

# **Licensing Committee**

**Monday 11 October 2021 at 10.30 am**

**To be held at at the Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors David Barker (Chair), Karen McGowan (Chair), Angela Argenzio,  
Lewis Chinchen, Dawn Dale, Roger Davison, Neale Gibson, Ruth Milsom,  
Joe Otten, Josie Paszek, Vickie Priestley, Sioned-Mair Richards, Mick Rooney,  
Cliff Woodcraft and Ann Woolhouse**

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information please contact John Turner on 0114 474 1947 or email [john.turner@sheffield.gov.uk](mailto:john.turner@sheffield.gov.uk)

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING COMMITTEE AGENDA  
11 OCTOBER 2021**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**  
To approve the minutes of meetings of (a) this Committee held on 29<sup>th</sup> March and 19<sup>th</sup> May, 2021 and (b) the Sub-Committee held on 2<sup>nd</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> March, 13<sup>th</sup> and 19<sup>th</sup> April, 11<sup>th</sup> and 17<sup>th</sup> May, 1<sup>st</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 21<sup>st</sup> and 29<sup>th</sup> June, 5<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> July, 9<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup> August and 6<sup>th</sup> and 13<sup>th</sup> September, 2021
- 6. Gambling Act Statement of Principles**  
Report of the Chief Licensing Officer.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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### Licensing Committee

#### Meeting held 29 March 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge, Karen McGowan (Chair), Roger Davison, Neale Gibson, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Sioned-Mair Richards and Mick Rooney.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of meetings of (a) this Committee held on 5th and 26th October 2020 and (b) the Licensing Sub-Committee held on 21st July, 14<sup>th</sup>, 15<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> September, 12<sup>th</sup>, 13<sup>th</sup>, 19<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> October, 9<sup>th</sup>, 17<sup>th</sup> and 23<sup>rd</sup> November and 1<sup>st</sup>, 14<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> December 2020, and 4<sup>th</sup>, 5<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 26<sup>th</sup> January and 9<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> February 2021, were approved as correct records, with the exception of Item 4 – Hackney Carriage and Private Hire Licensing – of the minutes of the meeting of the Licensing Sub-Committee held on 21<sup>st</sup> December 2020, which was amended by the substitution of the words '(NOTE: Councillor Cliff Woodcraft abstained from making a decision in this case.)' for the words '(NOTE: Councillor Cliff Woodcraft voted against the proposal to revoke the licence.)'.

4.2 Arising therefrom, Councillor Cliff Woodcraft referred to the minutes of the meeting of the Licencing Sub-Committee held on 21<sup>st</sup> December 2020, expressing his concerns regarding the information and evidence presented to the meeting, and on which the Sub-Committee had been asked to make a decision. He stated that the taxi company involved had investigated an issue regarding the actions of one of its drivers, which had resulted in the driver being

dismissed. Councillor Woodcraft was concerned that there was no evidence provided by the driver for consideration by the Sub-Committee which, in his opinion, made the evidence very one-sided, in favour of the taxi company.

- 4.3 Marie-Claire Frankie (Solicitor to the Committee) stated that the Licencing Service always requested that participants provide as much information and evidence as possible, and that Members could only make decisions based on the evidence provided. Ms Frankie added that the Council did not have the power to request private companies to provide information they deemed confidential.
- 4.4 Steve Lonnia (Chief Licensing Officer) confirmed that the Licensing Service made every attempt to include all information and evidence provided by participants in reports submitted to the Sub-Committee, and that it was up to Members to give what weight they chose to do so based on the information and evidence provided.
- 4.5 **RESOLVED:** That the Committee:
- (a) notes the concerns now raised by Councillor Cliff Woodcraft, together with the comments now made; and
  - (b) in the light of the concerns, requests the Chief Licencing Officer to (i) look at what paperwork was submitted to the Sub-Committee in this specific case, and (ii) ensure that every effort is made to include all relevant information and evidence in reports submitted to future meetings of the Sub-Committee.

## **5. DETERMINATION OF LICENCE FEES FOR THE FINANCIAL YEAR 2021/22**

- 5.1 The Chief Licencing Officer submitted a report on the determination of licence fees for the financial year 2021/22.
- 5.2 Steve Lonnia (Chief Licensing Officer) reported that, due to the adverse financial impact of the Covid-19 pandemic, he was recommending that there would be no increase or change in the licence fees at this time.
- 5.3 Further to questions raised by Members of the Committee, the Chief Licencing Officer reported that when the fees were set, every effort was made to try and ensure that recovery of monies was as close as possible to the total expected income. For most of the licensing functions, the Licensing Service had a good idea in terms of how many applications would be received, therefore how much income would be generated. He added that any deficit or surplus was generally very low, and would either be absorbed by the Licensing Service or carried over to the next financial year, respectively. Mr Lonnia stated that due to the proposed course of action, there was no financial information contained in the report now submitted. The Licensing Service's accounts were published on the Council website, with past copies of the accounts being available, on request, from Corporate Finance.

5.4 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised; and
- (b) agrees that no increase or change in licence fees is required at this time in the light of the adverse financial impact of the Covid-19 pandemic; and
- (c) requests the Chief Licensing Officer to submit a report to a meeting of the Committee in September 2021, containing proposals regarding an increase or change in the licensing fees at that time.

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**SHEFFIELD CITY COUNCIL**

**Licensing Committee**

**Meeting held 19 May 2021**

**PRESENT:** Councillors Angela Argenzio, David Barker, Lewis Chinchon, Dawn Dale, Roger Davison, Neale Gibson, Mohammed Mahroof, Karen McGowan, Ruth Milsom, Joe Otten, Josie Paszek, Vickie Priestley, Sioned-Mair Richards, Mick Rooney and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. APPOINTMENT OF JOINT-CHAIRS**

2.1 RESOLVED: That Councillors David Barker and Karen McGowan be appointed Joint Chairs of the Licensing Committee for the Municipal Year 2021/22.

**3. DATES AND TIMES OF MEETINGS**

3.1 RESOLVED: That meetings of the Committee or Sub-Committee be held on Mondays and Tuesdays weekly, either at 10.00 am or 2.00 pm, as determined by the Chair.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 2 March 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge (Chair), Roger Davison and Ruth Mersereau

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#### **1. APOLOGIES FOR ABSENCE**

1. No apologies for absence were received. Councillor Neale Gibson attended as a reserve Member, but was not required to stay.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

- 2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

- 3.1 There were no declarations of interest.

#### **4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 4.2 The licence holder in Case No. 08/21 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No. 09/21 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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08/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder (a) be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current and subsequent licence and (b) be required to complete the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver'.
09/21	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 8 March 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Joe Otten and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) REGULATIONS 2018 - DOG BREEDING - BARBARIAN CORSO KENNEL**

4.1 The Chief Licensing Officer submitted a report on an application made under the Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018 for a review of a licence for breeding dogs in respect of the Barbarian Corso Kennel (Ref No. 11/21).

4.2 Present at the meeting were Mark Parry (Environmental Enforcement Team Manager), Shaun Bell (Animal Control Welfare Officer) and Lindsey Hodkin (Animal Health Inspector) (Environmental Regulation, Applicants), Carmen Pintea (Licence Holder), Claire Bower (Principal Licensing Policy and Strategy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Claire Bower presented the report to the Sub-Committee and stated that references submitted by the licence holder had been circulated to Members of the Sub-Committee prior to the hearing.

4.4 Mark Parry, on behalf of the applicants, reported that on 27th January 2020, Ms Pintea had pleaded guilty in Court for failing to notify the Department for Environment, Food and Rural Affairs (DEFRA) of a trade import of dogs. He stated that the facts surrounding the conviction gave the Environmental Regulation Service cause for concern regarding a potential risk to the welfare of

the animals covered by the licence. Ms Pinteia had advised that she had never seen the dogs, and that they were being imported as part of her breeding programme. Mr Parry stressed that any trade imports required a Health Import Certificate and notification being given to DEFRA. In addition, the dogs were required to be kept at the import address and inspected by a vet. It was indicated that Ms Pinteia was now claiming that the dogs had been imported as pets, although she had never seen them. When officers from the Environmental Regulation Service visited Ms Pinteia's address to investigate the import, the dogs were not there, and had been passed on to other addresses, meaning that if any of them had any diseases, it could have been spread. As well as stating that she had mistakenly forgotten to inform DEFRA, Ms Pinteia also contrived to import the dogs as pets, which did not require the notification to DEFRA. Mr Parry added that Ms Pinteia had claimed that she was familiar with trade imports. She had been advised by her partner that the dogs had been imported from Serbia, therefore would have been aware that the rabies control measures had not been observed, but she had not informed the authorities. The Service had further concerns following a visit made to the Pinteia's premises in June 2020, and Mr Parry referred to the written statements of Shaun Bell and Lindsey Hodkin, which were included in the agenda papers, made after such visit. The officers had found that the number of dogs on the premises had exceeded the maximum number allowed under the licence, and that a cropped and docked dog had been imported from Romania. Ms Pinteia claimed that this dog was old, therefore could not be quarantined. It was further found that Ms Pinteia had provided a false address on the Health Import Certificate and had made notifications to this address. Mr Parry concluded by stating that Ms Pinteia had made allegations of racism towards his Service, which the Service disputed, and he indicated that no formal complaints had been received to this effect.

