statutory limitations summarised below:

- the number of times a premises user may give a TEN in a calendar year;
- the number of times a TEN may be given for any particular;
- the maximum duration of an event authorised by a TEN;
- the maximum total duration of the events authorised by TENs in relation to individual premises;
- the maximum number of people attending at any one time; and
- the minimum period between events authorised under separate TENs in relation to the same premises by the same premises user.

Up to date details of the statutory limitations can be obtained from the Licensing office.

10.3 The most important aspect of the TEN system is that no permission is required for these events from the Council. In general only the police or Environmental Health may intervene to prevent such an event or modify the arrangements for such an event. The Council will only intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded.

10.4 Many premises users giving temporary event notices will not have a commercial background or ready access to legal advice. They will include, for example, people acting on behalf of charities, community and voluntary groups all of which may stage public events to raise funds, at which licensable activities will take place. The Council will ensure that local guidance about the temporary permitted activities is clear and understandable and will strive to keep the arrangements manageable and user-friendly for such groups.

10.5 There are two types of TEN; a standard TEN and a late TEN. These have different notice periods. A standard TEN is given no later than ten working days before the event to which it relates; a late TEN is given not before nine and not later than five working days before the event. Where the required notice period is not given it will be returned as void and the activities to which it relates will not be authorised.

10.6 The Council encourages notice providers to give the earliest possible notice of events likely to take place. This is particularly relevant to events which are to take place in the open air or in a temporary structure. Assistance with the planning of events can be provided through multi agency forum meetings.

10.7 The Council will, on request, provide local advice about proper respect for the concerns of local residents; of other legislative requirements regarding health and safety, noise pollution, the building of temporary structures, or other necessary permissions, and of the powers to close down events with no notice on grounds of disorder, the likelihood of disorder or noise emanating from the premises.

Police and/or Environmental Health Intervention

10.8 The Act provides that the police or Environmental Health may, within the prescribed period, issue an objection notice because they believe the event would undermine the one or more of the four licensing objectives set out in the Act. The issuing of such an objection notice requires the consideration of the objection by the Council at a hearing in the case of a standard TEN. If an objection notice is issued in relation to a late TEN then the TEN will not be valid and the event will not go ahead as there is no scope for a hearing.

10.9 The ability of police and EH to serve such a notice is a further reason why event organisers are strongly encouraged by the Council not to rely on giving the minimum amount of notice and to contact the local police and EH at the earliest possible opportunity about their proposals.

Additional limitations

10.10 The Council, on receiving a TEN, will also check that the requirements of the Act as to duration and numbers of notices are met. For these purposes, a notice is treated as being from the same premises user if an associate gives it.

10.11 The Act defines an associate as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person; or
- an agent or employee of that person;
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

10.12 A person living with another person as his or her husband or wife is treated for these purposes as his or her spouse.

Section 12 - Enforcement and Reviews

12.1 The Licensing Act contains measures to ensure that the Council and responsible authorities are able to deal with premises that wilfully and persistently undermine the licensing objectives. The Council and responsible authorities are committed to encouraging a thriving day time and evening licensed economy but will not tolerate those premises whose activities infringe upon the quality of life for local residents and businesses.

12.2 The Council recognises that a system of coordinated enforcement with the police and other authorities assists enforcement and allows authorities to deploy resources more efficiently.

Detection and Prosecution of breaches

12.3 It is the policy of the Council to adopt a multi-agency approach to the detection and prosecution of offences under the Licensing Act. It is the policy of the Council that, in the first instance, it will be for the most appropriate authority e.g. the police for matters that relate to crime and disorder, environmental health for matters that relate to nuisance etc. to lead the investigations at problem premises. The policy of joint-enforcement provides for the targeting of agreed problem and high-risk premises which require greater attention, while providing a lighter touch to low risk premises or those that are well run.

12.4 Consideration will be given to the appropriate powers that should be used to address a problem where other agencies such as the police, fire authority, environmental health and trading standards also have their own powers.

12.5 The Council has adopted the principles of risk assessment and targeted inspection. Inspections of licensed premises are not undertaken routinely but when and if they are judged necessary. This ensures that resources are used efficiently and, for example, are more effectively concentrated on problem premises. In all cases the key principles of consistency, transparency and proportionality will be maintained.

Reviews of Licences

12.6 The Council recognises that the ability of the police, other responsible authorities and other persons to apply for a review of a premises licence is an incentive to effective self-regulation.

12.7 On receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act. These include:

- To modify the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.8 The Council will seek to establish the cause or causes of the concerns that the representations identify. The remedial action will generally be directed at these causes and will always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Reviews arising in connection with crime

12.9 When considering a review request or the possibility of enforcement action the Council will take into account all relevant circumstances. There is certain criminal activity that may arise in connection with licensed premises which will be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

12.10 It is envisaged that the responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the Council determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following persistent sales of alcohol to children

12.11 Where persistent sales of alcohol to children have occurred at premises and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence it is expected that responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under or a closure notice has been given under the 2003 Act. In determining the review the Council will consider revoking the licence if it considers this appropriate.

Section 13 – Administration, exercise and delegation of functions

13.1 The 2003 Act provides that the functions of a licensing authority (including its determinations) are to be carried out by its licensing committee (except those relating to the making of its Statement of Licensing Policy). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officers of a licensing authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.

13.2 Where, under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection for a personal licence or relevant objection to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.

13.3 Membership and the terms of reference for the Licensing Committee will be established at Annual General Meeting of the Council.

13.4 The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting.

13.5 Details of all committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

Appendix 1 Further reading and useful information

- The Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 available on the DCMS Website at www.gov.uk/S182 Guidance
- ICO Code of Practice for CCTV (In the picture) 2015
- <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>
- Home Office Guidance to Mandatory Conditions www.gov.uk/mandatory-conditions
- The Event Safety Guide – A guide to health safety and welfare at music and similar events (HSE 1999) (“The Purple Guide”) ISBN 0 7176 2453 6 (due to be updated in 2013)
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- The Guide to Safety at Sports Grounds (The Stationery Office, 1997)(“The Green Guide”) ISBN 0 11 300095 2
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org
- The Portman group website at www.portman-group.org.uk
- The British Beer and Pub Association at www.beerandpub.com
- The Alcohol Strategy, Home Office
- Government website aimed at tackling anti-social behaviour www.together.gov.uk
- Safer clubbing guide available at www.drugs.gov.uk
- Home Office Guidance to Late Night Levy
www.gov.uk/government/publications/amended-late-night-levy-guidance

This page is intentionally left blank

To the Chair and Members of the Licensing Committee

STATEMENT OF LICENSING POLICY 2016 – GAMBLING ACT 2005

EXECUTIVE SUMMARY

1. The purpose of this report is to request members of the Committee to consider the adoption of the Statement of Licensing Policy 2016 (Gambling Act 2005) following its triennial review. The route and timetable for adoption is attached as Appendix A.

RECOMMENDATIONS

2. It is recommended that the members of the Committee consider the reviewed Statement of Policy - Gambling Act 2005 and the consultation responses received with a view to making a recommendation to Cabinet prior to it being considered by Council.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER

3. Doncaster Council is required by the Gambling Act 2005 to produce a Statement of Licensing Policy and to review its Policy triennially. This is the fourth Statement of Policy produced by Doncaster Council under the Gambling Act 2005, which will set out the basis for all relevant licensing decisions to be taken by the Authority over the next three years.

