



# 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, Civic Office, Floor 2, Doncaster

**Date:** Thursday, 25th November, 2021

**Time:** 10.00 am

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**Please Note:** Due to current restrictions arising from the Covid-19 pandemic, there will be limited capacity in the public gallery for observers of the meeting. If you would like to attend to observe in person, please contact Governance Services on 01302 737462 / 736723 / 736716 / 736712 to request a place, no later than 5.00 pm on Wednesday, 24th November, 2021. Please note that the pre-booked places will be allocated on a 'first come, first served' basis and once pre-booked capacity has been reached there will be no further public admittance to the meeting. For those who are attending the meeting, please bring a face covering, unless you are exempt.

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**Damian Allen**  
Chief Executive

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Issued on: Wednesday, 17 November 2021

**Governance Services Officer for this meeting**

David M Taylor  
01302 736712

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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 17th June, 2021. 1 - 6
- A. Reports where the public and press may not be excluded**
- For Decision**
5. Statement of Licensing Policy 2022 - Gambling Act 2005. 7 - 60

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

Chair – Councillor Dave Shaw

Vice-Chair – Councillor Linda Curran

Councillors Nick Allen, Duncan Anderson, Iris Beech, Bev Chapman, Martin Greenhalgh, John Healy, Charlie Hogarth, Barry Johnson, Emma Muddiman-Rawlins, David Nevett, Thomas Noon and Ian Pearson.

# Agenda Item 4

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### LICENSING COMMITTEE

THURSDAY, 17TH JUNE, 2021

A MEETING of the LICENSING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on THURSDAY, 17TH JUNE, 2021, at 10.00 am.

#### PRESENT:

Chair - Councillor Dave Shaw  
Vice-Chair - Councillor Linda Curran

Councillors Nick Allen, Duncan Anderson, Iris Beech, Martin Greenhalgh, John Healy, Charlie Hogarth, David Nevett, Thomas Noon and Ian Pearson.

#### APOLOGIES:

Apologies for absence were received from Councillors Bev Chapman and Barry Johnson.

#### 1 DECLARATIONS OF INTEREST, IF ANY

There were no declarations of interest made at the meeting.

#### 2 MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 25 JANUARY 2021

RESOLVED that the minutes of the Licensing Committee meeting held on 25th January, 2021, be approved as a correct record.

#### 3 LICENSING ACT 2003, GAMBLING ACT 2005 AND GENERAL LICENSING Update

The Committee considered a report which provided an update on the activities of the Licensing Committee and Sub-Committee during the previous year.

Appendix A of the report provided a summary of statistical information relating to licensing applications and significant enforcement actions taken by the Licensing service during this period.

A revised Hackney Carriage and Private Hire Licensing Policy had come in to effect on 1st April, 2021. The revised Policy moved the responsibility for determining the fit and proper status of applicants and licence holders, who did not meet the minimum standards of the Policy, and any subsequent appeals, away from Officers and towards the Members of the Licensing Committee

#### RESOLVED to:-

- (1) note that for the period 1st April, 2020 to 31st March, 2021 the following Committees were convened:-
  - Licensing Committee – 5 occasions
  - Licensing Sub-Committee - 8 occasions

A. 1

A total of 8 applications/notices were determined by the Licensing Sub-Committee, 7 of which were applications made under the Licensing Act 2003 and 1 under the Gambling Act 2005;

- (2) note the 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 1st April, 2020 to 31st March, 2021, as attached at Appendix A to the report;
- (3) note that a revised Statement of Policy (Licensing Act 2003) came in to effect on 7th January, 2021; and
- (4) note that a revised Hackney Carriage and Private Hire Licensing Policy came in to effect on 1st April, 2021. The revised Policy moves the responsibility for determining the fit and proper status of applicants and licence holders, who do not meet the minimum standards of the Policy, and any subsequent appeals, away from Officers and towards the Members of the Licensing Committee.

#### 4 PAVEMENT LICENCE - APPLICATION PROCESS, CONDITIONS AND FEE (HIGHWAYS ACT 1980)

The Committee received a report that informed Members of the change in responsibility for the processing and issuing of Pavement Licences which had moved from the Town Centre team to the Licensing team.