- 4.5 In response to questions raised by Members of the Sub-Committee and Ms Pinteia, Mr Parry stated that breeders were able to sell those dogs they had bred themselves, but not dogs that they had brought in for sale. Reference was made to this requirement set out in the specific conditions - Breeding of Dogs (Schedule 6 of the Regulations) under the heading Advertisements and Sales. The licence holder was able to sell any dogs she deemed no longer fit for purpose, but the dog advertised in this case had not been born or bred on her premises.
- 4.6 Ms Pinteia stated that the three dogs in question had been registered in Romania, in her partner's name, under the official database of dogs with owners. She did not make any arrangements with regard to the importation of the dogs, or for the dogs to be cropped or docked. All these arrangements and decisions had been made by her partner, and to which he had pleaded, and found, guilty in Court. Ms Pinteia accepted that she had made a mistake in failing to inform DEFRA, and stated that the reason for this was that every time she had imported a dog under the Traces Scheme in the past, the company transporting the dogs had always completed the relevant paperwork and informed DEFRA. She stressed that she would never put any of her dogs at risk, and stated that Shaun Bell had witnessed that the imported dogs were being kept separate to her other dogs. She disputed the Animal Enforcement Team's accusations that the dogs had been imported without the relevant Health Import Certificates, and displayed

relevant paperwork to Members and officers at the hearing. Ms Pinteia had granted written permission for her partner to travel with the dogs. She stated that she had complied with all the officers' requests for information throughout the case. In terms of the issue regarding her address, Ms Pinteia stated that she had two addresses registered with DEFRA and, as an error, DEFRA had chosen the wrong address when importing the data onto the Traces Scheme database. Ms Pinteia stated that she had felt intimidated by officers during visits, and that she had received threats and racist abuse from other sources due to actions which have not been of her own doing. She stated that there were numerous advertisements on the pets4homes website, which were obviously not being regulated, and that the cropping and docking of dogs was still accepted in Romania. During the visit by officers in June 2020, it was noticed that there were ten dogs on the premises, which exceeded the number allowed, but Ms Pinteia informed the officers that some of the dogs were either too young or too old for breeding. She stated that her bitches had no more than three litters in their lifetime, although they were able to have six litters under the licence. Ms Pinteia concluded by stating that she would often take her dogs abroad for showing, and that she would never put the welfare of any of her dogs at risk.

4.7 In response to questions from Members of the Sub-Committee, Ms Pinteia stated that whilst one of the puppies brought into the country had been sold, this was not her dog, but was owned by her partner. It was accepted that he had asked Ms Pinteia to place the advertisement for the sale of the dog, but they were not her dogs. Ms Pinteia stated that she believed that the three puppies were pets, and that one was sent to a friend in Spain, one was to be placed in a guardian home and the remaining puppy was kept by Ms Pinteia, presently as a pet. The puppy advertised for sale had been advertised through the business. The dogs had only been in Romania, where they had been cropped and docked, despite her partner saying that they had been to Serbia. During the visit in June, officers had found ten dogs on the premises, six of which were for breeding and the remaining four having been retired, one of which had been rehomed. Ms Pinteia confirmed that since May 2020, she had operated as an authorised animal transporter, and that she held both UK and European licences, and always complied with the regulations when transporting dogs across the UK and Europe. She had also invested in a suitable transport vehicle to ensure the best welfare of the dogs when travelling. She held all the relevant transportation certificates and had undertaken all the relevant customs training. The mother of the three puppies was co-owned by her partner and his friend. Ms Pinteia confirmed that it was still legal in Romania to have dogs cropped and docked if it was for the preservation of a breed, which included the Corso and Doberman. Ms Pinteia confirmed that she had been convicted of a similar offence relating to the importation of dogs in September 2013, but that it was her auntie who had arranged this, and she had helped her auntie to sell the dogs in the UK.

4.8 In response to questions from the Solicitor of the Sub-Committee, Ms Pinteia stated that she had pleaded guilty in January 2020, on the advice of a solicitor, which advice had subsequently been found to be incorrect. She was not clear as to who she needed to inform, therefore pleaded guilty as, mistakenly, she had not informed DEFRA of the dogs arriving in the UK. Ms Pinteia stated that whilst her partner did not regularly import dogs to the UK, he did import the three puppies,

which he had got from a friend in Romania. Ms Pinteia confirmed that she owned the kennels as part of the business, and accepted that any dogs being brought into the kennels were her responsibility. She added, however, that in this case, she did not know that the puppies were being brought in. In terms of the layout of the premises, there was a separate kennel on the first floor which, unless operated by a human, did not allow for access to the kennels on the ground floor. Any new arrivals were placed in these kennels and had no contact with the other dogs. All new arrivals were placed in the kennels upstairs for a minimum of 21 days regardless of whether they had been imported through the Traces or Pets Schemes. Ms Pinteia stated that as well as importing dogs for herself, through the Traces Scheme, she also imported dogs at the request of others. Her bitches would usually have three litters a year, but only if there was demand. Ms Pinteia's partner did not travel to Romania to mate a male dog, but used semen he had stored in Romania. He had told Ms Pinteia that he had visited Romania to see relatives. One of the puppies had been sent to a guardian home after the 21 days in quarantine, one puppy had been kept for a while before being sent to a friend in Doncaster for one-to-one training, and the third puppy had been sold to someone in Surrey for approximately £2,500. In terms of the puppy sent to the guardian home, the homeowner (Rebecca) would be expected to keep Ms Pinteia informed as to its progress. After being health tested, and after being shown in official FCI (Federation Cynologique Internationale) shows, and receiving two excellent results, it would then enter the breeding programme.

- 4.9 In response to further questions from Members of the Sub-Committee, Ms Pinteia confirmed that the three puppies belonged to her partner, and that they had been born in July 2020, and imported to the UK on 2nd November 2020. They had been living with her partner's friend in Romania. Ms Pinteia admitted that she should have made further checks on the puppies. Whilst she usually kept in touch with the new owners of her dogs, she lost contact with the owner of the guardian home (Rebecca) for a few months, which caused her considerable upset. She has since heard that the dog was still in Spain and progressing well. Ms Pinteia stated that she would not have more than one litter a year from each bitch, with the maximum allowed, under the licence, being four. If the decision was taken to revoke the licence, the dogs would no longer be able to be sold under the licence, therefore would have to be kept or given away.
- 4.10 Mark Parry and Carmen Pinteia summarised their cases.
- 4.11 Claire Bower outlined the options available to the Sub-Committee.
- 4.12 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

- 4.14 RESOLVED: That, in the light of the information contained in the report now submitted, and the additional information circulated prior to the hearing, together with the representations now made and the responses to the questions raised, the licence for breeding dogs at the Barbarian Corso Kennel be revoked (Ref No.11/21).

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written notice of determination.)

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 15 March 2021**

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Dawn Dale and Sioned-Mair Richards

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Josie Paszek.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No.12/21 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.13/21 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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12/21	Application to renew an extension of a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
13/21	Application to renew an extension of a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 16 March 2021**

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge (Chair) and Neale Gibson

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from a Councillor Douglas Johnson.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to a review of a Hackney Carriage and Private Hire Driver's Licence (Case No. 14/21).

4.2 The licence holder attended the hearing and addressed the Sub-Committee.

4.3 RESOLVED: That after consideration of the information contained in the case papers relating to a review of a hackney carriage and private hire driver's licence, and the information reported at the meeting, the Sub-Committee determines that the licence be immediately suspended under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, until such time the licence holder completes (a) the advanced driving test and (b) the Level 2 Certificate 'The Introduction to the Role of a Professional Taxi and Private Hire Driver', on the grounds that the Sub-Committee no longer considers him to be a fit and proper person to hold a licence.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 22 March 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Joe Otten, Cliff Woodcraft and Vickie Priestley

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the public and press.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) REGULATIONS 2018 - DOG BREEDING - BARBARIAN CORSO KENNEL**

4.1 The Chief Licensing Officer submitted a report to consider an appeal against the revocation of a licence for breeding dogs, made under the Animal Welfare (Licencing of Activities Involving Animals) Regulations 2018 in respect of the Barbarian Corso Kennel (Ref No. 15/21).

4.2 Present at the meeting were Carmen Pintea (Licence Holder), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee and stated that on 8<sup>th</sup> March, 2021, the Licensing Sub-Committee considered a review of the licence made by the Animal Control and Enforcement Team, and subsequently revoked the licence and the determination notice is attached at Appendix "A" to the report. The licence holder submitted an appeal against the decision and this is attached at Appendix "B" to the report.

- 4.5 Carmen Pinteia stated that her partner had taken the decision to import the three puppies in question from Romania and did so without her knowledge, and it was this decision that had subsequently impacted on her. She stated that she would never put the lives of her dogs at risk and all the dogs she had imported over the past five years have been imported with the correct documentation. Ms. Pinteia said that she did not know the dogs were coming into the country until the day before they arrived, but that her partner had taken the decision and had implicated her indirectly with his actions.
- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Carmen Pinteia stated that she had been unable to prevent the animals being imported into the country and gave an assurance that her partner would not be involved in the business in future. She referred to an interview she had had with the Animal Welfare Team in 2019 and stated that the information she had given to them was confidential. Ms. Pinteia felt unsafe to speak on live stream due to fear of her safety, and that the information that she provided during an investigation that was carried out in December, 2019 under the Trade in Animals and Related Products Regulations (TRACES) had never been disclosed to the Licensing Service. Marie-Claire Frankie stated that she had a vague recollection of the report following the interview and was aware of the sensitive nature of the information contained within it and felt that the hearing should be closed to the public and press, to give Ms. Pinteia the opportunity to inform Members of why she was unable to discuss certain matters in public.
- 4.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The appellant then outlined her reasons for not disclosing in public the information she had provided during the investigation which had been carried out in 2019.
- 4.9 At this point in the proceedings, the meeting was re-opened to the public and press.
- 4.10 Carmen Pinteia stated that all the dogs in her care were well looked after and were part of her family. She produced a reference from Cane Corso UK Molosser Rescue regarding care she gave to their animals. She said none of her dogs entered the breeding programme until they reached the age of two when all necessary health and temperament tests had been carried out and were developed to an excellent standard. She again reiterated that the incident was a one-off and would never happen again.
- 4.11 Jayne Gough outlined the options available to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the appeal be excluded from the meeting before further discussion takes place on the grounds

that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.14 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the licence in respect of the Barbarian Corso Kennel (Ref No. 15/21), be amended with the following conditions:

- (a) all animals on the premises must have been imported by the licensee;
- (b) the paperwork relating to the imported dogs must be kept on the premises for the lifetime of the dog and made available to officers on request;
- (c) all business decisions must be made personally by the licensee; and
- (d) the premises and its paperwork are to be inspected quarterly for the next 12 months.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 23 March 2021**

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge (Chair) and Douglas Johnson

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Sioned-Mair Richards and Mick Rooney.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (Item 4 of these minutes), on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to a renewal of a Hackney Carriage and Private Hire Licensing (Case No.03/21).