BACKGROUND

4. The Licensing Authority is required, under the Gambling Act 2005 (The Act), to produce a Statement of Licensing Policy and to review the Policy at least every 3 years. The reviewed Policy must be effective by the 31st January 2016. There are three licensing objectives set out in the Act and these must be addressed within the Authority's Statement of Licensing Policy, namely:
 - i. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - ii. ensuring that gambling is conducted in a fair and open way.
 - iii. protecting children and other vulnerable persons from being harmed or exploited by gambling.
5. The Policy sets out, under these three objectives, the steps that need to be taken by applicants to address these issues. It also addresses how the Licensing Committee will conduct hearings for applications that cannot be resolved. The delegation of work to the Licensing

Committee is prescribed within the Gambling Act and members of that Committee and any Sub Committee will have to have a detailed knowledge of the Policy and its implications for applicants. Decisions of the relevant committees must state how decisions have been made and how the relevant parts of the Policy have been used to make that decision.

6. The Policy has to be reviewed at least every 3 years and whilst there are changes these are, in the main, minor updates to the previous Policy which allows for each application to be considered on its merits taking into account the principles outlined above.
7. We have taken the opportunity to facilitate the development and use of a Local Area Profile of the Borough in this Policy. We hope that this will bring a clearer understanding of local issues. Unlike alcohol control, where some of the harms are readily apparent, for example anti-social behaviour, gambling harms are usually less visible and insidious in nature. Problem gambling can have devastating impacts on the individual, their family and their relationships with others. These impacts are not confined to debt but also include detrimental effects on an individual's health.
8. A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect operators of gambling premises to have regard to the profile when undertaking their own risk assessment on their premises and when they make licence applications.
9. The legislation requires Licensing Authorities to consult with the police and representatives of those affected by the Policy prior to adoption of its Policy. We have consulted widely and, at the time of writing this report, four responses have been received. A summary of the responses are attached at Appendix B
10. A summary of the main changes is at Appendix C with the proposed Policy is at Appendix D.

OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

11. The Policy has been reviewed and updated to ensure it is relevant to Doncaster in 2016 going forward and to take account of the latest Guidance to Local Authorities produced by the Gambling Commission. If the Policy was to remain in its current form it would be outdated.
12. The alterations have arisen out of the review process and consultation albeit they are largely driven by the Licensing Authority seeking to ensure the Policy remains up to date, relevant and in line with the latest guidance.
13. With regard to the responses received during the consultation period (Appendix B) it is appropriate for these to be considered by the Licensing Committee with a view to making a recommendation to Cabinet prior to it being considered by Council.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

14.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>It is recognised that licensed gambling premises are, quite often, businesses and places of employment.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives, will have regard to this priority when making licensing decisions.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives (see above), will have regard to this priority when making licensing decisions.</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>It is recognised that gambling premises are, quite often, businesses, places of employment and potential assets to the community.</p> <p>The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy and the overriding need to promote the 3 licensing objectives, will have regard to this priority when making licensing decisions</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	<p>None</p>
	<p>Council services are modern and value for money.</p>	<p>None</p>
	<p>Working with our partners we will</p>	

	provide strong leadership and governance.	None
--	---	------

RISKS AND ASSUMPTIONS

15. Failure to adopt and or review a statement of licensing policy (cause), will exposed the Council to a legal and financial liability (event) brought about by the Council's inability to discharge its functions under the Gambling Act 2005. The initial risk rating is 20 = Likelihood 5 (very likely) x Impact 5 (critical)
16. However, by preparing and publishing a statement of policy, in accordance with the Gambling Act 2005, that has regard to the licensing objectives of the 2005 Act, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission, and any responses from those consulted on the statement the current risk rating is 1 = Likelihood 1 (very unlikely) x Impact 1 (slight)

LEGAL IMPLICATIONS

17. The functions under Part 8 of the Gambling Act 2005 which deals with the licensing of the premises for the purposes of Gambling in accordance with the Act are, by virtue of Section 154(1) of the Act, delegated to the Licensing Committee established under Section 6 of the Licensing Act 2003. Doncaster Council has such a Committee.
18. In addition, the Gambling Act requires the Council to prepare a statement of the principles they propose to apply in exercising their functions and publish it in accordance with the statutory requirements which includes a legal obligation to consult the Chief Officer of Police, those who appear to the Council to represent the interests of persons carrying on gambling businesses in the authority's area, and those who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under this Act. The statement must be reviewed at least every three years and must be approved for adoption by the Full Council.

FINANCIAL IMPLICATIONS

19. There are no financial implications associated with this report. Any costs involved with the preparation, adoption and implementation of the Policy are met by the fees paid by new applicants and existing licence holders.

HUMAN RESOURCES IMPLICATIONS

20. Not applicable.

TECHNOLOGY IMPLICATIONS

21. Not applicable

EQUALITY IMPLICATIONS

22. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

23. The Gambling Act 2005 requires formal consultation with:
- a. The Chief Officer of Police;
 - b. Representatives of the holders of the various licenses for premises within the Borough who will be affected by the Policy; and
 - c. Persons/bodies representing the interests of persons likely to be affected by the Policy.
24. Full details of the consultation process and those consulted with can be found in section 1.10 of the Policy.
25. Responses to the consultation have been received from four trade related sources. These are summarized at Appendix B and attached at B1 to B4.

BACKGROUND PAPERS

26. The proposed Statement of Licensing Policy 2016 – Gambling Act 2005 is attached at Appendix D.

REPORT AUTHOR & CONTRIBUTORS

Paul Williams: Business Safety and Licensing Manager .
Telephone: 01302 737837
Email: pj.williams@doncaster.gov.uk

Helen Wilson: Senior Legal Advisor
Telephone: 01302 734688
Email: helen.wilson@doncaster.gov.uk

Catherine Anderson: Finance Manager
Telephone: 01302 736611
E Mail: catherine.anderson@doncaster.gov.uk

Peter Dale
Director of Regeneration and Environment

Appendix A
Statement of Licensing Policy 2016 - Gambling Act 2005
Adoption Route and Timetable

Meeting / Committee	Date of Meeting
Directors Meeting	1/9/15
Exec Board	15/9/15
Overview and Scrutiny Management Committee	8/10/15
Licensing Committee	15/10/15
Cabinet	3/11/15
Council	26/11/15

Appendix B
Relevant consultation responses received

Source	Summary	Comments / Recommended Action
<p>Association of British Bookmakers Ltd (ABB) Appendix B1</p>	<p>Largely a generic response to all local authority gambling policies relating to the new codes of practice imposed by the Gambling Commission and the introduction of a Local Area Profile.</p> <p>Specific to Doncaster policy; Para 9.5 Local area profile</p> <p>We are concerned at the inclusion of the following in the draft Statement: <i>“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.”</i> <i>“A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socioeconomic indicators of potential vulnerability such as deprivation and unemployment.”</i> <i>“If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives.”</i></p> <p>Similarly, we are also concerned that any factors listed for operators to have mind to when compiling their risk assessments should be supported by empirical evidence detailing the risk of harm.</p>	<p>The Gambling Commission has revised the Licence Conditions and Code of Practice (LCCP) for gambling operators. Any application must now include a local area risk assessment. The LCCP are not within the remit of the Licensing Authority. Local Authorities are encouraged to provide a Local Area Profile to assist operators in completing their assessment. There is no presumption to refuse to grant applications in proximity to vulnerable premises but an expectation that operators will address this within their application and include any action taken to minimise adverse impact.</p>
<p>Coral Racing Ltd Appendix B2</p>	<p>‘Coral Racing are generally supportive of the document but do have concerns, especially relating to the prescriptive approach it appears to take regarding risk assessments.’</p> <p>Referring to Section 1.7 of the policy ‘Coral Racing Ltd recognise the requirement to supply risk assessments, however Coral knows of no evidence that the location of a licensed betting office within the proximity of schools, accommodation for vulnerable people and</p>	<p>See above comments re ABB response</p>