The report set out details of an urgent S036 decision taken on 12th April, 2021 by the Director of Economy and Environment, in consultation with the Chair of the Licensing Committee and Cabinet Member for Communities, Voluntary Sector and the Environment, to align the delegations, conditions and processes of Temporary Pavement Licence Applications and applications made under the Highways Act 1980, including the setting of the fee structure. In addition, the report informed Members of a decision taken by the Director of Economy and Environment on 15 March, 2021, aligning the fee structure for Temporary Pavement Licence Applications in accordance with the proposals set out in the Business and Planning Act 2020, and applications made under the Highways Act 1980, to £100 per year, as appended to the report at Appendix B.

The Business and Planning Act 2020 introduced a fast-track application process to allow businesses to obtain permission to place tables and chairs on the highway for use by their customers. The responsibility for processing applications of this type was taken on by the Licensing team. To ensure a consistent approach in considering applications for a Pavement Licence, it was determined that both schemes should be operated by a single team and that the Licensing department were best placed to do this as the majority of applications were expected to be from those businesses which were licensed by the department, to sell alcohol.

Discussion followed, during which Councillor Ian Pearson expressed concerns regarding furniture placed on the highway which created obstacles for Guide Dogs, people who were visually impaired or had limited mobility. He highlighted that objections had been raised both on a national and international level with regard to Pavement Licences legislation in terms of ridged indicators not being in place so that

Guide Dogs could operate safely on pavements, rather than being forced out in to the highway because of badly laid out pavement furniture. He added that the report did not make reference to the fact that the Street Furniture Policy was currently under review because of Guide Dogs not having solid boundaries to navigate around.

Councillor Pearson asked what provision the Council had put in place to take in to account the needs of Guide Dogs visiting the Town. In response, David Smith, Licensing Officer drew Members' attention to the Alfresco Pavement Licencing conditions that had been drawn up in accordance with the provisions of the Highways Act 1980. The Licensing Officer cited 'Condition 6' relating to Barrier height and incorporation of a tapping rail of 150mm and 'Condition 21', which was a national condition and related to access along the highway and clear route of inhibited access along the public highway which had to be maintained at all times, and a clear width of 2000mm, which allowed for two wheelchairs to pass one another comfortably.

Councillor Pearson pointed out that the two metre rule in relation to wheelchairs was out of date as new legislation would be introduced to factor in wheelchairs carrying oxygen cylinders, therefore, the two metre gap was too small. In relation to clear routes of access across the highway, he asked that Officers have regard to how Guide Dogs operate when navigating obstacles. He spoke of some of the modifications that could be made to assist Guide Dogs, the visually impaired and people with limited mobility in navigating the pavement environment, such as raising the height of tap rails and lowering the height of bollards. Councillor Pearson also pointed out that there were numerous companies that produced tactile rubber and plastic matting that were used at various crossing points' to assist people who were visually impaired and people with limited mobility.

The Chair emphasised that the issues raised were not within the remit of the Licensing Committee. However, in noting the decision taken in relation to Temporary Pavement Licences and in light of the comments raised by Councillor Pearson regarding the logistics for Guide Dogs, visually impaired people and people with limited mobility in accessing the pavement environment, and the possibility of introducing tactile ground surface matting, the Chair stated that the issues raised by Councillor Pearson would be discussed with the Highways department.

The Licensing Officer responded to Member questions and it was noted that:-

- Pavement Licenses could only be issued to an area that covered the public highway, or land that has been delegated to the highway
- In relation to private frontages, owners of the property/businesses could put items of furniture and other items on the highway without the Council's permission.
- Businesses would need to obtain permission from the Council to place items of furniture on the highway where it was maintained by the Council where the public have access.
- An applicant applying for a Pavement Licence have to specify the dates and times the Licence would be required to operate, which would be subject to a 28 day consultation period with the Highway Authority.
- Each Pavement Licence application would be assessed on its own merits having regard to the Pavement Licence Policy.