4.2 The applicant attended the hearing and addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and information reported at the meeting, the Sub-Committee determined (a) to grant a licence for the term of one year, as requested, but in the light of the repeated offences and convictions now reported, the applicant be given a written warning as to his future conduct, to remain live for the term of the licence and (b) the applicant be required to complete the 'The Introduction to the Role of Professional Private Hire and Taxi Driver' course.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 13 April 2021**

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Andy Bainbridge (Chair), Neale Gibson and Bob Pullin

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Roger Davison attended the meeting as a reserve Member, but was not required to stay.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to an application for the renewal of a hackney carriage and private hire driver's licence (Case No. 16/21).

4.2 The applicant attended the meeting with a representative, and they both addressed the Sub-Committee.

4.3 RESOLVED: That after consideration of the information contained in the case papers relating to an application for the renewal of a hackney carriage and private hire driver's licence, the information reported at the meeting and information circulated prior to the hearing, (a) a licence be granted for one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be (i) requested to complete the Level 2 Certificate - The Introduction to the Role of a Professional Taxi and Private Hire Driver during the term of the licence and (ii) given a written warning as to his future conduct, to remain live for the term of the licence.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 19 April 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Vickie Priestley and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Josie Paszek.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (Item 4 of these minutes), on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 17/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 18/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
17/21	Application for a new Hackney Carriage and Private Hire Driver's	Grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant

	Licence	to be a fit and proper person to hold a licence.
18/21	Application to be exempted from certain conditions of a Private Hire Vehicle Licence	Due to the bespoke nature of the business, the applicant be exempted from those conditions requiring the rear window tints to allow enough light through the vehicle and that the vehicle only has four seats, including the driver's seat, and therefore does not have capacity to carry a minimum of four passengers, with the exemptions only applying (a) if the vehicle does not become part of the taxi fleet and (b) bookings to hire the vehicle are made through City Connect for a minimum of one hour.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 11 May 2021**

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Joe Otten and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 07/21 attended the meeting and addressed the Sub-Committee.

4.3 The applicant in Case No. 19/21 attended the meeting with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That after consideration of the information contained in the case papers, the information now reported and the information circulated prior to, or at, the meeting, the cases be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
07/20	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the evidence provided, a decision in the case be deferred to enable the licence holder to seek representation,

with the specific aim of seeking information in relation to the offence now reported, and a further hearing be arranged at the earliest possible date.

19/21	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence but, given the offences now reported, the licence be granted for the shorter term of 12 months and (b) the applicant be given a written warning as to his future conduct, to remain on his licence for the one-year term now granted and for the term of any subsequent licence up to three years.
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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 17 May 2021**

**PRESENT:** Councillors Karen McGowan (Chair), Dawn Dale and Roger Davison

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Douglas Johnson.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Ref No. 20/21).

4.2 Present at the meeting were David Clutterbrook, Lisa Narsden and Neil Bates (Sheffield Trading Standards, Applicants), Victoria Cartmell (Forrest Solicitors, for the Premises Licence Holder), the Premises Licence Holder, Maureen Hanniffy (Sheffield Children Safeguarding Partnership), Jayne Gough (Licensing Authority), Claire Bower (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Claire Bower presented the report to the Sub-Committee, and it was noted that representations had been received from the Licensing Authority, South Yorkshire Police and the Sheffield Children Safeguarding Partnership, and were attached at Appendix 'D' to the report. Ms Bower reported that, shortly before the meeting, an application for the transfer of the premises licence had been received by the Licensing Service, and that the new premises licence holder was present at the meeting.

- 4.5 David Clutterbrook reported on the grounds as to why the application had been made by Trading Standards.
- 4.6 David Clutterbrook and representatives of the other responsible authorities in attendance responded to questions from Members of the Sub-Committee.
- 4.7 Maureen Hanniffy made representations on behalf of the Sheffield Children Safeguarding Partnership, and responded to questions from Members of the Sub-Committee.
- 4.8 Jayne Gough made representations on behalf of the Licensing Authority, and responded to questions from Members of, and the Solicitor to, the Sub-Committee and representatives of the other responsible authorities.
- 4.9 Victoria Cartmell presented the case on behalf of the premises licence holder, and she and the PLH responded to questions from Members of, and the Solicitor to, the Sub-Committee, and representatives of the responsible authorities.
- 4.10 David Clutterbrook and the representatives of the other responsible authorities in attendance summarised their cases.
- 4.11 Claire Bower outlined the options open to the Sub-Committee.
- 4.12 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee, in respect of the premises now mentioned (Ref. No. 20/21):-
- (a) agrees that the premises licence be suspended for three months; and
  - (b) requests that the premises licence be modified by the addition of the following conditions:-
    - (i) All staff are to undertake the Sheffield Children Safeguarding Partnership training;
    - (ii) One personal licence holder must be on the premises at all times that alcohol is available for sale;
    - (iii) The Challenge 25 scheme will be operated at the premises;

- (iv) The refusals book (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused, with such records to show:-
  - the basis for the refusal;
  - the person making the decision to refuse; and
  - the date and time of the refusal;
- (v) Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection by the Police or any other authorised person on request. The refusal log will be checked and signed off regularly by management. This document may be in a digital form; and
- (vi) All alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme Number for that supplier. Invoices will be retained on the premises for a minimum of 12 months and will be provided on request to a Police Officer or authorised officer of Sheffield City Council with a reasonable and valid reason for doing so. All items sold in the premises are to be entered into the till and receipts given.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 1 June 2021**

**PRESENT:** Councillors David Barker (Chair), Roger Davison and Joe Otten

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted reports on two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 25/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 24/21 attended the hearing and addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers and the information now reported, the cases now submitted be determined as follows:

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
25/21	Application to renew a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are unique and exceptional reasons to deviate from the current policy on the age limit of vehicles.

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| 24/21 | Application to renew a Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence but, given the circumstances now reported, the licence be granted for the shorter term of one year and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence, and for the term of any subsequent licence up to three years. |
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(NOTE: Councillor Davison was not present at the meeting during consideration of Case No. 25/21)

**5. LICENSING ACT 2003 - BEER DOG, 108 CHARLOTTE ROAD, SHEFFIELD, S1 4TL**

- 5.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Beer Dog, 108 Charlotte Road, Sheffield, S1 4TL (Case No. 26/21).
- 5.2 Present at the meeting were Raimonds Dobelnieks (Applicant), Andy Chilton (Area Manager, Beer Dog Ltd), Craig Harper (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure to be followed during the hearing.
- 5.4 Andy Chilton, on behalf of the applicant, stated that he and Mr Raimonds were both personal licence holders, having considerable experience in operating licenced premises, and were fully aware of their rights and responsibilities under the licencing rules. The application involved bringing a vacant premise, which was situated in a prominent location, at the intersection of four roads, back into active use, to support the expansion of their existing portfolio of businesses in the city. Mr Chilton stated that the plan was to sell craft beers, including local ales, with plans to sell artisan food at a later stage. Whilst the concerns of local residents regarding the opening hours were acknowledged, he stated that the licence would seek to maximise potential trading hours given the impact of the Covid-19 pandemic on current trading conditions. The applicant would then give consideration to more limited operating hours if this remained a concern in the future. Also, it was stated that it was not the intention to directly compete with local businesses. In terms of concerns raised regarding the prevention of crime, disorder or public nuisance, Mr Chilton stated that he and Mr Raimonds both lived near the premises, and understood the proximity of the premises to residential properties, and would manage the premises to encourage both staff and customers to be respectful of their neighbours when entering and leaving the premises. This would include staff training and ongoing training, and active management measures, such as dispersal procedures to prevent customers gathering outside. It was noted that existing businesses in the area operated on

a similar basis, and the applicants would be happy to work together with such businesses to ensure a positive neighbourhood impact. With regard to public safety, it was reported that the applicant would be installing CCTV and appropriate lighting to monitor the premises, which would also hopefully act as a deterrent to crime and disorder in the area. The applicants would also work closely with the Council to support any local crime prevention initiatives, as well as co-operating, as needed, with policing and environmental health regimes. The applicants have undertaken a risk assessment of the premises to ensure the safety of potential customers and staff, and would hold this on the premises for inspection should the licence be granted. In terms of the protection of children from harm, both Mr Chilton and Mr Raimonds had recently completed the Council's safeguarding course, and would continue to uphold the advice received from such training. They would also arrange training of all staff in respect of applying the Challenge 25 policy, with a refusal log being maintained at all times. Mr Chilton concluded by stating that the applicant viewed the application as an excellent opportunity to bring back a vacant premise back into use, thereby expanding their existing businesses to support the viability of the local community.

- 5.5 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, Mr Raimonds stated that the requested opening hours of 07:00 to 01:00 hours, Friday and Saturday, was only so that they could test the market, and that it was not likely that the premises would remain open at these times in the future. In terms of past experience, Mr Raimonds stated that he had worked in food manufacturing, and was currently involved in a number of businesses, which included a tattoo shop, other off licences and a pub. Mr Chilton confirmed that they intended to sell high-end drinks, therefore would not be competing with other off licences in the local area.
- 5.6 Craig Harper outlined the options available to the Sub-Committee.
- 5.7 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, in the light of the information contained in the report now submitted, the information reported at the hearing and the responses to the questions raised, a premises licence in respect of the Beer Dog, 108 Charlotte Road, Sheffield, S1 4TL (Case No. 26/21) be granted in the terms requested.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of determination.)



