



# Doncaster Council

## Agenda

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To all Members of the

## LICENSING COMMITTEE

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

**Venue:** Council Chamber, Floor 2 Civic Office, Waterdale, Doncaster.

**Date:** Wednesday, 17th October, 2018

**Time:** 10.00 am

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### Items for Discussion:

**PageNo.**

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 14th June, 2018 1 - 4
- A. Reports where the public and press may not be excluded**
- For noting**
5. Statement of Licensing Policy 2019 - Gambling Act 2005. 5 - 58

**Jo Miller**  
**Chief Executive**

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Issued on: Tuesday, 9 October 2018

**Governance Services Officer for this meeting**

Andrea Hedges  
(01302) 736716

**Doncaster Metropolitan Borough Council**  
**[www.doncaster.gov.uk](http://www.doncaster.gov.uk)**

### **Members of the Licensing Committee**

Chair – Councillor Ken Keegan

Vice-Chair – Councillor Linda Curran

Councillors Duncan Anderson, Bev Chapman, Steve Cox, Neil Gethin, John Gilliver  
Martin Greenhalgh, Charlie Hogarth, Nikki McDonald, Sue McGuinness,  
David Nevett, Ian Pearson and Frank Tyas

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING COMMITTEE

**THURSDAY, 14TH JUNE, 2018**

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 14TH JUNE, 2018, at 10.00 am.

#### PRESENT:

Chair - Councillor Ken Keegan  
Vice-Chair - Councillor Linda Curran

Councillors Duncan Anderson, Steve Cox, John Gilliver, Charlie Hogarth, Sue McGuinness, David Nevett, Ian Pearson and Frank Tyas.

#### APOLOGIES:

Apologies for absence were received from Councillors Bev Chapman, Neil Gethin, Martin Greenhalgh and Nikki McDonald.

#### 1 Declarations of Interest, if any.

There were no declarations made at the meeting.

#### 2 Minutes of the Licensing Committee Meeting held on 22nd June, 2017

RESOLVED that the minutes of the meeting of the Licensing Committee, held on 22nd June, 2017, be approved as a true record and signed by the Chair.

#### 3 Terms of Reference, Procedure and Delegations

The Licensing Committee were presented with a report that provided information on the Terms of Reference of the Committee, and its procedure and delegations in terms of dealing with Licensing and Gambling applications and appeals.

Members noted that the Terms of Reference of the Committee had been agreed by Full Council at the Annual Meeting in May, and remained unchanged from the previous year and were presented to the Licensing Committee for their information. A copy of the Terms of Reference had been attached as Appendix A to the report.

With regard to the Procedure for hearings, Members were advised by Officers that this had been revised, with the role of the legal advisor clarified in order to provide greater clarity and transparency. Their role during the hearing and deliberations was that of an advisor and they were not there to assist in the final decision.

A number of concerns were raised by Members with regard to the possibility of any individuals undertaking covert recordings during the deliberations at a hearing and it was agreed that a revision be made to make this clear that it would not be allowed to

happen, and that all attendees would be requested to move their personal belongings from the room during this process unless directed otherwise.

A number of other points were raised by Members, with concerns raised on issues regarding quality of evidence presented by Responsible Authorities at hearings. However, Members were informed that there was little that could be done in respect of this other than advise that any evidence provided needed to be of high quality.

Member's attention was also brought to a number of typographical errors within the report which would be amended within the documents prior to their use. These referred to the following:-

- The last line of paragraph 10 of the report be deleted (page 7 of the agenda);
- The amendment of The Gambling Act 2007 to read as The Gambling Act 2005 within Appendix D to the report (page 25 of the agenda); and
- The addition of the following point after 5(b) to the procedures for Licensing Hearings as attached at Appendix B1 and B2 to the report:-

*'All persons required to vacate the room during deliberations shall be required to take all their personal belongings out of the room except as may directed by the Committee'.*

RESOLVED that:-

- 1) The Terms of Reference for the Licensing Committee and the Licensing Sub-Committees as attached at Appendix A to the report be noted;
- 2) The revised procedures set out in Appendices B1 and B2 be the procedures for Licensing and Sub-Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005 respectively be agreed subject to the addition of an additional point after 5(b) to read as follows:-

*"All persons required to vacate the room during the deliberations shall be required to take all their personal belongings out of the room except as may be directed by the Committee"*

- 3) The Committee agree the delegation of functions as set out in Appendices C1 and C2;
- 4) The appointment of Members to the Licensing Sub-Committee as asset out in Appendix D be noted; and
- 5) The procedure for dealing with settling appeals after the Sub-Committee hearing but before the appeal hearing in the Magistrates Court is decided as set out in Appendix E be agreed.