	similar locations mentioned in the statement causes harm to the licensing objectives.’	
Paddy Power Appendix B3	<p>Generic reference to LCCP and Regulatory codes of practice. Specific to Doncaster policy; ‘Section 9.10 provides extensive provisions as to the nature and content of local area risk assessments to be provided by operators. The Authority should consider that where operators implement extensive policies in accordance with the Gambling Commission’s LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis may not be proportionate and provide an excessive burden. ‘</p> <p>The policy also states that consideration will be given to the location of proposed premises, in particular sensitive locations along with those areas with known high levels of crime and disorder (sections 7.3 and 9.10). In order to fully address any potential concerns, all risk profiles should be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission’s LCCP, should not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues.’</p>	<p>Section 9.10 illustrates the requirements of the LCCP for local assessments.</p> <p>See above comments re ABB response.</p>
Campaign for Fairer Gambling Appendix B4	<p>Generic letter sent to all local authorities which is not specific to the Doncaster policy.</p> <p>Reference to their ‘Stop the FOBT Campaign’ (fixed odds betting terminals). Requesting restrictions and conditions on premises operating FOBT.</p>	<p>The Licensing Authority must determine each application on its own merits in accordance with the Gambling Act 2005 and associated regulations and codes of practice. Any restrictions or conditions can only be imposed in accordance with the gambling objectives.</p>

Doncaster Council draft Statement of Gambling Policy consultation | ABB response

August 28 2015

Introduction

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Our members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the current consultation on the Council's draft gambling policy statement.

This sets out the ABB approach to partnership working with local authorities and details any areas of concern within the draft statement, including our views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime.

We are concerned to ensure these changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle, reference to which we welcome is included in the Council's draft statement.

In our view the current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.

It is important that this is also set within the context of declining betting shop numbers. Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics¹ show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded, as at 31 March 2014.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

- **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the

¹ <http://www.gamblingcommission.gov.uk/docs/Industry-statistics-April-2010-to-September-2014.docx>

“...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.”

The framework builds on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Learnings from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council’s Portfolio Holder for Planning, Economic Growth & Regulation, said:

“The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme.”

Describing the project, Glasgow’s City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

“This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.”

- **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Draft gambling policy statement

- **Local area risk assessments**

From April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB supports this requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

- **Evidence based approach**

It is important that any risks identified are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the aim to permit principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

- **Local area profile**

As such, we are concerned at the inclusion of the following in the draft Statement:

"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."

"A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socioeconomic indicators of potential vulnerability such as deprivation and unemployment."

"If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives."

Similarly, we are also concerned that any factors listed for operators to have mind to when compiling their risk assessments should be supported by empirical evidence detailing the risk of harm. As outlined above we are extremely concerned at the inclusion of any local area profile which is not based on empirical evidence demonstrating that the increased availability of gambling in those areas would lead to harm.

There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.

As evidence of the effectiveness of the policies and controls in place to prevent underage gambling, the latest [IPSOS MORI report](#) on underage gambling showed that levels of claimed participation in activities such as betting in shops, using gambling websites and visiting casinos, remain notably low (1%).

The incidence of problem and social gambling among children as defined by the DSM-IV-MR-J screen has also continued to fall: In 2008/9 2% of young people were identified as 'problem gamblers', compared with 0.7% in 2014, and 1.2% of children were classified as 'at risk gamblers' in 2014, compared with 3.4% in 2008/9.

The high street betting industry has stringent measures in place to prevent underage gambling in shops; operating to a strict Think21 policy and conducting regular independent third party testing to check the effectiveness of the procedures in place. The ABB pays for independent members to participate in such testing and the larger operators have been conducting their own testing since 2009.

Though we welcome that the Council have stated *"each case will be determined on its individual merits"*.

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

- **Concerns around increases in the regulatory burden on operators**

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

- **Employing additional licence conditions**

We welcome that the Council has said *"the starting point in determining applications will be to grant the application without additional conditions."*

If additional licence conditions are more commonly applied this would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

- **Additional concerns**

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Conclusion

The ABB and our members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Contact: For any responses or requests for additional information please contact Lauren Hilton, Public Affairs Executive (laurenhilton@abb.uk.com / 020 7434 2111).

This page is intentionally left blank

Business Safety & Licensing
Doncaster Council
Civic Offices
Waterdale
Doncaster
DN1 3BU

28th August 2015

Dear Sir

Consultation on Doncaster Metropolitan Borough Council's Statement of Licensing Policy – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

We have detailed below our response:-

Coral Racing Limited are generally supportive of the document but do have concerns, especially relating to the prescribed approach it appears to take regarding risk assessments. The document correctly notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We kindly point out that it is possibly suitable to include that the decisions made by following the guidance, should not take into account any moral objections to gambling either.

The document indicates areas which suggest may not be suitable for a premises application (details contained within section 1.7) and Coral wish to clarify our position in this regard. Whilst each application will correctly be judged on its merits, the document raises concerns for licensed betting shops located within the proximity of 'schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children'.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications and variations following the consultation completion (section 9), however, Coral knows of no evidence that the location of a licensed betting office within the proximity of schools, accommodation for vulnerable people and similar locations mentioned in the statement causes harm to the licensing objectives.

- Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral's general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.



Coral Racing Limited
One Stratford Place, Montfichet Road, London E20 1EJ
Registered Office: New Castle House, Castle Boulevard, Nottingham NG7 1FT
Registered in England No. 541600
Tel: 020 3288 7000 Fax: 020 3288 7050

 a company

The reason for Coral's caution against making such perceptions, which we anticipate is similar to that of the other main bookmakers, is that it already operates systems which ensure that the licensing objectives are strongly promoted across its estate.

For example:

- Coral benefits from an operating licence granted by the national regulator, the Gambling Commission. Therefore, its corporate systems for the promotion of the licensing objectives have been approved by the Commission, which continues to exercise vigilance in this regard through inspections and examination of regulatory returns.
- Coral is subject to the Licence Conditions and Codes of Practice, which are effectively the national code of operation to ensure that the licensing objectives are promoted.
- It carries out health and safety risk assessments pursuant to its legal obligations. These assessments are shortly to be extended so that formal compliance assessments are conducted.
- It conducts risk assessments in relation to Exposure to Violence, Aggression and Conflict (EVAC assessments).
- It operates the assessment principles of the Safe Bet Alliance, the national code for safe premises. It was one of the architects of the code.
- It operates the ABB's Code for Responsible Gambling, and again was one of the architects of that code.
- It operates an extensive compliance manual, upon which all staff members are trained. Copies are available for your inspection if required.
- It contributes to the Responsible Gambling Trust, which seems to promote responsible gambling who in-turn contribute to GamCare, the national problem gambling charity.

Coral's experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed. In other words, there should be no requirement to list specific locations e.g. schools (as there is no evidence that there is a link between such venues and a betting office).

Additionally, the multiple lists of risk assessment criteria stated (over 50) are significantly dis-proportionate to the business involved and appear to position such a traditional and highly regulated establishment as a licensed betting office, on the edge of acceptable businesses. Notwithstanding this, such locations if necessary would automatically be included with the operators risk assessment submitted when the application is considered.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,



John Liddle
Director of Development – Coral Retail

Power Leisure Bookmakers Limited response to Doncaster Metropolitan Borough Council's Consultation on its draft Statement of Gambling Principles

Paddy Power is Ireland's biggest Bookmaker and operates both a retail business through licensed betting offices and an online/telephone business. Paddy Power operates 251 licensed betting offices in Ireland and 325 betting offices in the United Kingdom.

Paddy Power is a leading national operator of betting premises with clear and proactive policies to promote the Gambling Licensing Objectives.