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 7 June 2021**

**PRESENT:** Councillors Karen McGowan (Chair) and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Josie Paszek.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 23/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 27/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 28/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 21/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers, the information now reported, and circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
23/21	Review of a Hackney Carriage	(a) The licence be re-instated on the grounds that the Sub-Committee considers the licence

	and Private Hire Driver's Licence	holder to be a fit and proper person to hold a licence, (b) he be required to provide the results of four negative drug tests a year, for two years, with the licence only being re-instated on the receipt of the first negative result and (c) be given a final, written warning as to his future conduct, to remain live for the term of the licence, and for the term of any subsequent licence up to three years
27/21	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
28/21	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) The licence be re-instated, (b) the licence holder be requested to provide the results of four negative drug tests within a period of 12 months, with the licence only being re-instated on the receipt of the first negative result and (c) the driver be given a final, written warning as to his future conduct, to remain live for the term of the licence.
21/21	Application for a Private Hire Vehicle Licence	Due to the bespoke nature of the business, the applicant be exempted from those conditions requiring (a) the rear window tints to allow enough light through the vehicle, (b) a door open sign in the rear window to be clearly visible when the off-side and near-side sliding doors open, and to be wired separately from the interior lights so only illuminated when the doors open, and not when the interior lights are illuminated with doors closed and (c) the display of the signage and licence plate issued to the vehicle, with the exemptions only applying (i) if the vehicle does not become part of the private hire fleet and (ii) bookings to hire the vehicle are made through City Connect for a minimum of one hour.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 8 June 2021**

**PRESENT:** Councillors Neale Gibson, Joe Otten and Cliff Woodcraft

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That, in the absence of the Chair of the Sub-Committee (Councillor David Barker), Councillor Joe Otten be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 An apology for absence was received from the Chair (Councillor David Barker).

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 No items were identified where resolutions may be moved to exclude the public and press.

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. LICENSING ACT 2003 - BOHEMIA, 173-179 WEST STREET, SHEFFIELD, S1 4EW**

5.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence made under Section 34 of the Licensing Act 2003 in respect of premises known as Bohemia, 173-179 West Street, Sheffield, S1 4EW (Ref No.30/31).

5.2 Present at the meeting were Jonathan Round (Environmental Health Officer), Chris Grunert (Solicitor for the Applicant), Gordon Codona (Operator of the premises), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

5.4 Jayne Gough presented the report to the Sub-Committee and it was noted that representations had been received from a member of the public on behalf of numerous people in the local area and from the Environmental Protection Service

and were attached at Appendix “C” to the report. Ms. Gough stated that the public objector had requested to remain anonymous for personal safety reasons. Chris Grunert asked for clarification as to whether the person who had submitted the objection singularly had the support of the other persons mentioned in the report, to which Ms. Gough confirmed that that was the case.

- 5.5 Jonathan Round stated that prior to the hearing the Environmental Protection Service had held discussions with the applicant and it had been agreed to amend Condition 17 which stated that there would be 18 tables with 108 seats available, with the aim of breaking up the external area so that it would not become a vertical drinking area and thereby reducing noise breakout. Jonathan Round stated that the Environmental Protection Service were not objecting to the extension of the space, just the use of external speakers in the space. He felt that Condition 15 should remain so that there would be no external speakers after 10 p.m. Jonathan Round stated that to set the level of a noise limiter for differing times and days proved difficult for his Service as assessments of ambient noise would require to be made at varying times of the day, evening and night. He added that noise levels at 10.00 p.m. on a Tuesday night would be totally different to the noise at the same time on a Friday or Saturday night.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Round stated that it was very difficult to look at noise levels as the level varied from day to day, but it was something that the Environmental Protection Service would do in the event of complaints being received regarding noise nuisance. He said that there had been a noise report produced as part of the planning application for the premises and, on appeal, the curfew of 10.00 p.m. on amplified sound had been agreed. Chris Grunert stated that the planning application doesn't set the number of people allowed, but during the pandemic times had been difficult, and the proposal was for 18 tables to be put in place with a maximum of 108 people. Outdoor areas were very popular and he indicated that no-one would be standing. He believed the number of tables was substantial as the area could hold 24 tables, but 18 were sufficient for purposes of social distancing. The basis of the original objection was that currently the upper terrace was open to 3.00 a.m, but asked how many people would wish to remain outdoors after midnight, and if the speakers were switched, people would not be tempted to stay outside. There was no objection to space.
- 5.7 Chris Grunert stated that the application was to vary two conditions on the licence and that there was no intention to extend recorded music. He said that the application was so that the lower tier to the premises could operate the same as the upper tier. He asked that Condition 15 be removed and suggested an alternative to this condition, which would be the level of noise emitted from the speakers. Mr. Grunert said that any audibility after 10.00 p.m. each night would be set by Environmental Health Officers and would be at different levels on different times of the day and on different days of the week. He stated that the applicant wished to get as much value from the application and that “indoor only” music would stay the same, the application was not seeking to change that. Mr. Grunert reported that the applicant already operated in a number of areas around the country and had not received any complaints. He added that since the easing of lockdown in April, the premises had remained open until midnight and

there had not been any complaints from the local residents or surrounding businesses. He said the premises were staffed by both bar and door staff at all times and believed that if the variation was granted, the licensing objectives would not be undermined.

- 5.8 In response to questions from Members of the Sub-Committee, Gordon Codona stated that since the easing of lockdown, he had been using Temporary Event Notices (TENS) and had not received any complaints regarding noise. He said that the premises had operated as proposed, noise having been kept within manageable parameters. He added that Covid restrictions had determined how loud music could be played and that customers had not had to shout to be heard over the sound of the music. He stated that inside the premises there was a DJ and outside, background music was played from a playlist. Mr. Codona said that he had used about five or six TENS so far, on Friday and Saturday nights and Bank Holidays, but had not used them on Monday afternoons.
- 5.9 Mr. Grunert stated that all venues operated using noise limiters, which were computerised to change by the hour, day by day and were only accessible via a laptop, which meant that no-one could override it if they so wished. He said that when the business returned to normal when restrictions were eased, the Environmental Protection Service could visit the premises to check the noise levels. There was no intention to move away from the Conditions already in place. Mr. Grunert added that the indoor and outside areas were zoned, the indoor area operating as a late-night venue, and the outside operating with no recorded music, nor singing or dancing etc. The sound limiters for the internal and external areas were set at completely different levels. It was accepted that background music might increase voice levels and that if this was the case, the speakers would be switched off.
- 5.10 Mr. Codona stated that there were two external areas, the ground floor level was accessed from West Street and this was licensed until 3.00 a.m. The purpose of the application was to regularise both areas, with a condition to allow 18 tables and a maximum of 108 persons in that area.
- 5.11 Chris Grunert summarised the application stating that it was not the applicant's intention to create a nuisance and undermine the licensing objectives. He had concerns that the objector was not present, thereby negating the opportunity to question the reasons behind the representations.
- 5.12 Jayne Gough outlined the options open to the Sub-Committee.
- 5.13 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph five of Schedule 12A to the Local Government Act 1972, as amended
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

5.16 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the variation of the premises licence in respect of the premises known as Bohemia, 173-179 West Street, Sheffield S1 4EW (Ref 30/21), subject to the amended, proposed condition and amended condition 15, as follows:

(a) the lower tier of the external area shall have 18 tables in situ at all times and seating for 108 people;

(b) no speakers shall be operated in any external area of the premises unless the maximum operational noise level has been set and agreed in advance with the Environmental Protection Service.

(c) no external speakers shall be used after 23:00 hours on any day; and

(d) existing conditions 15 and 17 be removed.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).

**6. LICENSING ACT 2003 - CLUB BAIZE, 14 WEST STREET, BEIGHTON, SHEFFIELD, S20 1EP**

6.1 This item of business, to consider an application for a premises licence in respect of Club Baize, 14 West Street, Beighton, Sheffield, S20 1EP, (Ref No.31/21) (Item 6 on the agenda), was withdrawn from consideration by the Sub-Committee at the request of the applicant.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 21 June 2021

**PRESENT:** Councillors Karen McGowan (Chair), Mohammed Mahroof and Joe Otten

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended as a reserve Member, but was not required to stay.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 22/21 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 33/21 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
22/21	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow for the applicant to obtain a decision from the Police as to whether they intend to pursue the case.
33/21	Renewal of a Hackney	(a) Grant a licence for the term of three

Carriage and Private  
Hire Driver's Licence

years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct and be informed that if there are any further offences during the term of the licence, the licence will be brought back to the Sub-Committee.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 29 June 2021**

**PRESENT:** Councillors David Barker (Chair), Angela Argenzio and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended as a reserve Member, but was not required to stay.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to a review of a Hackney Carriage and Private Hire Driver's Licence (Case No.34/21).

4.2 The licence holder attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 RESOLVED: That after consideration of the information contained in the case papers relating to a review of a hackney carriage and private hire driver's licence, and the information reported at the meeting, the Sub-Committee determines that, due to the number of warnings received by the licence holder, the licence be suspended for a period of one month, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 5 July 2021**

**PRESENT:** Councillors Karen McGowan (Chair), Lewis Chinchon and Joe Otten

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Josie Paszek attended the meeting as a reserve Member, but was not required to stay

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 07/21 attended the meeting and addressed the Sub-Committee.

4.3 RESOLVED: That after consideration of the information contained in the case papers, and the information now reported, the Sub-Committee defers making a decision in Case No. 07/21, and requests (a) that the applicant (i) submit a Disclosure and Barring Service Certificate and information from South Yorkshire Police relating to the offence now mentioned, to the Licensing Service at the earliest possible opportunity and (ii) seeks representation at a future hearing, and (b) the Chief Licensing Officer to arrange a further hearing as soon after the receipt of such information as possible.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 19 July 2021**

**PRESENT:** Councillors Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from the scheduled Co-Chair of the Sub-Committee (Councillor David Barker) and Councillor Neale Gibson.
- 1.2 The meeting went ahead with only one Member present, as permitted under existing legislation.