#### 4 Licensing Act 2003, Gambling Act 2005 and General Licensing Update

The Committee considered a report that provided an update to Members on the activities of the Committee and Sub-Committee over the previous year, as well as issues which related to the Licensing Act 2003, the Gambling Act 2005, and any matters of importance that were due for consideration in the coming Municipal Year.

Members were informed that during the period from 1st April, 2017 to 31st March, 2018, the Licensing Sub Committee had met on 18 occasions along with the formal Committee on 1 occasion. The Licensing Committee was one of the busiest Committees within the Council, and only Cabinet had met more frequently.

The report informed Members that there had been some changes to the Licensing Act 2003 and the Home Office Guidance, a summary of which was provided within the report and accompanying appendices. This guidance had also been published on the internet, and Members had received briefings on it at their recent training sessions.

With regard to the Statement of Licensing Policy (Gambling Act 2005), the Committee were informed that this was due for its triennial review, and it was anticipated that this would be adopted by Council prior to 3 January 2019, following consideration by both the Licensing Committee and the Executive who would look to recommend its approval by Full Council.

Member's attention was also drawn to the Bawtry Cumulative Impact Policy that had now been in effect for over 2 years and would be soon subject to review. Officers advised that consultation would be undertaken and the outcome would be presented to the Committee for a determination and ultimate recommendation for approval by Council.

Finally, the last issue to raise was that of the Council's hackney carriage and private hire licensing policy. This was to be reviewed in terms of determining the suitability of applicants and licensees, looking in particular at any relevant convictions people may hold. It was expected that this would be brought to the Licensing Committee in the latter part of 2018, and would take account of new guidance recently published.

Following consideration of the report and the points raised within it, Members were given the opportunity to voice any concerns or questions they had to Officers.

A brief discussion was held in relation to the Hackney Carriage and Private Hire Licensing Policy, as a number of concerns were voiced in relation to drivers from other areas but who operated within the Doncaster boundary. Members were informed that following the introduction of additional local conditions there were now no known 'out of town' taxis operating for Doncaster private hire companies. Members were informed that it was, however, legitimate and common practice for customers, particularly those living in the outlying districts, to book a private hire vehicle with a private hire operator based in another Council area with the proviso that the booking was made lawfully.

Finally Members' attention was brought to an error within the report. On page 35 of the agenda when speaking of reviewing the Cumulative Impact Area, it advised that this should be done before April 2012. However, Members noted that this should state that the review be undertaken before April 2021 instead.

RESOLVED that

- 1) For the period 1st April 2017 to 31st March 2018, it was noted that the following committees were convened:-

- Licensing Committee – 1 occasion
- Licensing Sub-Committee - 18 occasions

A total of 18 applications / notices were determined by the Licensing Sub-Committee, all of which were applications made under the Licensing Act 2003.

- 2) Statistical details of all other licence applications (Licensing Act 2003 and Gambling Act 2005) determined by the Authority and a summary of significant licensing enforcement actions, for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, attached as Appendix A to the report , be noted;
- 3) The recent changes to the Licensing Act 2003 and the Home Office guidance as summarised in section 5 and Appendix B of the report be noted;
- 4) It be noted that following a period of consultation the Licensing Committee would consider the reviewed Licensing Policy to the Executive for adoption by Council which must be adopted by 3<sup>rd</sup> January 2019 to take effect from the 31<sup>st</sup> January 2019.
- 5) The Bawtry Cumulative Impact Policy was due for review. And would be subject to a period of consultation, following which it would be brought back to the Licensing Committee for consideration; and
- 6) It was agreed that following the publication of new guidance, the Council's existing hackney carriage and private hire licensing policy is to be reviewed with regard to the guidelines on determining the suitability of applicants and licensees with particular regard to the relevance of convictions. Following a period of consultation with all stakeholders it is planned to bring the matter to the Licensing Committee in the latter part of 2018 for a determination on any proposed changes.