We respectfully remind the Licensing Authority that operators of premises licences have full authority to provide their services by the provision of an Operators' Licence granted by the Gambling Commission. The UK's gambling regulator has therefore approved the measures implemented by operators to ensure that effective anti-money laundering procedures are implemented and that policies have been developed that ensure responsible trading in accordance with gambling legislation, the licensing objectives and the Licence Conditions and Codes of Practice. Of particular relevance are their obligations and requirements now placed upon operators under social responsibility provisions introduced by the Gambling Commission earlier this year within the LCCP.

We refer the authority to the Regulators' Code, which was introduced by the Legislative and Regulatory Reform Act 2006 and provides the code to which the Authority must have regard. Specifically, Regulators should avoid imposing unnecessary burdens and choose proportionate approaches to those they regulate and have mechanisms in place for consultation. The Code provides that before any changes in policy are implemented the effect that any proposed amendments may have on businesses should be considered and stakeholders should be engaged. Where local risks are to be addressed, an evidenced based approach should be taken.

General Policy Commentary

Licensing Authorities are under the statutory obligation to aim to permit the use of premises for gambling so far as the authority believes that an application is reasonably consistent with the licensing objectives and in accordance with its own statement of principles. Authorities can request additional information in support of an application to assist with the determination in consideration of the above criteria. The draft statement of principles correctly identifies that unmet demand is not a criterion that can be considered and that duplication with other regulatory regimes will be avoided.

Location and local area risk assessment

Under new Gambling Commission LCCP provisions, from April 2016 operators will be required to complete local area risk assessments that identify risks posed to the licensing objectives and how these should be mitigated. We respectfully refer the Authority to the Regulators' Code, which provides that in making an assessment of risk, Regulators should recognise the compliance record of those they regulate and take an evidenced based approach to determining the priority risks in their area of responsibility. We propose that to ensure that better regulation principles are followed, operators should be allowed to assess their existing operational processes, informed by Statements of Principle, which highlight potential areas of particular sensitivity and known vulnerability. High risk areas should only be identified where empirical evidence is adduced that clear gambling related harm would be caused by the presence of gambling related premises. Any proposed measures to mitigate risks identified should be proportionate, effective and tailored to specific concerns identified. All risks must be substantiated in order to prevent the implementation of a disproportionate regulatory burden upon operators. Where variations are made to existing permissions, additional measures should only be considered where empirical evidence suggests there is an actual risk to the promotion of the licensing objectives and that existing approved measures are insufficient to address those concerns.

Section 9.10 provides extensive provisions as to the nature and content of local area risk assessments to be provided by operators. The Authority should consider that where operators implement extensive policies in accordance with the Gambling Commission's LCCP that without evidence to suggest that such policies are insufficient to address concerns within local areas, a repeat analysis may not be proportionate and provide an excessive burden. For example, obligations with regard to advertising practice, self exclusion and the provision of appropriate information are all requirements under governing legislation.

The draft policy confirms that the Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling. The policy also states that consideration will be given to the location of proposed premises in particularly sensitive locations along with those areas with known high levels of crime and disorder (sections 7.3 and 9.10). In order to fully address any potential concerns, all risk profiles should be based upon factual evidence of gambling related harm in consideration of those measures already in place to mitigate actual rather than theoretical risk. Well managed and controlled premises, compliant with the Gambling Commission's LCCP, should not pose a gambling related risk to children and young people and additional measures, controls or conditions considered should not be imposed to address wider social issues. Any reference to vulnerability should specifically address evidence based risks of gambling related harm caused to individuals and populations identified. Any

proposed measures to mitigate those risks may only be appropriate where they cannot be addressed by operators' existing measures and compliance with governing legislation.

When considering crime and disorder, the policy should identify that there is a clear distinction between disorder and nuisance and highlight that nuisance was specifically rejected by Parliament as a licensing objective under the Gambling Act 2005. As part of any analysis of crime and disorder, the Authority may wish to consider the prevalence of illegal gambling and ensure that any measures proposed to address crime are proportionate to the existing operational procedures implemented and will effectively address any concerns.

Should the Licensing Authority contemplate introducing detailed policies regarding the location of specific gambling premises, thorough details should be provided for consultation with stakeholders. Such consultation would permit the thorough assessment of the validity of any potential local area profiling that may be completed. Any evidence gathered should directly correlate with actual risks identified in those locations and appropriate assessment completed of any detrimental impact that any proposed gaming provision may have.

Any finalised policy should not suggest that gaming related applications pose an inherent risk to 'vulnerable people', regardless of status or evidence of actual harm. Where operators are asked to mitigate any perceived risks, sufficient parameters should be identified addressing the specific risks concerned relative to those individuals who may be at risk from the grant of any proposed application.

Conditions

Mandatory and default premises licence conditions are already imposed on operators and the authority must consider that operators are required to uphold social responsibility. Additional conditions should only be imposed in exceptional circumstances where evidence based risks are identified and operators existing provisions are considered inadequate to specifically address those concerns.

Conclusion

We are committed to working in partnership with the Gambling Commission and local authorities to continue to promote best practice and compliance in support of the licensing objectives.

This page is intentionally left blank

Date: 04 September 2015

Dear Council Leader,

Re: Submission from the Campaign for Fairer Gambling for the review of the Gambling Act 2005 Statement of Principles 2016/19

As leader of the council, you will know that Licensing Authorities are required under the Gambling Act 2005 (the Act) to publish a statement of the principles which they propose to apply when exercising their functions in respect of gambling activity within their borough.

Under the Act, Licensing Authorities are required to consult those who represent the interests of persons who are likely to be affected by the exercise of the authority's functions. The [Campaign for Fairer Gambling](#) in conjunction with its more focused [Stop the FOBTs campaign](#) has prepared this consultation submission for the consideration of all Local Authority licensing committees with particular regard to dealing with the contentious issue of betting shops and Fixed Odds Betting Terminals (FOBTs/B2 classified gaming machines).

We would appreciate if you could share the important contents of this mailing with your Chief Licensing Officer.

Under the Act, Licensed Betting Offices (LBOs) are allowed a maximum of four B2 category gaming machines offering game content defined as B2 with stakes up to £100 per spin, B3 with stakes up to £2 per spin and category C with stakes up to £1 per spin. Also, the bookmakers have merged two game categories (B2 and B3), so in betting shops you can play a low stake £2 capped slot game that suddenly introduces the player to £10, £20, £30 plus stakes per spin.

Despite increasing evidence of the destructive social impact of high speed, high stake casino gaming in betting shops at stakes up to £100 per spin, the previous coalition government and the current Conservative government have failed to take either decisive or effective action to curb FOBTs.

The recent government response to [93 Councils led by Newham](#) calling for the stakes on FOBTs to be cut to £2 per spin laid the blame for the issue of proliferation of betting shops in town centres and consequently FOBTs, at the door of licencing authorities. Marcus Jones MP, Minister for Local Government, wrote:

"It is perhaps an uncomfortable reality that every one of the betting shops that collectively have given rise to the concern at the heart of the submission relies on a premises licence granted by the local authority itself".

He goes on to advise councils of their existing powers under the licensing process, which many local authorities already recognise as limited in scope.

However, he points to "few" local authorities having so far "made effective use of a provision of the Act that we see as being absolutely critical in managing the local gambling landscape". With this statement he is referring to the three year review of local gambling policy now under way across England, Scotland and Wales by local authorities such as yours.

In his letter to Newham, Marcus Jones MP, criticises councils for drafting "generic" and "template" based statements and that the Gambling Commission "will be placing much greater emphasis on the importance of the statements".

The Campaign for Fairer Gambling has prepared this submission for consideration as part of your review, taking into account the Minister's advice and focusing on the most prominent issue of contention for licensing authorities – licensed betting offices and the Fixed Odds Betting Terminals they operate.