**2. EXCLUSION OF PUBLIC AND PRESS**

- 2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

- 3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in case No. 37/21 attending the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 38/21 attended the hearing and addressed the Sub-Committee.
- 4.4 The applicant in Case No. 39/21 attended the hearing and addressed the Sub-Committee.
- 4.5 **RESOLVED:** That, after consideration of the information in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
37/21	Application to extend a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
38/21	Application to extend a Private Hire Vehicle Licence	(a) Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles and (b) the applicant be requested to arrange an MOT during the six-month period.
39/21	Application to extend a Private Hire Vehicle Licence	(a) Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles and (b) the applicant be requested to arrange an MOT during the six-month period.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 20 July 2021

**PRESENT:** Councillors Roger Davison

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#### **1. APPOINTMENT OF CHAIR**

- 1.1 RESOLVED: That, in the absence of the scheduled Co-Chair of the Sub-Committee (Councillor David Barker), Councillor Josie Paszek be appointed Chair of the meeting.

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 Apologies for absence were received from the scheduled Co-Chair of the Sub-Committee (Councillor David Barker) and Councillor Sioned-Mair Richards.

#### **3. EXCLUSION OF PUBLIC AND PRESS**

- 3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

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

- 4.1 There were no declarations of interest.

#### **5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

- 5.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 40/21 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 5.3 The licence holder in case No. 41/21 attended the hearing and addressed the Sub-Committee.
- 5.4 The applicant in Case No. 42/21 did not attend the hearing and, as no prior notice had been received from him, the Sub-Committee considered his case in his absence.
- 5.5 RESOLVED: That, after consideration of the information contained in the case papers, the information now reported and, where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
40/21	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence but, given the conviction now reported, the licence be granted for the shorter term of 12 months and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.
41/21	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Re-instate the licence on the grounds that the Sub-Committee now considers the licence holder a fit and proper person to hold a licence and (b) the licence holder be (i) given a written warning as to his future conduct, to remain live for the term of the re-instated licence and (ii) required to complete the Level 2 Certificate "The Introduction to the Role of a Professional Taxi and Private Hire Driver" before the expiry of his next licence.
42/21	Application to extend a Hackney Carriage Vehicle Licence	Refuse to extend the licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 27 July 2021**

**PRESENT:** Councillors Vickie Priestley and Mick Rooney

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That in the absence of the Co-Chairs of the Sub-Committee (Councillors David Barker and Karen McGowan), Councillor Mick Rooney be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 An apology for absence was received from Councillor Sioned-Mair Richards.

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

5.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

5.2 The applicant in Case No. 43/21 attended the hearing and addressed the Sub-Committee.

5.3 The applicant in Case No. 44/21 attended the hearing and addressed the Sub-Committee.

5.4 The licence holder in Case No. 45/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

5.5 RESOLVED: That, after consideration of the information in the case papers, and the information now reported, and additional information provided at the hearing,

the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
43/21	Application for the extension of a Private Hire Vehicle Licence	Extend the licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are unique and exceptional reasons to deviate from the current policy on the age limit of vehicles.
44/21	Renewal of a Private Hire Vehicle Licence	(a) Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles, (b) delegated authority be granted to the Chief Licensing Officer to grant further licences until the vehicle reaches the age of 15 years old and (c) the applicant be requested to arrange two MOTs to be carried out each year.
45/21	Review of a Hackney Carriage and Private Hire Driver's Licence and review of a Private Hire Operators Licence.	Take no action.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 9 August 2021**

**PRESENT:** Councillors Karen McGowan (Chair), Dawn Dale and Mick Rooney

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Ann Woolhouse.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 46/21 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.3 The licence holder in Case No. 47/21 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 48/21 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information in the case papers, and the information now reported, and additional information provided at the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
46/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be Issued with a written warning with regard to his future conduct, such warning to remain live for the term of his current licence and

should there be any further offences incurred during the term of the licence, the licence will be brought back to the Sub-Committee.

- |       |  |  |
|-------|--|--|
| 47/21 | Review of a Hackney Carriage and Private Hire Driver's Licence | The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current and subsequent licence and should there be any further offences incurred during the term of the licences, the licence will be brought back to the Sub-Committee. |
| 48/21 | Review of a Hackney Carriage and Private Hire Driver's Licence | Take no action.  |

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 10 August 2021**

**PRESENT:** Councillors Lewis Chinchon, Josie Paszek and Vickie Priestley

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That in the absence of the scheduled Co-Chair of the Sub-Committee (Councillor David Barker), Councillor Josie Paszek be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received from the scheduled Co-Chair of the Sub-Committee (Councillor David Barker) and Councillor Sioned-Mair Richards.

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

5.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

5.2 The licence holder in Case No. 49/21 attended the hearing with two representatives, and they all addressed the Sub-Committee.

5.3 The licence holder in Case No. 51/21 attended the hearing with two representatives, and they all addressed the Sub-Committee.

5.4 The licence holder in Case No. 52/21 attended the hearing and addressed the Sub-Committee.

5.5 The applicant in Case No. 56/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

5.6 RESOLVED: That, after consideration of the information contained in the case papers, the information now reported and, where relevant, information circulated prior to the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
49/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.
51/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.
52/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence, and a further 12 months of his next licence.
56/21	Application for the renewal of a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 17 August 2021**

**PRESENT:** Councillors Lewis Chinchon, Joe Otten and Cliff Woodcraft

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That in the absence of the Co-Chairs of the Sub-Committee (Councillors David Barker and Karen McGowan), Councillor Joe Otten be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence. Councillor Ruth Milsom attended as a reserve Member, but was not required to stay.

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 No items were identified where resolutions may be moved to exclude the public and press.

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. LICENSING ACT 2003 - SJM CONCERTS, HILLSBOROUGH PARK**

5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as SJM Concerts, Hillsborough Park, Sheffield (Ref No.55/21).

5.2 Present at the meeting were Kit Bailey, Kelli Graham, Pat Smith and Stephen Walton (SJM Concerts)(Applicants), Julie Birch and Eamonn Ward (Objectors), Gary Clifton (Major Events Manager, City Centre Management and Major Events, Sheffield City Council)(Observer), Matt Proctor (Sports Grounds and Events Lead Officer, Sheffield City Council Licensing Service), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing.

5.4 Matt Proctor presented the report to the Sub-Committee, and it was noted that

representations had been received from three interested parties and were attached at Appendix "B" to the report. Matt Proctor stated that one of the interested parties, Simon Benton, had contacted him stating that he would have wished to attend the hearing, but unfortunately was not available and asked that his representation be brought to the attention of the Sub-Committee.

- 5.5 Julie Birch stated that she lived opposite the area in Hillsborough Park where the events were generally held. She said that her home was situated at a distance of one road width and the same again from the Park and the noise emanating from the Park when events were taking place made it impossible for her to enjoy her own home, as the noise was horrendous. She said that the windows and floorboards in her home would vibrate due to the level of noise. In addition to the noise during the weekend of the Tramlines festival, Mrs. Birch said the heavy lorries transporting equipment during the building and dismantling of the site, and the persistent throbbing of the generators caused additional noise nuisance for approximately three weeks particularly when the Tramlines festival was to take place. She felt that to allow another noisy event to take place within Hillsborough Park would be one event too many.
- 5.6 In response to questions from Members of the Sub-Committee, Julie Birch said that Farrars Funfair was held in Hillsborough Park twice a year and was usually scrunched up in the corner near to the houses. She said the Funfair visited for 10 days in May and again in August each year and the noise from the Funfair was extremely loud and lasted for up to eight hours a day. Mrs. Birch said other events included the Tramlines Festival, which lasts for three weeks in total, the "Owls in the Park" one day event, which caused additional parking problems in the area and the Friends Festival.
- 5.7 Eamonn Ward stated that he was making his representation on behalf of the Hillsborough Green Party and made comparisons to the recently held Tramlines Festival and the music festivals proposed by this application. Mr. Ward said that the Tramlines event was enjoyed by all who attended and also local residents and it had been seen as a massive boost to peoples wellbeing following the pandemic. However, complaints had been received from local residents regarding access to the Park, which had been restricted due to Tramlines, this at a time when there had been a week long heatwave and it was during the first week of the school holidays. Mr. Ward asked that, on behalf of local residents, the impact of an increasing number of events being held in Hillsborough Park be examined and evaluated. The problems caused by such events were anti-social behaviour, traffic and parking, as well as the impact already on local residents during matchdays at Sheffield Wednesday Football Club.
- 5.8 Matt Proctor referred to the Operating Schedule on page 16 of the report and stated that the applicant had agreed to a number of conditions should the application be granted. He pointed out that the applicant had agreed to offer a condition to be placed on the licence that at least six months' notice would be given to the relevant authorities in relation to the date of the event.
- 5.9 Steve Walton stated that he completely understood the noise nuisance caused to local residents but that the planned events were different to that of Tramlines,

whereby it would not open its gates to the public until 4.00 p.m., with the first band appearing at 5.00 p.m. He said that there would be three support acts and one main act with a total time where live music would be played of approximately three to four hours, with half an hour break between bands when it was expected that the noise level would drop significantly and unlike Tramlines, there would only be one stage. Mr. Walton said that the set up for the festival would take approximately seven to eight days and that once built, the site would be secured by security staff, and it was hoped that only three or four days would lead to access restrictions to the Park. He said that the proposed dates were 2<sup>nd</sup>/3<sup>rd</sup> June and 16<sup>th</sup>/17<sup>th</sup> June, 2023 and that there would be a six-month consultation period prior to the dates being confirmed.