Signed by Chair \_\_\_\_\_

Date \_\_\_\_\_



## Doncaster Council

### Report

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**Date: 17/10/2018**

**To the Chair and Members of the  
Licensing Committee**

#### **Statement of Licensing Policy 2019 – Gambling Act 2005**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr C McGuinness	All	Yes

#### **EXECUTIVE SUMMARY**

1. To request that the members of the Committee note and consider the adoption of the Statement of Licensing Policy 2019 - Gambling Act 2005 following its triennial review. For information, the route and timetable for adoption is attached as Appendix A.

#### **RECOMMENDATIONS**

2. It is recommended that the members of the Committee note the reviewed Statement of Policy - Gambling Act 2005 with a view to recommending to Cabinet that it should be adopted by full 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 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 31<sup>st</sup> January 2019. There are three licensing objectives set out in the Act and these must be addressed within the Authority's Statement of Licensing Policy, namely:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - ensuring that gambling is conducted in a fair and open way.
  - protecting children and other vulnerable 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. This is the fifth 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 public consultation including those bodies and persons set out in section 1.10 of the Policy document.
  7. 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.
  8. 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.
  9. 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.
  10. We will continue to encourage 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.
  11. We expect operators of gambling premises to have regard to the local area when undertaking their own risk assessment on their premises and when they make licence applications.



12. Given the range of comorbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling related harm as well, for example those with a mental health issue or an addictive behaviour. A notable addition, therefore, to this version of the Policy is that the Licensing Authority, in its capacity as a responsible authority under the Gambling Act 2005 (The Act), will actively seek the views of the Director of Public Health on all applications that the Licensing Authority are required to be notified of. Where applicable, these views will be used to make informed decisions regarding any representation the Licensing Authority may be minded to make.
13. Furthermore, whilst the Act makes it clear that children are vulnerable it also refers to 'other vulnerable persons' and there is an expectation that steps will be taken to prevent them from being harmed or exploited by gambling. The Act does not define 'other vulnerable persons' however, following, feedback from the Director of Public Health, this Policy now includes details of which persons/groups the Council considers that 'vulnerable person' may include.
14. With limited exceptions, the existing law, by way of mandatory licence conditions, does not permit access by children and young persons under 18 to those gambling premises that are considered to be adult only environments. Where access to premises by children and young persons is prohibited this prohibition includes situations where they are accompanied by an adult. For information, the premises to which persons under the age of 18 may not be admitted are summarised in Appendix B.
15. This Policy will be reviewed and revised by the Council as and when required.
16. The Draft Policy, with revisions that have arisen out of the consultation, is attached as Appendix D.

## OPTIONS CONSIDERED

17. The Policy has been reviewed and updated to ensure it is relevant to Doncaster in 2019 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.
18. 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.

## REASONS FOR RECOMMENDED OPTION

19. 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 Policy has been the subject of a full consultation.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

20.

	Outcomes	Implications
	<b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them	It is recognised that gambling premises are, quite often, businesses, places of

	<p>and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>	<p>employment and potential assets to the community. 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><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	<p>It is recognised that gambling premises are, quite often, businesses, places of employment and potential assets to the community. 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><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>	None
	<p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>	<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>
	<b>Connected Council:</b>	None

	<ul style="list-style-type: none"> <li>• A modern, efficient and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul>	
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## **RISKS AND ASSUMPTIONS**

21. Failure to adopt and or review a statement of licensing policy would create a risk by exposing the Council to a legal and financial liability brought about by the Council's inability to discharge its functions under the Gambling Act 2005.
22. 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 risk is substantially reduced.