Enforcement

The main enforcement and compliance role for a licensing authority in terms of the Act is to ensure compliance with the premises licences and other permissions which it authorises. One strategic methodology to measure compliance is to commission [test purchasing](#) of premises and staff employed on those premises to transact gambling.

The Gambling Commission (the Commission) notes that "*it is the responsibility of operators to manage the risks to the licensing objectives that their activities may present*". Licensing authorities are rightly empowered to undertake test purchasing to ensure measures are being implemented effectively. Under guidance from the Commission, test purchasing to evaluate the effectiveness of measures in place on licensed premises concerning self-exclusion, under age controls, anti-money laundering policies and procedures are within the remit of a licensing authority.

However, in the period 2013/2014 across the whole of England, Scotland and Wales, of the two most highly represented licensed premises in high street locations – licensed betting offices (LBO) and adult gaming centres (AGC) - just 825 instances of test purchasing were recorded as being carried out by licensing authorities. To put this in context 599 (6%), of the 9,137 betting shops (to March 2014) and 226 (14%) of the 1,618 AGCs were subject to test purchasing by licensing authorities. Only 37 Councils carried out test purchasing last year.

In most cases, test purchasing focuses on the "protection of the vulnerable" licensing objective and consists of tests for under age access to gambling on licensed premises. However, the Commission is clear that the scope of test purchasing should include the effectiveness of self-exclusion procedures and anti-money laundering controls as well as under age controls. Money laundering in particular has been repeatedly highlighted as a particular area of concern around FOBTs both [low level](#) and more [highly-organised incidents](#) that revealed serious weaknesses in operator controls.

Premise Licence Conditions

The Minister for Local Government, in his negative response to the Newham-led call for stakes on FOBTs to be cut to £2 per spin, said: "*The licensing process gives authorities considerable scope to attach conditions to licences where that is necessary to achieve the licensing objectives*".

The tenth betting shop to open in London's China Town was subject to attached conditions by the Licencing Authority following concerns from the local community and representations from the Police. They included:

- A. Seating provided for use by customers whilst playing FOBTs must be secured to the floor – this is viewed as anticipating [aggressive behaviour](#) from FOBT players who suffer large losses
- B. a comprehensive CCTV system covering internal and external frontage with immediate availability to the police must be fitted
- C. an incident log of all incidents on the premises must be kept
- D. minimum 11.5 mm thickness security glass must be fitted to the service area

- E. a “behind the counter” attack alarm must be fitted and each member of staff must be issued with and required to carry on their person a personal fob attack alarm
- F. maglocks fitted to entrance and exit points and even toilet doors.
- G. a minimum of two staff to be present post 8 pm in the evening.

Whilst these measures have some merit in addressing the potential incidents that now occur in betting shops, they are indicative of an escalation in anti-social behaviour as a consequence of gambling activity in these licensed premises. In the first nine months of 2014, Police call outs to betting shops were already up by over 20% on the previous year.

The one condition that Licencing Authorities seem hesitant to impose and, when they do - as per Westminster - is done in a relatively lack lustre manner, is requiring an adequate number of staff on the premises. The number of people employed in the betting sector has fallen by 9,700 since 2008. The industry now staffs most LBOs with just one person. This is particularly risky for staff and undermines industry claims to be promoting “responsible gambling” and “player protection measures” when they absolve responsibility for their premises to one person, generally young and female, working for not much more than minimum wage levels.

No other gambling sector employs lone staffing as a standard policy. It is perceived as irresponsible to leave licensed premises, on which gambling is transacted, under the management and operation of one person. It is within the remit of licencing authorities to impose minimum staffing levels as a condition attached to LBO premises licences.

Locally determined conditions are recommended by the Commission who says: *“Where there are specific, evidenced risks or problems associated with a particular locality, or specific premises or class of premises, a licencing authority will be able to attach individual conditions to address this. That will be a matter for them in the light of local circumstances.”*

However, unlike the conditions attached to the new Soho betting shop that deal with issues that predominantly occur inside the premises, often disturbances occur outside the premises, causing a nuisance for other businesses or residential occupiers. Acts of vandalism against betting premises, youths gathering outside and anti-social behaviour upon leaving betting shops are common cause for concern and complaint. However, Licencing Authorities are unable deal with these issues under their licensing responsibilities. As the Commission notes: *“Unlike the Licensing Act, the Gambling Act does not include, as a specific licencing objective, the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.”* Hence the imposition of conditions to deal with problems emanating from betting shops but occurring outside of the premises is limited in scope.

It is estimated [over 100 betting shops per week suffer attacks on FOBTs](#) with very few instances being reported to the Police. These are criminal acts of vandalism always occurring as a consequence of heavy cash losses from FOBT usage. As Licencing Authorities are responsible for gambling activity that takes place on the premises it is perfectly warranted for a condition to be attached to individual or all licensed premises under the licencing authorities’ remit, for the recording and reporting of all such incidents. This would not be considered a regulatory burden and is in keeping with the LA responsibility of keeping crime out of gambling.

Despite the Minister for Local Government pointing to conditions as providing “considerable scope”, in the area of greatest concern, that of high stake, high speed FOBTs, a Licencing Authority has no control or powers. Section 172(10) of the Act provides that conditions may not relate to gaming machine categories, numbers, or method of operation and section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

Section 181 of the Act however contains an express power for licencing authorities to restrict the number of *betting machines*, their nature and circumstances in which they are made available for, by attaching a licence condition to a betting premises licence. These are not defined under the act as FOBTs. Section 181 of the Act refers to these machines as “accepting bets on real events” and betting operators now refer to them as Self Service Betting Terminals (SSBTs). Like the introduction of FOBTs, no controls over numbers per premises have been agreed and it is left to Licencing Authorities, if they see fit, to control their numbers under guidance pertaining to floor space, service counter positions and ability of staff to monitor their use.

There are now estimated to be in excess of 5,000 SSBTs sited in betting shops and this is increasing each month. As with FOBTs, SSBTs are contributing to the further erosion of jobs in betting shops (down 9,700 since 2008) with one operator, Trafalgar Leisure, providing five SSBTs and four FOBTs at each of its licensed premises but they did not offer any human facing over-the-counter betting facilities.

The Gambling Commission lost in their attempt to declare these betting premises as providing “insufficient facilities for betting” and the consequence is that a betting shop will still be a betting shop even if it is used for no other purpose than making machines available for use on premises.

It is essential that Licensing Authorities have particular concern to the development of SSBTs in betting premises and in particular the content made available on what have been deemed “betting machines” and use their powers under section 181 of the Act to control and monitor their proliferation.

Closing note

It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government’s view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to “existing powers”.

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

We urge all councils to support Newham in their action under the Sustainable Communities Act calling for the stakes on FOBTs to be brought in line with all other high street gaming machines at £2 per spin.

If you would like further information, please visit www.stopthefobts.org or contact us at info@stopthefobts.org to discuss in more detail.

Yours sincerely,

Derek Webb

Adrian Parkinson

Matt Zarb-Cousin

The Campaign for Fairer Gambling
www.fairergambling.org / www.stopthefobts.org

This page is intentionally left blank

Appendix C
Statement of Licensing Policy 2016 - Gambling Act 2005
Summary of Key Changes

In producing this draft statement, regard has been had to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission.

Amendments have been made to the existing policy to reflect new guidance and other administrative changes. The most significant change is the inclusion of the facility to develop a 'Local Area Profile' which we expect operators to have regard to when preparing risk assessments on their premises and when they make new licence applications (section 9).