- 5.10 In response to questions from Members of the Sub-Committee, Steve Walton stated that the company were driven by the commercial aspect of this type of event and at present could only commit to two evenings, until the popularity of the event was known with the possibility of a third night being added. He said that sound monitoring equipment would be used via a front of house mixing desk and that, if at any time there was sound breakout, staff around the site would radio through to the mixing desk and the noise levels would be lowered. With regard to the use of generators, Mr. Walton stated that these would not be used during the first three to four days of the set-up period.
- 5.11 In summing up, Steve Walton stated that when looking for a venue, they had requested Hillsborough Park because the Tramlines event had demonstrated that it worked for this type of event. He said that there would be a Resident Liaison Officer available most of the time to address any issues that might arise.
- 5.12 Matt Proctor again drew the Sub-Committee's attention to the submission made by Simon Benton prior to making their decision and outlined the options available to the Sub-Committee.
- 5.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as SJM Concerts, Hillsborough Park, Sheffield (Ref. No. 55/21), in accordance with the Operating Schedule and the two following additional conditions:-

- (a) the event is to be held on a Friday, Saturday and Sunday; and
- (b) if the Monday following the Sunday is a school day then live music is to terminate at 21:00 hours.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).

**6. LICENSING ACT 2003 - CLUB BAIZE, 14 WEST STREET, BEIGHTON, SHEFFIELD S20 1EP**

- 6.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a premises licence, made under Section 34 of the Licensing Act 2003, in respect of premises known as Club Baize, 14 West Street, Beighton, Sheffield S20 1EP (Ref No.54/21).
- 6.2 Present at the meeting were Patrick Robson (Solicitor for the Applicant), Adam Foster (Premises Manager), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing
- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that a representation had been received from one public objector and was attached at Appendix "B" to the report. Ms. Gough said that the objector had been invited to attend the hearing but was not in attendance.
- 6.5 Members asked for clarity on whether the variation for recorded music to be played was for both inside and/or outside of the premises as this was unclear from the report. Patrick Robson stated that the application was for recorded to be played inside the premises, not outdoors and amended the application as such.
- 6.6 Mr. Robson stated that the premises had been licensed for a number of years for the sale of alcohol and the provision of regulated entertainment, but the company that had previously held the premises licence had been dissolved, which necessitated the need for a new premises licence which had been granted in June 2021. He said that Adam Foster had been Manager of the club for the past six years, during which time there had only been one complaint received regarding the outbreak of noise and that had been in 2015. Mr. Robson said that the premises was primarily a snooker room with bar facilities and a function room. He said that onus was on the objector to produce evidence to the contrary and he referred Members to the evidence previously circulated and the many supportive comments that had been received. Mr. Robson said that there was no evidence of parking issues or, as referred to in the complaint, smashed up cars or fights having taken place.
- 6.7 In response to questions from Members of, the Legal Adviser and the Licensing

Officer to, the Sub-Committee, Adam Foster stated that the only ventilation of fresh air into the premises was through the main doors, as the windows in the function room were boarded up with 18mm thick medium density fibreboard (MDF). Mr. Foster said that one of the windows had been broken, but this had been repaired from the inside, again with MDF. Following the outbreak of Covid 19 and the need for better ventilation inside premises, Mr. Foster stated that there had been a risk assessment carried out in the bar area, but as no large events had been held, there was no risk assessment of the function room, to which the Licensing Officer stated that the Licensing Service would expect a risk assessment of the entire premises to be in place in relation to windows/doors being left open to allow fresh air ventilation in relation to covid measures, and the mitigating factors the premises will put in place to avoid noise break out and possible nuisance as a result.

- 6.7 Patrick Robson summarised the case on behalf of the applicant.
- 6.8 Jayne Gough outlined the options available to the Sub-Committee.
- 6.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.12 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant the variation to the premises licence in respect of the premises known as Club Baize, 14 West Street, Beighton, Sheffield S20 1EP (Ref No.54/21) in the terms requested which does **not** include playing of recorded music outdoors (as confirmed by the Council's Legal Adviser at the end of the hearing).

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 24 August 2021**

**PRESENT:** Councillors Angela Argenzio and Josie Paszek

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**1. APPOINTMENT OF CHAIR**

1.1 RESOLVED: That, in the absence of the scheduled Co-Chair of the Sub-Committee (Councillor David Barker), Councillor Josie Paszek be appointed Chair of the meeting.

**2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received by the scheduled Co-Chair (Councillor David Barker).

**3. EXCLUSION OF PUBLIC AND PRESS**

3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. DECLARATIONS OF INTEREST**

4.1 There were no declarations of interest.

**5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

5.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

5.2 The licence holder in Case No. 53/21 attended the hearing and addressed the Sub-Committee.

5.3 The applicant in Case No. 59/21 did not attend the hearing, and as he had not informed the Licensing Service, the case was considered in his absence.

5.4 The licence holder in Case No. 58/21 attended the hearing and addressed the Sub-Committee.

5.5 RESOLVED: That, after consideration of the information contained in the case papers, the information now reported and, where relevant, circulated prior to the hearing, the cases be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
53/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.
59/21	Application to renew a Private Hire Vehicle Licence	(a) Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles and (b) the applicant be requested to arrange three MOTs during the one-year period.
58/21	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 6 September 2021**

**PRESENT:** Councillors Karen McGowan (Chair), Joe Otten and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.57/21 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

4.3 The applicant in Case No.60/21 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No.61/21 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

4.5 RESOLVED:- That, after consideration of the information contained in the case papers and additional information provided at the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
57/21	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road

		<p>Safety Act 2006, on the grounds that, due to the nature of his conviction, the Sub-Committee no longer considers him to be a fit and proper person to hold a licence.</p>
60/21	<p>Application for the extension of a Hackney Carriage Vehicle Licence</p>	<p>Extend the licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are unique and exceptional reasons to deviate from the current policy on the age limit of vehicles.</p>
61/21	<p>Review of a Hackney Carriage and Private Hire Driver's Licence</p>	<p>Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that the Sub-Committee no longer considers the licence holder to be a fit and proper person to hold a licence and considers him to be an immediate and ongoing risk to the public.</p>

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 13 September 2021**

**PRESENT:** Councillors Karen McGowan (Chair), Angela Argenzio and Dawn Dale

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 65/21 attending the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 67/21 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 72/21 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, the information now reported and, where relevant, circulated prior to the hearing, the cases be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
65/21	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offence now reported and the number of warnings issued by officers, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

67/21	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
72/21	Application for the renewal of a Private Hire Driver's Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.



## SHEFFIELD CITY COUNCIL Committee Report

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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 11<sup>th</sup> October 2021 at 10.30am

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**Subject:** Gambling Act 2005  
Statement of Principles (Policy) Report

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**Author of Report:** Shimla Finch

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**Summary:** To inform Members of the results of the consultation recently undertaken on the Gambling Act 2005 Statement of Principles (policy).

To notify Members of the changes made to the revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005.

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**Recommendations:** That Members of the Licensing Committee refer the revised Statement of Principles (Policy) document with any amendments they feel necessary to the Co-operative Executive for Full Council approval.

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**Background Papers:** Revised Statement of Principles (Policy)

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**Category of Report:** OPEN

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# REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref: 76/21

## GAMBLING ACT 2005 REVISED STATEMENT OF PRINCIPLES (POLICY)

### 1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the results of the consultation recently undertaken on the Gambling Act 2005 Statement of Principles (policy).
- 1.2 To notify Members of the changes made to the revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005.

### 2.0 BACKGROUND

#### 2.1 The Gambling Regulatory Framework

- 2.1.1 Gambling can take the form of 'non-remote' gambling, which takes place in a gambling premises, and 'remote' gambling, which is typically undertaken by phone or online. Councils do not have any regulatory responsibilities in relation to remote gambling
- 2.1.2 The Gambling Commission is responsible for regulating gambling in accordance with the Act, and for issuing '[operating licences](#)' to gambling businesses and '[personal licences](#)' to individuals. To help fulfil its role, the Commission attach [licence conditions and issue codes of practice](#) relating to how gambling facilities should be provided, and [guidance](#) to Licensing Authorities on how to implement their responsibilities under the Act. Operators must have or be in the process of applying for an 'operating licence' before they apply for 'premises licences' in Local Authority areas
- 2.1.3 Licensing Authorities are a key partner in gambling regulation, with a responsibility for overseeing 'non-remote' gambling in their local areas. This involves:
  - setting the local framework for gambling through their statement of principles
  - considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate
  - reviewing or revoking premises licences
  - issuing permits for some forms of gambling
  - undertaking inspection and enforcement activities, including tackling illegal gambling.
- 2.1.4 Like the Gambling Commission, Licensing Authorities are bound by a statutory 'aim to permit' and must grant premises licences so long as applications are:
  - in accordance with the Gambling Commission's [codes of practice](#)
  - in accordance with the [guidance to local authorities](#)
  - in accordance with the licensing authority's own statement of principles
  - reasonably consistent with the [three licensing objectives](#):
    - Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;

- Ensuring that gambling is conducted in a fair and open manner; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **2.2 The Licensing Authority Statement of Principles**

2.2.1 The Licensing Authority of Sheffield City Council has a legal duty to publish a Statement of Principles (policy) under the Gambling Act 2005 every three years. Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish the statement.”

2.2.2 The statement cannot create new requirements for applicants outside of the Act and cannot override the right of any person to make an application; make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

2.2.3 Sheffield City Council’s first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and has then been revised every three years. The Licensing Authority has updated the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.

2.2.4 The document has been produced in accordance with the 2005 Act; the [guidance](#) issued by the Gambling Commission and the [Gambling Act 2005 \(Licensing Authority Policy Statement\) \(England and Wales\) Regulations 2006](#).