- Businesses were only permitted to use the outside area for consumption of alcohol, where the business was licenced to sell alcohol and alcohol could not be sold beyond the permitted hours

RESOLVED to

- (1) note the approval to align the delegations, conditions and processes of the Temporary Pavement Licence Applications under the Business and Planning Act 2020 Process and the Alfresco Licence Applications under the Highways Act 1980, including the setting of the fee structure, taken by the Director of Economy and Environment, in consultation with the Chair of the Licensing Committee and the Cabinet Member for Communities, Voluntary Sector and the Environment on 12th April, 2021;
- (2) note that the fee for Temporary Pavement Licence Applications under the Business and Planning Act 2020 and applications made under the Highways Act 1980 has been set at £100; and
- (3) note that the determination and granting of Temporary Pavement licences has been delegated to the Assistant Director of Environment and Head of Service for Regulation and Enforcement.

5 TERMS OF REFERENCE, PROCEDURES AND DELEGATIONS

The Committee considered a report that detailed the Terms of Reference for the discharge of its Licensing functions, and sought approval of the procedure to be followed for Licensing hearings, and the delegation of functions. The Committee's approval was also sought to agree the appointment of Members to the Licensing Sub-Committee and the procedure for dealing with appeals.

The Terms of Reference of the Licensing Sub-Committee as set out at Appendix A of the report, had been amended to reflect the wider remit of the Sub-Committee, to consider applications falling outside of the scope of the Gambling Act 2005 and the Licensing Act 2003.

In answer to a question from a Member regarding the requirement for only 3 Members to sit on the Licensing Sub-Committee to consider Taxi Licensing Hearings, the Senior Legal Officer advised that the membership of the Licensing Sub-Committees would be 4 Members and that in accordance with Council Procedure Rules, the quorum of the Licensing Sub-Committee would be no fewer than 3 voting Members of the Licensing Committee.

RESOLVED that

- (1) The Licensing Committee Note:-
  - (a) the Terms of Reference for the Licensing Committee, as detailed in Appendix A to this report;
  - (b) the Terms of Reference for the Licensing Sub-Committees, as detailed in Appendix A;

(2) The Licensing Committee Agree:-

- (a) the procedures set out in Appendices B1 and B2, continue to be the procedures for Licensing Committee and Sub-Committee hearings held under the Licensing Act 2003 and the Gambling Act 2005, respectively;
- (b) to note the Council's Taxi Licensing Policy was recently amended to involve Members in determining Taxi applications where applicants fall below the minimum standards, as set out in the Policy, a role which was previously undertaken by officers. The procedure is set out in the Policy, as shown at Appendix B3;
- (c) the delegation of functions, as set out in Appendix C1, C2 and C3 of the report;
- (d) the appointment of Members to the Licensing Sub-Committee, as set out in Appendix D of the report; and
- (e) 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 of the report.

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## Doncaster Council

### Report

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Date: 25/11/2021

To the Chair and Members of the  
Licensing Committee

#### Statement of Licensing Policy 2022 – Gambling Act 2005

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr J Blackham	All	Yes

#### EXECUTIVE SUMMARY

1. To request that the members of the Committee note and consider the adoption of the Statement of Licensing Policy 2022 - Gambling Act 2005 following its 3 year review. For information, the route for adoption is attached as Appendix A.

#### RECOMMENDATIONS

2. It is recommended that the members of the Committee note the responses to consultation and the proposed 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 every 3 years. 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-year period.

#### 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 existing Policy comes to the end of its 3-year period on 31<sup>st</sup> January 2022.
5. 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.
6. 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 2005 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.
  7. This is the sixth 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.
  8. 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.
  9. 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.
  10. 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.
  11. 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. 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.
  12. 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.
  13. The Policy continues to allow for the Licensing Authority, in its capacity as a responsible authority under the Gambling Act 2005 (The Act), to 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.

14. This Policy will be reviewed and revised by the Council as and when required.
15. Where applicable, any matters arising out of the consultation and the actions taken are summarised at Appendix B.
16. The Draft Policy is attached as Appendix C.

### OPTIONS CONSIDERED

17. The Policy has been reviewed to ensure it is relevant to Doncaster in 2022 and beyond, taking account of the latest Guidance to Local Authorities produced by the Gambling Commission. The Policy remains largely unchanged from the existing version.