## **LEGAL IMPLICATIONS [Officer Initials HW Date 16/8/18]**

23. Section 349 Gambling Act ('the Act) requires the Licensing Authority (the Authority) to prepare a statement of the principles they propose to apply in exercising their functions and publish it in accordance with the statutory requirements. The Policy must be reviewed at least every 3 years. When reviewing the policy, the Authority is required by the Act to consult the chief officer of police, those who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and those who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act. The Act also requires the Licensing Authority, when reviewing its policy, to take account of guidance issued by the Gambling Commission. Full Council must approve the Policy for adoption.

## **FINANCIAL IMPLICATIONS [Officer Initials: RT Date: 16.08.2018]**

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 [Officer Initials DK Date: 16/08/2018]**

25. There are no direct HR Imps in relation to this report, but if in future staff are affected or additional specialist resources are required then further consultation will need to take place with HR.

## **TECHNOLOGY IMPLICATIONS [Officer Initials KF Date:15/08/18]**

26. There are no anticipated technology implications in relation to this report.

## **HEALTH IMPLICATIONS [Officer Initials: CT Date: 16/08/2018]**

27. The inclusion to seek the views of the Director of Public Health on all applications is welcomed; problem gambling is increasingly being cited as a public health issue and the invitation to comment on licensing applications is a significant step forward in ensuring public health considerations are included in the decision making process. This ensures the impact of problem gambling and the proliferation of gambling establishments in Doncaster is minimised.
28. Problem (or harmful) gambling is defined as any type of gambling that damages personal, family or recreational pursuits. The impact can be on the individual's physical and mental health, relationships, housing and finances and affects a range of people such as families, colleagues and wider local communities.
29. Licensing Objective 3: Protecting children and other vulnerable people/persons from being harmed or exploited by gambling describes vulnerable people as:
- People who gamble more than they want to,
  - People who gamble beyond their means,
  - People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol and drugs.
30. Public Health responded to the recent consultation on the draft Statement of Licensing policy and made a request that examples of groups of people that are considered vulnerable are made explicit in the policy; this has been actioned and has been included in this revision.
31. Public Health is also working with Licensing and Strategic Performance Unit to update the Local Area Profile. The profile will be an interactive mapping tool that profiles the characteristics of communities along with current provision of gambling/gaming establishments. The map will be used to identify any potential risks associated with the location of any new applications.

## **EQUALITY IMPLICATIONS [Officer Initials: PJW Date:15.08.2018]**

32. 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**

33. The Gambling Act 2005 requires formal consultation with:

- The Chief Officer of Police;
- Representatives of one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

34. In addition to the statutory consultees, the Council has consulted widely on this Policy during the review. Full details of the consultation process and those consulted with can be found in section 1.10 of the Policy.

35. All responses received have been acknowledged and given due consideration. The matters arising out of the consultation and the actions taken are summarised at Appendix C.

## **BACKGROUND PAPERS**

36. The Draft Policy, with revisions that have arisen out of the consultation, is available at [www.doncaster.gov.uk/gamblingpolicy2019](http://www.doncaster.gov.uk/gamblingpolicy2019) and attached as Appendix D.

## **REPORT AUTHOR & CONTRIBUTORS**

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**Peter Dale**  
**Director of Regeneration and Environment**

**Appendix A**  
**Statement of Licensing Policy 2019 - Gambling Act 2005**  
**Adoption Route and Timetable**

Formal Consultation took place from 28<sup>th</sup> June 2018 to 10<sup>th</sup> August 2018

<b>Meeting / Committee</b>	<b>Date of Meeting</b>
Directors Meeting	03/09/2018
Exec Board	18/09/2018
Overview and Scrutiny Management Committee	04/10/2018
Licensing Committee	17/10/2018
Cabinet	06/11/2018
Council	22/11/2018
Policy to be published by	03/01/2019
Policy Effective	31/01/2019

**Appendix B**  
**Summary of the law regarding access to licensed gambling premises by children and young people (under 18s)**

<b>Type of Premises</b>	<b>Notes</b>
Casino	Under 18s are prohibited from entering
Bingo	Under 18s may enter the premises but no person under the age of 18 can gamble on the premises. <b>NB:</b> See adult only area provisions below.
Adult gaming Centres	Under 18s are prohibited from entering.
Family Entertainment Centres	No restrictions – subject to adult only area provisions below
Betting Shops	Under 18s are prohibited from entering.
Tracks e.g.Racecourse	Under 18s may enter the premises but no person under the age of 18 is permitted to bet.
Adult only (over 18) area in Family Entertainment Centres and Bingo Halls i.e. area where category B or C gaming machines are made available.	Where provided, under 18s are prohibited from entering adult only areas. These areas must be separated from areas where children and young people are allowed.