This page is intentionally left blank



Doncaster
Metropolitan Borough Council

Consultative Document Statement of Licensing Policy 2016

Gambling Act 2005

Further copies of this document can be obtained from:

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU
Tel: 01302 737590

Email: licensing@doncaster.gov.uk
Web: www.doncaster.gov.uk/licensing

FOREWORD

This is the fourth 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. The statement has been produced following consultation with those bodies and persons set out in section 1.10.

The Gambling Act 2005 implemented a comprehensive structure of gambling regulation, which modernised previous gambling regulation and was 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 significant 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.

We have taken the opportunity to facilitate the development and use of a Local Area Profile of the Borough in this Policy. We hope that this will bring a clearer understanding of local issues. Unlike alcohol control, where some of the harms are readily apparent, for example anti-social behaviour, gambling harms are usually less visible and insidious in nature. Problem gambling can have devastating impacts on the individual, their family and their relationships with others. These impacts are not confined to debt but also include detrimental effects on an individual's health.

A local area profile will be produced that shows the location of facilities associated with children and vulnerable persons as well as some socio-economic indicators of potential vulnerability such as deprivation and unemployment. We expect operators of gambling premises to have regard to the profile when undertaking their own risk assessment on their premises and when they make licence applications.

This Policy will be reviewed and revised by the Council as and when required.

The Council will seek, through the licensing process and the decisions it takes, to make Doncaster a safe and welcoming place for both residents and visitors to enjoy.

Doncaster Council

Statement of Licensing Policy (Gambling Act 2005)

	FOREWORD	2
	CONTENTS	3
1	Statement of Licensing Policy	5
	1.1 Introduction	5
	1.2 The Borough of Doncaster	6
	1.3 Glossary of Terms	7
	1.4 Licensing Objectives	8
	1.5 Types of Licence	8
	1.6 Licensable Premises and Permits	8
	1.7 General Principles	9
	1.8 Responsible Authorities	11
	1.9 Interested Parties	11
	1.10 Consultation	12
	1.11 Information Exchange	13
	1.12 Promotion of Equality	13
2	Legislation, Policies and Strategies	14
	2.1 Legislation - Duplication with other Regulatory Regimes	14
	2.2 Relationship with Planning Policies	14
	2.3 National Strategies	15
	2.4 Local Strategies and Policies	15
	2.5 Integrating Strategies	15
3	Decision Making	16
	3.1 Licensing Committee	16
	3.2 Administration, Exercise and Delegation of Functions	17
	3.3 Giving Reasons for Decisions	17
	3.4 Licensing Reviews	17
4	Local Standards	19
	4.1 Applications	19
	4.2 Assessment of Need	19
	4.3 Conditions	19
	4.4 Enforcement	20
	4.5 Casinos	22
	4.6 Adult Gaming Centres	22
	4.7 Licensed Family Entertainment Centres	22
	4.8 Bingo Premises	22
	4.9 Betting Premises	23
	4.10 Tracks	23
	4.11 Travelling Fairs	24
	4.12 Prize Gaming Permits	24
	4.13 Unlicensed Family Entertainment Centres	25
	4.14 (Alcohol) Licensed Premises	25
	4.15 Club Gaming and Club Machine Permits	26
	4.16 Temporary Use Notices	26
	4.17 Occasional Use Notices	26
	4.18 Small Society Lotteries	27
5	Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.	28
6	Ensuring that gambling is conducted in a fair and open way.	29
7	Protecting children and other vulnerable persons from being harmed or exploited by gambling.	30
	7.1 Access to Licensed Premises	30
	7.2 Vulnerable persons	30
	7.3 Conditions	31
	7.4 Door Supervisors	32
8	Complaints against Licensed Premises	34

9	The Local Risk Profile and Risk Assessments by Operators –Licensing Conditions and Codes of Practice 2015 (LCCP)	35
9.1	Risk Assessments	35
9.2	The Local Area	36
9.3	The Gambling Operation	38
9.4	The Design of the Premises	38
9.5	Local Area Profile	
10	Further information	40
	APPENDIX A - Map of the Doncaster Borough	41
	APPENDIX B – Delegation of Functions	42

Consulatatative Document

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

Unless stated otherwise, any reference, in this policy, to the Council is to the Licensing Authority and vice versa.

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 this statement, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP) 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 Council on (target date 26th November 2015) and was published via our website on or before 3rd January 2016. Notice of the Policy and a copy of the Policy were posted at the Civic Office, Doncaster for inspection on or before 3rd January 2016. This Policy takes effect on the 31st January 2016 and will be further reviewed / revised as necessary. Statute currently requires this Policy to be reviewed every three years.

1.2 The Borough of Doncaster

The Doncaster Metropolitan Borough, extends over 224 square miles, has a population of 302400 (taken from the 2011 census) and is the largest metropolitan borough by area. A plan of the Borough is attached as Appendix A.

The Borough consists of the Doncaster town centre and the urban areas that surround it, the more rural villages and the towns of Thorne, Mexborough and Bawtry. Around 80% of the Borough is classed as green space, with a significant proportion being 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.

Since 1776 Doncaster has been home the 'St Leger', the oldest classic horse race.

Doncaster has seen significant developments in recent years with the opening of Robin Hood Airport, Transport Interchange, Doncaster College's Waterfront campus, the Keepmoat Stadium, Lakeside, redevelopment of Doncaster racecourse and the creation of a Civic and Cultural Quarter in the town centre which is home to the Doncaster Council Civic Office and the Cast theatre.

Doncaster has diverse leisure and entertainment facilities 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. Further details can be found in section 2.4 of this policy and on our website www.doncaster.gov.uk.

Each area of the Borough has its own character and challenges. The Council has provided general advice in this policy to assist applicants in preparing applications. Applicants are also expected to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives (see section 9). Applicants may consult with the Licensing Officer to ensure they have as much information as possible before making their application.

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

Interested Party: For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities;
- c) Represents persons who satisfy a) or b) above.

1.4 Licensing Objectives

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
- Maintain registers of the permits and licences that are issued under these functions

It should be noted the Licensing Authority is not responsible for the licensing remote gambling, this is regulated by the Gambling Commission.

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 Council is aware, as per Section 153 of the Act, that in exercising its functions it must aim to permit the use of premises for gambling in so far as the Authority thinks it is:

- (a) in accordance with any relevant code of practice issued by the Gambling Commission;
- (b) in accordance with any relevant guidance issued by the Gambling Commission;
- (c) reasonably consistent with the licensing objectives; and
- (d) in accordance with the Council's Statement of Licensing Policy.

The starting point in determining applications will be to grant the application without additional 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. With effect from 6 April 2016, the Licensing Authority will also expect to receive a copy of the applicant's local risk assessment in accordance with the LCCP and Social Responsibility Code. 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 determined on its individual merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is concerned with 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 operators.

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.

Any person making a representation in respect of a licence application will be required to relate their representation to one of more of the Licensing Objectives, as specified in section 1.4, 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 (see section 1.12).

1.8 Responsible Authorities

The responsible authorities are identified in Section 1.3. The contact details for the responsible authorities are published on the Licensing Authority's website 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 Council designates the 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.

Other than persons mentioned above, the Licensing Authority will require some form of confirmation that a person, representing an interested party, is authorised to represent that 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 affected 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 some of those consulted is provided below:

- The Gambling Commission
- Local Elected Members
- South Yorkshire Police
- South Yorkshire Fire and Rescue Service
- HM Customs and Excise
- Doncaster Council Development Control
- Doncaster Council – Public Health
- Doncaster Council - Environmental Health Department
- Doncaster Safeguarding Children Board
- Local Tenants' and Residents' Association groups
- Rotherham, Doncaster and South Humber NHS Foundation Trust
- Doncaster Chamber
- British Beer and Pub Association
- Association of British Bookmakers
- Bingo Association
- The Racecourse Association
- Gamcare
- Local Licensing Solicitors
- Gamblers Anonymous
- Samaritans
- Doncaster Advice Services Partnership
- The Environment Agency
- British Waterways – Canal and River Trust

The consultation commenced on the 31st July 2015 and, as far as practicable, the Council followed the Consultation Principles issued by

central government in 2013. The consultative document was also published on the Council's website for public comment.