### REASONS FOR RECOMMENDED OPTION

18. The Licensing Authority is required, under the Gambling Act 2005 (The Act), to produce a Statement of Licensing Policy and to review the Policy every 3 years. The Policy has been the subject of a full consultation.

### IMPACT ON THE COUNCIL'S KEY OUTCOMES

19.

	<b>Outcomes</b>	<b>Implications</b>
	<p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them 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>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 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> </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 will have regard to this priority when making licensing decisions.</p>

	<ul style="list-style-type: none"> <li>• Building on our cultural, artistic and sporting heritage</li> </ul>	
	<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>	The Council, via its Licensing Committee/Sub-Committee, subject to the general principles set out in the Council's Statement of Licensing Policy will have regard to this priority when making licensing decisions.
	<p><b>Connected Council:</b></p> <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>	None

## RISKS AND ASSUMPTIONS

20. 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.
21. 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: NC Date: 19/10/21]**

22. 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: 20/10/2021]**

23. 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: 18/10/2021]**

24. 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: PW Date: 26/10/21]**

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

**HEALTH IMPLICATIONS [Officer Initials: RS Date: 19/10/2021]**

26. Problem gambling is increasingly being cited as a public health issue and the continuation of the invitation to comment on licensing applications is a significant step forward in ensuring public health considerations are included in the decision making process.
27. 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.
28. 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.

29. Public Health and Licensing will continue to together to look at measures to minimise harmful and problem gambling within Doncaster.

### **EQUALITY IMPLICATIONS [Officer Initials: DDS Date: 18/10/2021]**

30. 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**

31. 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.
32. 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.
33. All responses received have been acknowledged and given due consideration. Where applicable, any matters arising out of the consultation and the actions taken are summarised at Appendix B.

### **BACKGROUND PAPERS**

34. The Draft Policy, with any revisions that have arisen out of the consultation, is attached as Appendix C.

### **REPORT AUTHOR & CONTRIBUTORS**

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**Dan Swaine**  
**Director of Economy and Environment**

**Statement of Licensing Policy 2022 - Gambling Act 2005  
Adoption Route**

Formal Consultation took place from 17 September 2021 to 15 October 2021

<b>Meeting / Committee</b>	<b>Date of Meeting</b>
Overview and Scrutiny Management Committee	04/11/2021
Licensing Committee	25/11/2021
Cabinet	15/12/2021
Council	20/01/2022

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

### The Betting and Gaming Council (Gosschalks Solicitors acting on behalf of)

1. *On behalf of the BGC we welcome the acknowledgment of the contribution of the gambling sector to the economic development of the Borough contained in the foreword to the draft policy and the statement in paragraph 1.7 that the starting point in determining applications will be to grant the application without additional conditions.*
  - No action required.
2. *There are a number of references throughout the draft policy to promoting or the promotion of the licensing objectives. These references (paragraphs 1.4, 1.7, 2.5, 4.1 and 4.4) should be amended to reflect the requirements of Gambling Act 2005. The Act requires applications to be “reasonably consistent” with the licensing objectives. There is no duty on any person other than the Gambling Commission to promote the licensing objectives and to avoid confusion with the requirements of Licensing Act 2003, these references to promotion of the licensing objectives should be removed.*
  - Paragraphs 1.4, 1.7, 2.5, 4.1 and 4.4 have been amended to reflect the requirement to be ‘reasonably consistent with’ rather than ‘the promotion of the licensing objectives.
3. *Paragraph 1.7 contains a statement that “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.” This paragraph then goes on to refer to the applicant’s risk assessment. This paragraph should be redrafted in order that it is clear that the policies, procedures and measures proposed by the applicant to ensure consistency with the licensing objectives are to be contained within that risk assessment rather than within the application. Otherwise, there is a suggestion that like Licensing Act 2003 applications, an applicant is being invited to “suggest” conditions for imposition on the licence.*
  - The specified paragraph has been reorganised to clarify that the information should be included as part of the risk assessment and not the application form.
4. *Paragraph 4.3 explains the licensing authority’s approach to the imposition of conditions on premises licences. This section would be assisted by a reiteration of the statement referred to above in paragraph 1.7 that the starting point in determining applications will be to grant the application without additional conditions and further that the mandatory and default conditions that attach to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the policies, procedures and mitigation measures contained within the applicant’s risk assessment.*
  - Paragraph 4.3 has been amended to include two additional sentences covering the points raised.