Note: Where access to premises by children and young persons is prohibited this prohibition includes situations where they are accompanied by an adult.

## **Appendix C**

### **Summary of matters arising out of the Consultation on the Draft Policy**

#### **1. GamCare (provider of information, advice and support for the prevention of problem gambling)**

Not a specific response to Doncaster's Draft Policy but a list of issues or factors which GamCare think would be helpful for licensing authorities to consider.

**Response:** Draft Policy already includes reference to measure for protecting children and vulnerable persons and, in particular, makes multiple specific references to GamCare.

#### **2. Local Parish Councillor**

Requested that gender specific terms, where not specifically required, within the Policy be replaced with a suitable alternative and clarification sought on the meaning of gaming machine categories.

**Response:** Draft Policy has been suitably amended and a definition of gaming machines added.

#### **3. Racecourse Association**

Clarification sought on matters relating to Racecourses.

**Response:** Following discussion, responder confirmed that they were satisfied that these were already addressed within the Draft Policy.

#### **4. Director of Public Health**

Welcomed proposal that the Director of Public Health's views be sought by the Licensing Authority when performing its responsible authority role.

Recommendation that a wider definition of what the Council considers a vulnerable person to be is included in the Policy.

**Response:** Draft Policy has been amended to identify groups for whom, based on research, there is evidence to support suggestions that they are more vulnerable.

#### **5. Trade Comments made on behalf of a nationwide operator**

- i. Suggestion that the Draft Policy should make reference to the Regulators' Code's wider application to the Council's activities under the Act.

**Response:** Further acknowledgement of the Regulators' Code's application has been added to the Draft Policy (para 1.7)

- ii. Suggestion that the reference to seeking the views of the Director of Public Health (para 1.8) on all applications would be inappropriate and recommendation that this new paragraph should be removed from the Draft Policy.



**Response:** The Council and Draft Policy recognise that the Director of Public Health is not a responsible authority under the Gambling Act but are aware that the Licensing Authority is a responsible authority in its own right. The Licensing Authority can legitimately make representations in respect of relevant applications and feel it is appropriate to seek the views or gather intelligence, in so far as they relate to the licensing objectives, of any person or body who may hold information that affords them the opportunity to make informed decisions about any relevant representation it may choose to make. The Draft Policy is clear that any such representation would be made by the Licensing Authority.

- iii. Suggestion that Draft Policy be amended (paras 2.1 & 2.2) to remove any possible ambiguity that a building must be finished before an application can be made.

**Response:** Draft Policy (2.1 & 2.2) amended to remove reference to finished buildings.

- iv. Suggestion that the Draft Policy is not consistent with regard to the wording used regarding the protection of children in respect of Adult Gaming Centres, Betting Premises and Bingo Premises.

**Response:** Draft Policy amended (4.8 Bingo Premises) to provide consistency

- v. Request that third bullet point of 9.1 concerning the exchange of information about “gaming trends” is too vague, runs the risk of breaching (General Data Protection Regulations) GDPR and should be removed from the Draft Policy.

**Response:** Draft Policy amended (9.1) to clarify that gaming trends relates to increased levels of gambling activity which, for example, correspond with pay days or benefit payments. There is no suggestion in the Draft Policy that operators should do anything that contravenes any data protection requirements.

- vi. Suggestion that the location of places of worship does not have any relevance to the Local Risk Assessment (9.2 and 9.5) and that these references be removed from the Draft Policy.