1.11 Information Exchange

In fulfilling its functions and obligations under the Act, 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.

1.12 Promotion of Equality

The Council recognise that the Equality Act 2010 places a legal obligation on public authorities to have regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

At Doncaster Council we use a range of data and information when we develop policies, set strategies, design and deliver our services. By using equality information we can make sure we have thought about opportunities to promote equality, eliminate discrimination and foster good relations across all the protected groups when making decision. Equality information is used when we develop our corporate plans and it gives us an understanding of what our equality objectives should be.

We continuously review and provide equalities information in line with our commitment to the Equality Act and Transparency Code of Practice

Equality data and information is published on the Council website www.doncaster.gov.uk. The Doncaster Data Observatory aims to provide information and intelligence that:

- informs the development of policies and plans across Doncaster;
- increases understanding to support the main population based needs assessment reports;
- improves the sharing of research, best practice, data and intelligence among partners and minimises duplication;
- improves the commissioning of Public Services.

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 wherever possible, including planning controls. 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, however, listen to and consider carefully any concerns about conditions which are not able to be met by licensees due to planning restrictions, should the situation arise.

When dealing with a premises licence application for finished buildings, the 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 legislation and must not form part of the consideration for the premises licence.

It should be noted that, unlike the Licensing Act 2003, the Gambling Act does not include as a specific licensing objective relating to 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 to planning or development.

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, available on the Council's website www.doncaster.gov.uk.

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 Licensing Committee

The Council appoints a licensing committee and licensing functions will often be delegated to a licensing sub-committee or, in appropriate cases to officers of the Council. Further details on the administration, exercise and delegation of functions can be found in section 3.2 of this policy.

When required, a Licensing Sub-Committee of not less than three Councillors will sit to hear applications where representations have been received from interested parties and/or responsible authorities.

Committee members will have regard to the Council Code of Conduct for Members. Where a Councillor, who is a member of the Licensing Committee or subcommittee, discloses a pecuniary interest in the application before them, in the interests of good governance, they will disqualify themselves from any involvement in the decision making process in respect of that application.

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.

Subject to the prevailing scheme of delegation, 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 Administration, Exercise and Delegation of Functions

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

The 2005 Act provides that the functions of a licensing authority (including its determinations) are to be carried out by its licensing committee (except those relating to the making of its Statement of Licensing Policy). The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officers of the Licensing Authority. It is recognised that many of the decisions and functions will be purely administrative in nature and it is, therefore, Council policy that the delegation of functions will be determined in the interests of speed, efficiency and cost effectiveness.

In general, where, under the provisions of the 2005 Act, there are no relevant representations on an application for the grant of a premises licence, these matters will be dealt with by officers. This form of delegation is without prejudice to officers referring an application to a Sub-Committee or Committee if considered appropriate in the circumstances of any particular case.

Membership and the terms of reference for the Licensing Committee will be established at the Annual General Meeting of the Council.

The Licensing Committee will agree the appointment of a Licensing Sub-Committee and the delegation of functions annually at its inaugural meeting. The prevailing scheme of delegation will be attached to this Policy as Appendix B

Details of all committee meetings, agendas and minutes including the delegation of functions will be published on the Council's website.

3.3 Giving Reasons for Decisions

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 and, in all cases, within the statutory time frames. A summary of the decision shall also be posted on the Council's website as soon as practicable after the decision has been confirmed.

3.4 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 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 applications 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 and a local risk assessment in accordance with the Social Responsibility code (LCCP). The applicant may ask the Licensing Authority for advice as to the scope of information to be provided. (see section 9)

The level of detail to be provided will be advised by the Licensing Officer 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.

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.

The Licensing Authority expects applicants to offer their own suggestions as to ways in which the licensing objectives can be effectively met. In order to inform such suggestions, applicants will be expected to prepare risk assessments based on the location and range of clientele of the premises, and to take account of any local area profile produced by the Council. For further details see section 9.

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. (See section 7)

The Council 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.

Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television (CCTV) 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.

It is noted that there are conditions, which the Council 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.

4.4 Enforcement

The Licensing Authority is committed to the principles and approach to enforcement set out in the Regulators' Code, and 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 the Licensing Authority will endeavour to avoid duplication with other regulatory regimes as far as possible.

The 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 South Yorkshire Police and South Yorkshire's Fire and Rescue Service on enforcement issues to ensure an efficient deployment of resources.

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. (See section 7)

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. (See section 7)

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 persons under 18. The Licensing Authority will also take note of any further guidance issued. (See section 7)

4.9 Betting Premises

Betting premises are premises such as bookmakers and betting offices where various types of gambling are allowed to take place. The Council 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. (See section 7)

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. (See section 7)

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 persons under 18 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. (See section 7)

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. (See section 7)

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 persons under 18 are excluded. (See section 7)

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. (See section 7)

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.

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 and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.

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. (See section 7)

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. (See section 7)

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 Miners' 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 him/herself of the notice.

4.18 Small Society Lotteries

The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

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 Officer and South Yorkshire Police before making a formal application.

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

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

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 under 18 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:-

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

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 Measures for Protecting Children and Vulnerable Persons from being harmed or exploited by gambling

This Licensing Authority will also expect the licence applicant to offer their own suggestions as to ways in which the licensing objectives can be met effectively.

Applicants may consider measures to meet the licensing objective for protecting and supporting children and other vulnerable persons such as:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises: Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
 - stickers or notices on gaming machines to identify the stakes/prizes
 - Fixed Odds Betting Terminals should clearly display the odds
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
- Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who may be vulnerable.
- Training for staff for the purpose of identifying and providing support to vulnerable persons
- Measures/training for staff on how to deal with children on the premises, for example suspected truancy from school.

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

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 following the principles set out in Section 4.3

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.

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 condition 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.

Consulatatative Document

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 mediate 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.

Due consideration will be given to all relevant representations unless they fit the exceptions detailed in section 3.4 of this policy.

Consultative Document

9. The Local Risk Profile and Risk Assessments by Operators – Licensing Conditions and Codes of Practice 2015 (LCCP)

The Gambling Commission released the LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk.

The code requires operators:

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
- With effect from 6 April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from 6 April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

9.1 Risk Assessments

Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.

Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of

policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.;
- The ethnicity, age, economic makeup of the local community.

The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

9.2 The Local Area

The Council expects the following matters to be considered by operators when making their risk assessment.

Matters relating to children and young persons, including:

- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
- Significant presence of young children;
- Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
- Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
- Recorded incidents of attempted underage gambling;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker/pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

9.3 The Gambling Operation

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;
- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place;
- How it advertises locally and on the premises;

- The marketing material within the premises;
- The display and provision of information, etc.

9.4 The Design of Premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:

- The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
- The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
- Premises which are located within an area which has a high number of children and young people present throughout the day, may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
- If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.

These would be identified risk factors that would need to be documented.

This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

9.5 Local Area Risk Profile

The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.

The Licensing Authority will endeavour to ensure an up to date Local Area Risk Profile for the Doncaster Borough is published and readily available.

Whilst not forming part of this policy, the Local Area Risk Profile for the Doncaster Borough is expected to include data and maps which show the distribution of gambling premises and:

- Educational establishments;
- Relevant leisure facilities;
- Medical facilities, care homes, and temporary accommodation etc.;
- Places of worship;
- Hot spot areas combining the educational establishments/leisure facilities/medical facilities
- Areas of deprivation;
- Areas of unemployment;
- Areas where residents claim working age benefits;
- Areas of poor mental health;
- Violence hot spots;
- Drug and alcohol hot spots.