5. *Paragraph 4.9 refers to the Licensing Authority's power to limit the number of betting machines an operator wishes to offer. This section would be assisted if it was redrafted to make a clear distinction between betting machines (where the Licensing Authority has the power to limit numbers) and gaming machines (where it does not.) The holder of a betting premises licence may make available for use up to four gaming machines of categories B, C or D.*
- An additional paragraph has been added to this section to clarify the difference between the types of machines.
6. *Paragraphs 9.1 and 9.2 contain lists of matters that the licensing authority recommends are considered by operators when conducting risk assessments. These lists should be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.*

*SR Code Provisions 10.1.1 and 10.2.2 provide for "relevant matters identified in the licensing authority's statement of licensing policy" to be taken into account. The examples of matters that the licensing authority recommends be considered needs therefore only to reflect matters that are relevant to the licensing objectives.*

*It is impossible to see how issues such as "known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities etc." could pose a risk to the licensing objectives. Similarly, "Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti tagging, underage drinking etc." and the reference to "matters of faith" should both be removed.*

*Finally, the references to, "Gaming trends such as increased levels of gambling activity which, for example, correspond with pay days or benefits payments" in paragraphs 9.1 and 9.2 should be removed as these can only be relevant to an assessment of risk to the licensing objectives if the authority's view is that anyone in receipt of benefits or indeed paid employment is deemed vulnerable or likely to commit crime as a result of gambling.*

- Section 7.2 of the policy refers to the publication 'Tackling gambling related harm – A whole council approach', which identifies groups that are considered more vulnerable. The Council believes that it is important for operators to consider the local area and identify in their risk assessment the steps they will take to prevent these vulnerable groups from being harmed or exploited by gambling. For these reasons, no amendment to the policy is proposed.
- The reference to gaming trends corresponding with paydays or benefit payments was added to the Policy in 2018 following comments received on behalf of a nationwide trade operator during consultation at that time. It was suggested that the previous reference to 'gaming trends' was too vague and examples should be included in the policy. For these reasons, no amendment to the policy is proposed.
- The inclusion of 'matters of faith' and places of worship were commented on during the 2018 consultation. The response given at that time stated that the Gambling Commission's guidance to licensing authorities states 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. The authority considered this point in 2018 and has done so again during this consultation but in light of the above, no amendment to the policy is proposed.



**Doncaster  
Council**

[www.doncaster.gov.uk](http://www.doncaster.gov.uk)

## **Statement of Licensing Policy 2022**

### **Gambling Act 2005**

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

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 sixth 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.

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**  
**Statement of Licensing Policy (Gambling Act 2005)**

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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 was approved at a meeting of the Council on **DATE TBC** and was published and advertised on **DATE TBC**. Notice of the Policy was published on the Council website and posted at the Civic Office, Doncaster and Doncaster Central Library along with a copy of the Policy available for inspection. This Policy takes effect on the **DATE TBC** 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 Office 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

(DRAFT) Doncaster Council Statement of Policy – Gambling Act 2005  
(INTENDED TO BE) Effective from – 2022 - 2025

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**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

The Gambling Act 2005 sets out the licensing objectives, which are:-

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.

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. All applicants for Premises Licences will be required to set out how they will be reasonably consistent with the licensing objectives, as specified in section 1.4, and what measures they intend to employ to ensure compliance with them. When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be 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 17 September 2021 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. 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 operate the premises to be reasonably consistent with 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 Office 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**

The starting point in determining applications will be to grant the application without additional conditions. The mandatory and default conditions that are attached to all premises licences are intended to be sufficient to ensure operation that is reasonably consistent with the licensing objectives.

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.

Additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that is not adequately addressed by the policies, procedures and mitigation measures contained within the applicant's risk assessment.

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 ensure premises are operated in a manner which is reasonably consistent with 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 as 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)

*Gaming machines* – In addition to the above, the holder of a betting premises licence may make available for use up to four gaming machines of categories B, C or D.