**Response:** The Gambling Commission’s guidance to licensing authorities states, at Part 6.21, that it is expected that the types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices. On this basis that faith groups are considered to have business interests and, thereby, fall within the definition of interested party it is appropriate that the location of such premises are considered in local risk assessments. Furthermore, we have taken the opportunity to add a new paragraph to 1.9 to reflect the Gambling Commission guidance regarding organisations that may be considered to have business interests.

- vii. Respondent does not understand why the Council considers the fact that children and young people might be able to see gambling taking place is of relevance (Para 9.4).

**Response:** The Gambling Commission's guidance to licensing authorities states, at Part 7.29, that licensees should not only be able to supervise their premises but also mitigate the risks to under 18s being attracted to enter premises by the products available within them. Where a licensing authority has concerns that such products are visible, they could for example, require the licensee to re-site the products out of view. The wording we have used in (para 9.4) bullet point 3 is such that this would not be an absolute requirement but something that should be considered on a risk basis.



**Doncaster  
Council**

## **Consultative Document Statement of Licensing Policy 2019**

### **Gambling Act 2005**

**Further advice and guidance can be obtained from:**

Business Safety & Licensing

Doncaster Council  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU  
Tel: 01302 737590

Email: [licensing@doncaster.gov.uk](mailto:licensing@doncaster.gov.uk)  
Web: [www.doncaster.gov.uk/licensing](http://www.doncaster.gov.uk/licensing)

## FOREWORD

This is the fifth 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 will continue to encourage 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.

We expect operators of gambling premises to have regard to the local area when undertaking their own risk assessment on their premises and when they make licence applications.

A notable addition to this version of the Policy is that the Licensing Authority, in its capacity as a responsible authority under the Gambling Act 2005 (The Act), will actively seek the views of the Director of Public Health on all applications that the Licensing Authority are required to be notified of. Where applicable, these views will be used to make informed decisions regarding any representation the Licensing Authority may be minded to make.

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

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## **1 Statement of Licensing Policy**

### **1.1 Introduction**

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

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

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 is scheduled to be approved at a meeting of the Council on 22<sup>nd</sup> November 2018 and will be published via our website on or before 3<sup>rd</sup> January 2019. Notice of the Policy and a copy of the Policy will be posted at the Civic Office, Doncaster and Doncaster Central Library for inspection on or before 3<sup>rd</sup> January 2019. This Policy is due to take effect on the 31<sup>st</sup> January 2019 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 includes the towns of Mexborough, Consibrough, Thorne, Bawtry and Tickhill. Around 80% of the Borough is classed as green space, with a significant proportion being agricultural land.

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

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

Doncaster has seen significant developments in recent years with the opening of Robin Hood Airport, FARRS scheme, 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.

Team Doncaster is ambitious for the Borough and its people, business and communities. Together we have pulled together collective thinking, experience skills and resources to develop Doncaster Growing Together (DGT). DGT is a set of concrete plans for now and big ideas for the future. Further details can be found in section 2.4 of this policy and on our website [www.doncaster.gov.uk](http://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:

<b>Act:</b>	The Gambling Act 2005
<b>Application:</b>	Applications for licences and permits as defined in section 1.5
<b>Borough:</b>	The area of South Yorkshire administered by Doncaster Metropolitan Borough Council (Map appended at Appendix A)
<b>Code of Practice:</b>	Any relevant code of practice under section 24 of the Gambling Act 2005
<b>Default Condition:</b>	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Doncaster Metropolitan Borough Council
<b>Gaming Machine:</b>	A gaming machine is defined by the Gambling Act 2005 as a machine that is defined or adapted for use by individuals to gamble. Gaming machines fall into categories depending on the maximum stake and prize available. Details of the categories, stakes and prizes are available on the Gambling Commission website <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
<b>Interested Party:</b>	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- <ul style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ul>
<b>Licences:</b>	As defined in section 1.5
<b>Licensing Authority:</b>	Doncaster Metropolitan Borough Council
<b>Licensing Objectives:</b>	As defined in section 1.4
<b>Mandatory Condition:</b>	A specified condition provided by regulations to be attached to a licence
<b>Notification:</b>	Notification of temporary and occasional use notices

**Premises:** Any place, including a vehicle, vessel or moveable structure

**Regulations:** Regulations made under the Gambling Act 2005

**Responsible Authority:** For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority - Doncaster Council;
2. The Gambling Commission;
3. South Yorkshire Police;
4. South Yorkshire Fire and Rescue Service;
5. Planning Authority - Doncaster Council;
6. Enforcement Team (Environmental Health) - 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:
  - the Environment Agency,
  - the British Waterways Board, and
  - the Secretary of State for Transport.