## **3.0 WHAT DOES THE POLICY DEAL WITH**

3.1 The policy deals with all forms of non-remote gambling that are governed by the Gambling Act 2005 these include:

- |  |                         |
|--|-------------------------|
| - Casinos                              | - Bingo Halls           |
| - Betting Shops                        | - Tracks                |
| - Adult Gaming Centres                 | - Lotteries             |
| - Family Entertainment Centres         | - Club Gaming Machines  |
| - Gaming Machines in Licensed Premises | - Temporary Use Notices |
| - Occasional Use Notices               |                         |

3.2 The policy deals with all types of applications including the grant of a new licence, variations (changes to an existing licence), transfer of licences as well as the review of a licence.

3.3 The policy will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the approach to gambling in the City and the requirements at a local level.

3.4 It is intended that the Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers in a socially responsible manner, whilst promoting the three core objectives of the 2005 Act, which are:

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

#### **4.0 WHAT THE POLICY DELIVERS**

The policy document is designed to give clear and concise guidance to all those who need to use it:

- Licensing Authority Officers in processing applications;
- guides businesses when making applications in Sheffield;
- allows structured and evidence-based decision making for Officers and Councillors;
- ensures the relevant views of those affected by licensed premises are taken into consideration;
- ensures local area issues are taken into account by operators through their risk assessments of the local area in which they are applying; and
- the document supports the wider strategies and initiatives within the Council and secures the integration with local plans and strategies e.g. crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area. This is detailed in Part 3 of the policy and is linked throughout the document in the policy sections

4.2 The structure and content of the policy document positively assists the Council to deliver and achieve its aims and visions for the City to be successful and safe to all who choose to enjoy, live, work, and study in Sheffield.

#### **5.0 CONSULTATION**

5.1 Relevant partners including the Sheffield Children Safeguarding Partnership and Public Health were consulted prior to the formal consultation to ensure the final draft was as comprehensive and current as possible.

5.2 The formal public consultation process for the Statement of Principles commenced on the 1<sup>st</sup> July 2021 and concluded on the 27<sup>th</sup> August 2021.

5.3 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

- (a) either-
  - (i) in England and Wales, the chief officer of police for the authority’s area, or
  - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority’s functions under this act.”

A full list of consultees is listed at Appendix 2 of the policy document.

- 5.4 Approximately 3,000 letters and emails regarding the consultation have been sent out to various interested parties which include those bodies listed above in paragraph 5.3.
- 5.5 The consultation information was published on the Licensing Service web pages with active links to an online comments form on Citizen Space:  
[www.sheffield.gov.uk/gamblingpolicy](http://www.sheffield.gov.uk/gamblingpolicy).

## **6.0 RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION**

- 6.1 The Licensing Authority received 4 responses to the formal consultation exercise.
- 6.2 All consultation responses are attached to this report at Appendix 'A'.
- 6.3 Amendments have been made where appropriate to the draft policy in response to the comments received following legal advice. A brief on the amendments made to the Statement of Principles is attached at Appendix 'B' of this report.
- 6.4 At Appendix 'C' is a document summarising all the changes made to the Statement of Principles throughout the review and consultation.
- 6.5 The updated tracked changed Statement of Principles (Policy) is attached at Appendix 'D'

## **7.0 A BRIEF TIMETABLE AHEAD**

- 7.1 For the benefit of Members, I have set out below the key dates in the process of determining the revised Statement of Principles (Policy) to ensure we meet our statutory requirements:

- CMT - 26<sup>th</sup> October 2021
- Co-operative Executive - 17<sup>th</sup> November 2021
- Full Council - 1<sup>st</sup> December 2021
- Publish Statement of Principles (Policy) - December 2021
- Statement of Principles effective - January 2022

## **8.0 EQUALITIES – PUBLIC SECTOR EQUALITY DUTY**

- 8.1 The Equality Impact Assessment (EIA) is the chosen vehicle for Sheffield City Council to systematically understand and assess the effect of our proposals and decisions on different groups of people.
- 8.2 As a council we have a Statutory Public Sector Equality Duty (PSED) to pay due regard to:
- eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity; and
  - foster good relations.
- 8.3 An Equality Impact Assessment has been prepared and retained (reference number 936) in relation to this policy. There are no adverse equality opportunity implications arising from this report.

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 The work on the revision of the Statement of Principles (Policy) is a statutory duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and commercial implications to the Council arising from this report.

## **10.0 LEGAL IMPLICATIONS**

- 10.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and associated guidance would mean that the Council would not be complying with its statutory duty and would leave itself open to legal challenge.
- 10.2 To meet the statutory requirements set out in the 2005 Act and associated regulations and guidance; we must submit the document for Full Council approval in December 2021 to ensure it is published and in force by January 2022.

## **11.0 RECOMMENDATIONS**

- 11.1 That Members of the Licensing Committee refer the revised Statement of Principles (Policy) document with any amendments they feel necessary to the Co-operative Executive for Full Council approval.

## **12.0 OPTIONS OPEN TO THE COMMITTEE**

- 12.1 That Members of the Licensing Committee refer the revised Statement of Principles (Policy) document to the Co-operative Executive for Full Council for approval.
- 12.2 That Members of the Licensing Committee make further amendments to the document before referring the revised Statement of Principles (Policy) document to the Co-operative Executive for Full Council for approval.

Stephen Lonnia,  
Chief Licensing Officer / Head of Licensing  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD.

11<sup>th</sup> October 2021

# **Appendix 'A'**

## **(Full Consultation Responses)**

# Gamble Aware

**From:** Info <info@gambleaware.org>  
**Sent:** 13 July 2021 10:27  
**To:** licensingservice <licensingservice@sheffield.gov.uk>  
**Subject:** RE: Gambling Act 2005 Policy Consultation

Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.

Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, you may find GambleAware's recently published [interactive maps](#) useful, which have been designed for use by local authorities. The maps show the prevalence of problem gambling severity in each local authority and ward area as well as usage of, and reported demand for, treatment and support for gambling harms.

GambleAware also strongly commends two publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers:

- <https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach>
- <https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales>

GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.

Finally, GambleAware is a leading commissioner of prevention and treatment services for gambling harms. It provides these functions across England, Scotland and Wales and its work is underpinned by high quality research, data and evaluation. We encourage all local authorities to signpost people to the **National Gambling Helpline on 0808 8020 133** and also [www.begambleaware.org](http://www.begambleaware.org). Both are part of the **National Gambling Treatment Service** and offer free, confidential advice and support for those who may need it.

Best regards,  
Natalie

**Natalie Simpson**  
Company Secretary

**GambleAware**®

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# Gosschalks Solicitors on behalf of the Betting & Gaming Council

## GOSSCHALKS

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Date: 10<sup>th</sup> August 2021

Dear Sir/Madam,

### **Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

#### **The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**
- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

#### **Betting and Gaming in the UK**

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value

Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. These figures do not take into account the COVID 19 period which betting offices saw a further 374 betting offices close.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

### **Problem Gambling**

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

### **Working in partnership with local authorities**

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

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Considerations specific to the draft 2022 Gambling Act 2003 statement of licensing principles**

On behalf of the BGC we welcome the deletions from the foreword and within section 3. These have the effect of streamlining the policy.

Throughout the statement of principles, there are references to requirements to promote the licensing objectives. These references appear in the foreword, paragraphs 1.2, 4.2, 4.4, 4.5, 4.6, 7.4 and indeed the heading for paragraph 2.2. Any references to a requirement to promote the licensing objectives should re-drafted. The requirement within Gambling Act 2005 is that premises operate in a manner that is “reasonably consistent” with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. To avoid any confusion with Licensing Act 2003 requirements, references to the promotion of the licensing objectives should be amended.

Paragraph 3.7 is headed “integration with planning” and goes on to recommend that planning use be obtained prior to a premises licence application being submitted. Gambling Act 2005 s210 is clear that in making a decision in respect of a premises licence application, a licensing authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning permission or building regulations. In the circumstances, and to avoid any confusion, the recommendation that planning permission be obtained prior to an application being submitted should be removed.

Paragraph 5.2 refers to “sensitive locations” when considering the location of premises. The statement of principles should recognise that betting offices, and indeed other gambling establishments have always been situated in either residential or shopping areas. Therefore, gambling premises have always been situated in areas of high footfall and where there are children. The mere proximity of a gambling premises/proposed gambling premises is not enough to present a risk to the licensing objectives. The same paragraph refers to “areas nearing stress” but there is no evidence whatsoever to support the opinion that premises operating within the four named areas present a risk to the licensing objectives. The evidence to support this opinion should be produced.

The first sentence in Paragraph 7.1 contains a spelling error. This should be corrected.

### **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members’ operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



**GOSSCHALKS LLP**

# Greg Fell, Director of Public Health

## Summary points

1. Participation in gambling is common and growing. For adults and children.
2. Gambling harm is complex, difficult to pin down exactly and can span financial and debt, relationship, addiction, mental illness and suicide. Prevalence of problem gambling may be up to 1% of the population as a whole and 6% of the population considered at risk. Preventing participation of gambling in children and problem gambling in children is obviously a critical target.
3. People don't just become "problem gamblers", there is often a long journey with many opportunities to intervene.
4. Framing gambling as a "harmless leisure pursuit" (the preferred model of DCMS and industry) is problematic. Many frame it as "a public health issue". What that means requires careful definition.
5. Response  
Better treatment system is necessary but nowhere near sufficient. There is some work locally to define what that system should look like, there is no resource to implement it. "education" may be helpful, but personalises what can be characterised as a structural and societal problem.  
Regulation (product and environment) is where most of the gain can be found in terms of reducing gambling harm. This is obviously a space for the licencing committee.
6. There is broad public support for regulation of gambling as a means to reduce harm. There are some who will see regulation as state over reach. The gambling industry obviously frame it a different way (taken from the tobacco and alcohol playbook).
7. There is a programme of work in Yorkshire on gambling related harm
8. There is a window of opportunity to reduce gambling harm both locally and nationally and to get ahead of the curve.
9. Whether gambling harm is framed as "a public health issue" or framed in some other way is arguably immaterial. That there isn't an explicit requirement to consider "public health" under the terms the licencing act is acknowledged, there are some potential shifts on that nationally. All local authorities have a duty to consider (and improve) well being, and the harm from gambling impacts on financial, social well being and health per se. It is difficult to make an argument that gambling isn't harmful.