#### 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 endeavour 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 as 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 Miner's Welfare Institutes are defined as associations established for recreational or social purposes.

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

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

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

These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

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

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

## **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:-

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)

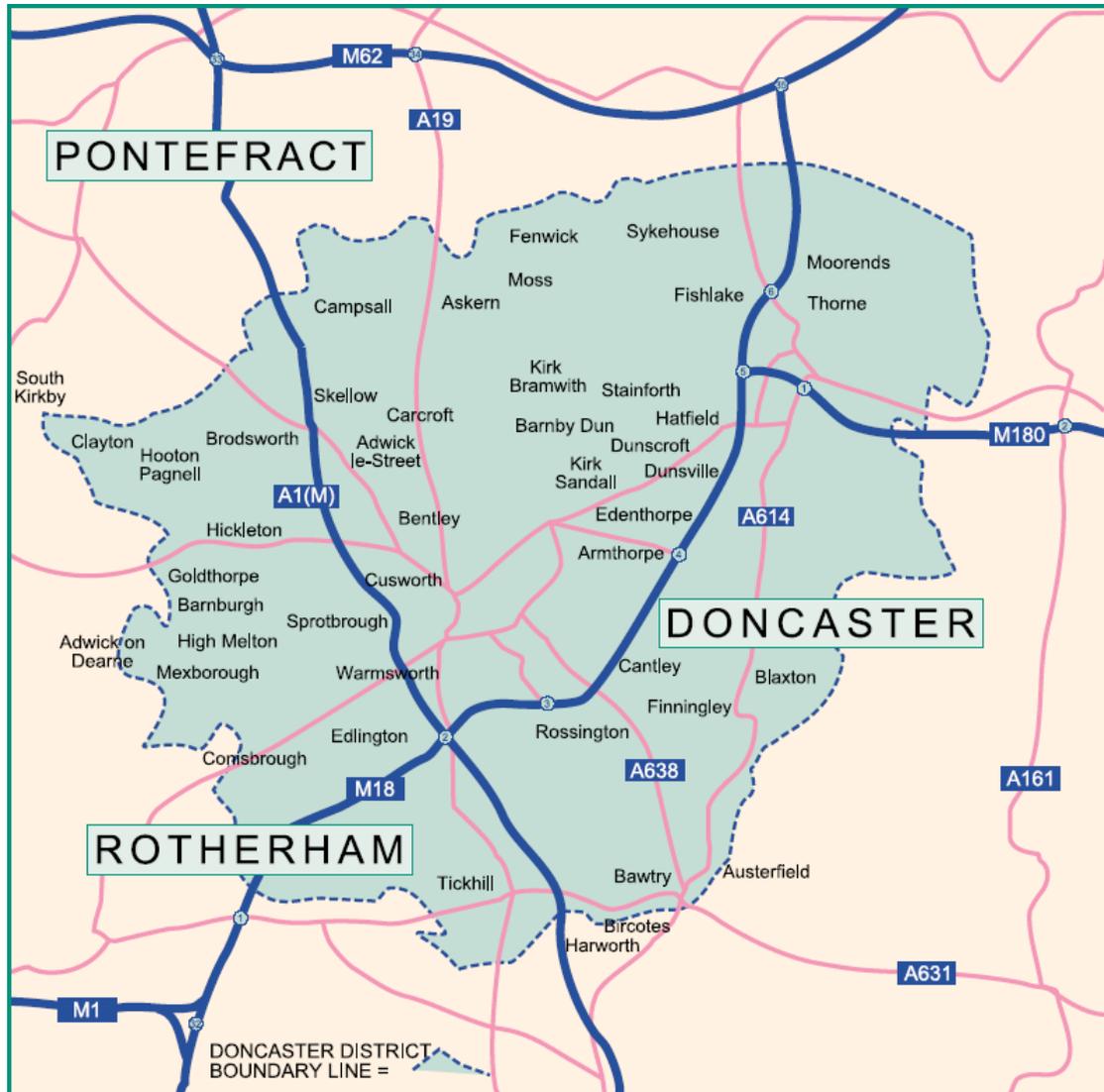
Information is also available from:-

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**

<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 and not withdrawn	Where no representations received/ representations have been withdrawn
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	

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