#### 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 of 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. 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. On-going 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 or 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).

The Licensing Authority, in undertaking its licensing function, will have full regard to the Regulators' Code.

## **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](http://www.doncaster.gov.uk/licensing)

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

- the competency of the body to advise the Licensing Authority,
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area, and
- the need for the body to be answerable to democratically elected persons rather than particular invested interest group etc.

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

Another body which, whilst not listed as a responsible authority, can also help to inform the strategic picture and approach as well as inform the local area profile, is Public Health. Given the range of comorbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling related harm as well, for example those with a mental health issue or an addictive behaviour. The Licensing Authority, when acting in its role as a responsible authority, will actively seek the views of the Director of Public Health on all applications that the Licensing Authority are required to be notified of. In so far as they relate to the licensing objectives, these views will be used to make informed decisions regarding any representation the Licensing Authority may be minded to make.

## **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).

The Licensing Authority deems that the types of organisations that may be considered to have business interests will be interpreted broadly to include, for example, partnerships, charities, faith groups and medical practices.

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 persons who appear to the Authority to represent the interests of persons carrying on gambling businesses within the Borough.
3. Persons/bodies that appear to the Authority to represent the interests of persons likely to be affected by the exercise of Authority's functions under the Act.

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
- Trade Unions
- Gamblers Anonymous
- Samaritans
- Doncaster Advice Services Partnership
- The Environment Agency
- British Waterways – Canal and River Trust

The consultation commenced on the 29<sup>th</sup> June 2018 and, as far as practicable, the Council followed the Consultation Principles issued by central government in 2018. 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](http://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, 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, 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 in respect of premises that he or she expects to be constructed, expects to be altered or expects to acquire a right to occupy. 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 Growing Together (DGT), available on the Council's website [www.doncaster.gov.uk](http://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 Sub-Committee, 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 subsequently withdrawn.

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 or more of 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 facilitates programmed liaison with South Yorkshire Police and South Yorkshire's Fire and Rescue Service on enforcement issues to ensure the 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.

Casinos are specifically limited, by national regulations, as to their number, size and geographical location. Doncaster Council, under the existing law, cannot issue a casino licence due to it not being one of specified locations.

Notwithstanding the above, 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 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 any adult only gaming machine areas. (See section 7)

#### **4.9 Betting Premises**

Betting premises are premises such high street betting shops 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 '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, through its enforcement activities, will endeavor to 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 requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) 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 submit a plan of the building and 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 differences between track premises licences and most other premises licences. In Essence, tracks admit third-party operators to provide betting facilities, whereas other premises licence holders e.g. betting shops, bingo clubs etc. provide gambling facilities themselves and are subject to the conditions of the operating licence as well as the 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.

### **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 is aware of the Local Government Association and Public Health England publication ‘Tackling gambling related harm – A whole council approach’ published July 2018 and the research which found evidence to support suggestions that the following groups are more vulnerable:

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often ‘co-morbid’ with these substance addictions)



- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

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 follow 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.