If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:

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

10. Further information

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

Business Safety & Licensing
Doncaster Council
Civic Office
Waterdale
Doncaster
DN1 3BU

Tel: 01302 737590
E-mail: licensing@doncaster.gov.uk
Website: www.doncaster.gov.uk/licensing

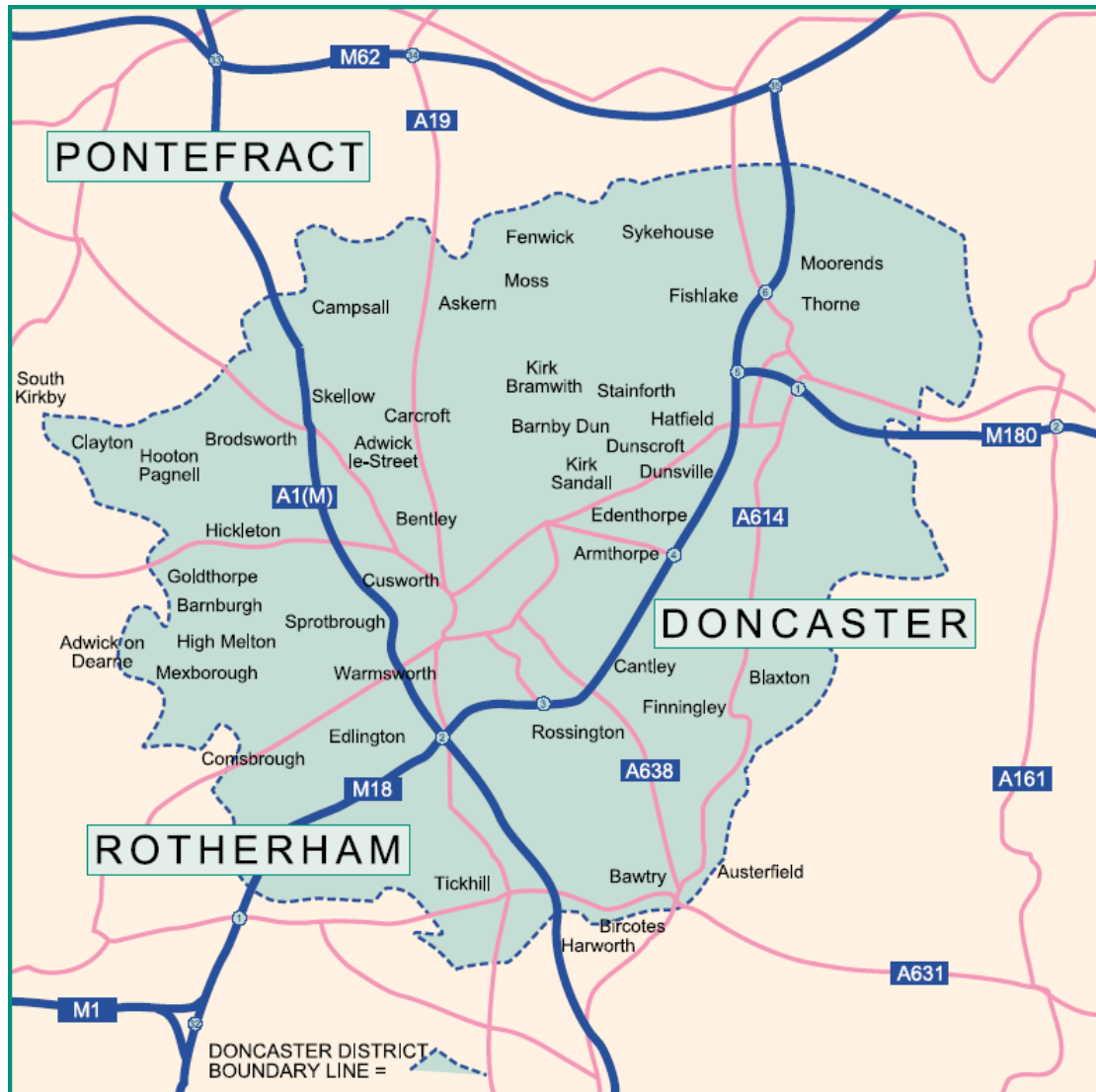
Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
Email: info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

APPENDIX A

The area of South Yorkshire administered by Doncaster Council



APPENDIX B

**Delegation of Functions - Gambling Act 2005
Determined by the Licensing Committee on the 25th June 2015**

Matters to be dealt with	Sub-Committee	Officers
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	All cases	
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	All cases	
Applications for other permits		All cases
Cancellation of licensed premises gaming machine permits		All cases
Consideration of temporary use notice		All cases
Decision to give a counter notice to a temporary use notice	All cases	

To the Chair and Members of the LICENSING COMMITTEE

Update on Askern, Campsall and Norton Community Alcohol Partnership

EXECUTIVE SUMMARY

1. This is information to accompany an update to the Licensing committee on a Community Alcohol Partnership in Askern, Norton and Campsall.

EXEMPT REPORT

2. not applicable

RECOMMENDATIONS

3. The report gives members an update on a Community Alcohol Partnership currently running in the north of Doncaster

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The Community Alcohol Partnership looks to address underage drinking and associated behaviour. It will mean a safer CAP area and also young people will have a greater awareness of alcohol and related harm.

BACKGROUND

5. Community Alcohol Partnerships tackle underage drinking and associated behaviour in local communities through co-operation between alcohol retailers/licensees and local stakeholders by providing advice, guidance and resources. CAP support communities in developing their own capacity to deliver a co-ordinated, localised response to underage alcohol misuse.

The CAP model is unique in that it recognises that retailers and licensees are part of the solution and has been shown to be more effective than traditional enforcement methods alone. Each CAP scheme operates in a clearly delineated and usually compact local community and draws on local partners to develop and implement delivery at grassroots level. Currently there are 95 CAPs across England and Wales.

CAP activity will always be locally determined but will generally encourage and include a focus on education, enforcement, public perception, communication, diversionary activity and evaluation.

The CAP model has a major focus on education in the school setting and also raises awareness to parents. National studies have shown consistently

	<p>a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	N/A
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	N/A
	<p>Council services are modern and value for money.</p>	N/A
	<p>Working with our partners we will provide strong leadership and governance.</p>	N/A

RISKS AND ASSUMPTIONS

9. There are no risks and assumptions associated with this report.

LEGAL IMPLICATIONS

10. There are no legal implications associated with this report

FINANCIAL IMPLICATIONS

11. CAP is an alcohol industry funded initiative receiving funding from both alcohol industry retailers and producers. Each CAP receives £1200 to start up and has the opportunity to request further funding. There is no funding obligation to DMBC.

HUMAN RESOURCES IMPLICATIONS

12. Doncaster Youth Service are actively involved as part of their on-going work in the north of Doncaster.

TECHNOLOGY IMPLICATIONS

13. There are no technology implications associated with this report.

EQUALITY IMPLICATIONS

14. There are no equality implications associated with this report.

CONSULTATION

15. A stakeholder event was held before the launch of the CAP which included Askern town councillors, local residents, public health, the local vicar, and representatives from local off licenses and pubs. A survey has been carried out by residents of identified hotspots for underage drinking along with a year 8 alcohol questionnaire by Campsmount pupils.

BACKGROUND PAPERS

16. None

REPORT AUTHOR & CONTRIBUTORS

Name; Andy Collins, Public Health Improvement Officer Substance Misuse
01302 734579 andy.collins@doncaster.gov.uk

Rupert Suckling, Director of Public Health