Draft Policy

## **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 representation or application.

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

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

The Gambling Commission publishes the general licence conditions and codes of practise which apply to licensed gambling operators in Licensing Conditions and Codes of Practice (LCCP) which is revised from time to time. 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](http://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.
- 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.
- 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 such as increased levels of gambling activity which, for example, correspond with pay days or benefits 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 should aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities. For example:

- 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](mailto:licensing@doncaster.gov.uk)  
Website: [www.doncaster.gov.uk/licensing](http://www.doncaster.gov.uk/licensing)

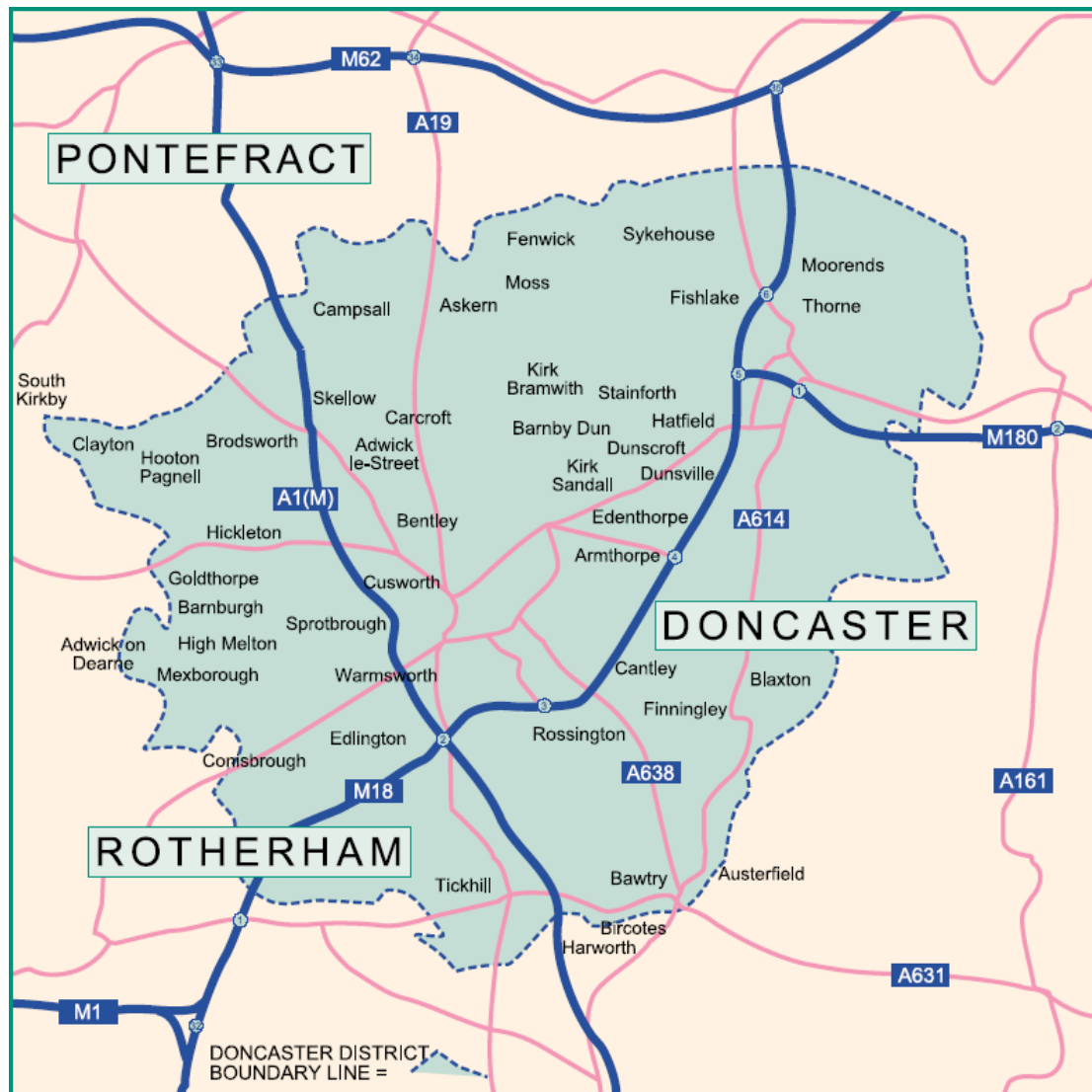
Information is also available from:-

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

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

## APPENDIX A

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



**APPENDIX B**

**Delegation of Functions - Gambling Act 2005  
Determined by the Licensing Committee on 14<sup>th</sup> June 2018**

<b>Matters to be dealt with</b>	<b>Sub-Committee</b>	<b>Officers</b>
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	