In considering the review of the statement of licencing principles and the overall policy, I would encourage consider carefully the issues I set out here and integrate them into the overall approach.

## 1 Who gambles

The Gambling Commission produce quarterly reports on gambling participation; however, these are based on telephone surveys from random digit dialling and may not be generalisable. Based on 2012 data (more recent data not yet available), **an estimated 64% of adults aged 16+ had gambled in the past year; excluding the Lottery, this was 43%. For Y&H, this was 68% and 45% respectively**, similar to the England average. For comparison, the North East region had the highest rates of 74% and 50%.

With regard to children, a 2020 Yougov / ASH survey focused on the prevalence in young people. **Of all under 18s 6% gamble monthly, 21% ever. The age breakdown is below.**

	11-13	14-15	16-17	18
Unweighted base	765	582	762	404
Once a week or more	3%	3%	2%	5%
Ever gambled	15%	17%	26%	33%
Never gambled	83%	83%	72%	65%

### Gambling during COVID-19 in England:

- **15% of gamblers started gambling during COVID-19; 24% is in 16-34 age group**, slightly more women than men in this category (Gambling Commission, Mar-Nov20)
- Older age groups gambled less frequently at start of lockdown; initial slight decrease in all gambling which crept up over time; **by end April this year, 4.5% increase in gambling above pre-pandemic levels**; lower % of those engaging in no gambling activity (Wider Impacts of COVID-19 on Health tool; PHE)
- **Biggest change is in the younger age group**; possibly related to the increase in online activity which has grown month on month (accounts, bets and yield, also an increase in number of longer sessions)
- **Most common reasons** for increasing gambling during COVID-19 – **spare time, bored, something to do, just wanted to, low/unhappy, sent offers (13% did it to substitute lost income)**

## **2 Gambling harm – who it affects.**

**Estimates of ‘problem’ gambling rates vary between 0.5% and 0.9%, with between 5-6% of people considered ‘at risk’** (this does not include all those experiencing harm). According to an Ipsos Mori poll (2015) around **0.6% of children aged 11-15 engaged in problematic gambling.**

It is **estimated that for every person affected directly by problem gambling, another 6 people are affected** (including family and friends). Although anyone can experience harm from gambling, **the following groups may be at greater risk of developing problems:-** men, younger people, minority ethnic groups, low IQ, substance abuse/misuse, poor mental health, those living in more deprived areas, those who are unemployed. Wardle (2015) has concluded that there is emerging evidence to add to this group: those with financial difficulties, homeless, immigrants, prisoners/probation, and learning difficulties.

A study by the University of Liverpool and the National Centre for Social Research found that gambling firms make the vast majority (at least 70%) of their money from the 5% of accounts that with the biggest losses. **Gamblers from the poorest areas were more likely to lose money in online casinos, with a risk of high-intensity play; and more likely to have lost their money using virtual slot machines – a product with a high rate of addiction.** Online gambling activity is not subject to the same level of regulation as land-based gambling.

## **3 Characterising the harm**

**Gambling is an increasing public health concern with diverse impacts on individual and community health and wellbeing – from financial and material loss, to relationship breakdown, crime and suicide. The harms of gambling are inherently interconnected with many comorbid health issues – including those affecting mental health (suicide, depression and anxiety, personality and bipolar disorder), and dependence on substances such as alcohol, drugs and tobacco.**

**The harm manifests in many different ways (debt / poverty, mental health, abusive relationships, neglect of others, suicide). There are multiple routes into and out of this.**

Gambling poses several challenges because exposure or use, as well as harms to individuals, families, and communities, are difficult to measure and quantify, take a range of forms, and are constantly changing. The harms of gambling on individuals, families, and communities often represent co-occurring problems, afflicting many people who are already in vulnerable

circumstances, exacerbating precarious and challenging lives, and hindering their attempts to overcome adversity.

**Industry would suggest we focus on the very addicted / most vulnerable, a counter view is that it can take 20yrs to get to reach such a level of vulnerability with lots of intervention opportunities along the way.** The sooner the prevention takes place the more potent. **As a parallel, we know from smoking that 3 out of 5 children who try smoking go on to be smokers as adults.** This is where the vulnerable / high risk users in 20yrs will come from. **Reducing gambling in teens and early adults is thus a good PH strategy.** As in most PH issues most of the “harm” is in the population bell curve not the 2% at the top of the triangle. Certainly the opportunity to prevent harm is in influencing the whole population not those currently at the peak of the harm spectrum.

#### **4 Approaches to reducing harm**

##### **a Framing**

**We can frame it as “harmless leisure pursuit” (the industry and govt -DCMS, DHSC are silent - perspective) or an “urgent PH crisis”.**

It is unhelpful (as the government does) to portray as a harmless leisure activity. **For more than 20 years, UK Government policy has portrayed gambling as, firstly, enjoyable; secondly, an expression of adult freedom; and, lastly, harmful only to a minority.** The UK Government and policy makers have employed discourses that align more closely with those of the gambling industry than with those of the individuals, families, and communities affected by the harms of gambling

**The reality is that alcohol is probably best comparator** - a substantial majority engage, many engage to a level that would be considered harmful or hazardous. A very small minority will suffer substantial harm, that harm doesn't happen overnight, it happens over many years with often many missed opportunities to reduce the harm. **Better treatment and education is at best a partial answer and in itself created inequality.** Product and environment regulation (price, availability, promotion) is far more potent.

**Increasingly many are stating gambling as a public health concern.** That said **the adoption of a comprehensive and meaningful public health approach is not guaranteed and needs to be factored into thinking.**

A “public health” approach is focused on the whole population (not just the tail end / high risk); will characterise and quantify the epidemiology of harm and nature and extent of the product and its use; seek to shift population norms through focus on product and environment regulation

not treatment of those harmed (rather than asking individuals to change their behaviour); still seek sustainable funding for a comprehensive treatment system.

## **b Better treatment**

**There are many that argue we simply need better treatment for those addicted. This is necessary but nowhere near sufficient. We cant treat our way out of a PH problem (tobacco, alcohol as example in point).** Better treatment system is necessary but nowhere near sufficient. **There is some work locally to define what that system should look like, there is no resource to implement it. Significant investment in smoking cessation and alcohol treatment is important, but makes little difference to population prevalence.** That doesn't in itself mean that treatment is worthless – far from it. In the space of alcohol and tobacco treatment – hugely valuable and value for money investment.

**Local work has been undertaken both to assess need and to specify what an ideal treatment system would look like.** A comprehensive treatment system IS important (not just a small number of highly specialised services not fully connected into the local NHS (Leeds is closest to Sheffield)).

The ability to access distant services is limited, the capacity of highly specialised services to address the needs of anything other than a tiny number of patients is similarly limited. Finally the ability of clinical services to address social harms and consequences of gambling is limited.

**Some specific areas in treatment** (within an overall comprehensive treatment system – that doesn't exist) include:

- Helping people sustain or re-establish recovery routines

- Helping affected others access help and support

- Helping professionals to recognise and respond to harmful gambling

- Giving gambling parity with other addictions – there has been a strong focus on drinking and smoking behaviours during lockdown but gambling has not had the same focus as it does not have the same strategy or funding as other addictions

- Recognising the (known but poorly understood) links between gambling and suicide and responding immediately and appropriately to disclosures of problem gambling

## **c “education” may be helpful, but personalises what can be characterised as a structural and societal problem.**

- measures to identify suicide risk in people seeking gambling treatment

Helping people recognise if their gambling has changed and/or become a problem during lockdown

Helping children and parents address screen time and gaming and re-set boundaries and healthy behaviours

Helping parents understand the impact on children of gambling and gaming  
reframing the narrative around risk

**d Regulation (product and environment) is where most of the gain can be found in terms of reducing gambling harm.**

Thus we need wider approaches to reducing harm through regulation, that addresses the whole population issue (not just the very high risk / very addicted) and seeks to prevent harm through means other than “treating”.

The environment and product regulation are obviously critical in this. There are some successes over recent years (for eg the raised stakes in FOBT) and a great deal of resistance to implementing stronger regulation. **Some commonly cited policy goals are set out here.**

regulation of online gambling – advertising, product design

using time/money limits in product design

Helping people re-establish self exclusion from sites

exclusion through banks

blocks on adverts

affordability checks

spending limits, limits on stakes and caps on deposits, protections around affordability, age verification

less free spins

advertising and sponsorship embargos

What type of products are promoted and provided.

Products – gamification / loot boxes

ending of promotional and VIP offers

**5 Stakeholders views**

**a Is there public support for reducing gambling harm**

Polling commissioned by Action on Smoking and Health, conducted by YouGov (Feb-Mar 21) and highlighted by RSPH in response to the Gambling Act review, **revealed that the majority of people across different age groups support a ban on gambling adverts before 9pm** (77% of adults and 66% of 11-17 year olds).

**There was also support for a complete ban on gambling advertising across the board, with almost two thirds of adults and over half of the young people surveyed in agreement.** Similar responses were evident when asking about sports sponsorship by gambling companies; and three quarters of adults supported the introduction of an industry levy to reduce and prevent problem gambling.

**Many may say that intervention in this space is interfering in free choice and not the place of government.** The obvious counter is **the gambling industry invests heavily to influence our free choices**, both in terms of advertising, sponsorship, product design and product placement. Thus **intervention to reduce harm is simply levelling an uneven playing field.**

**b The gambling industry**

**Industry will argue that people need to make better choices, that education is a big part of the answer, that we should have better treatment for those addicted. This is a mirror image of the arguments of the tobacco industry in the 70s through to the early 90s. People make choices in an environment that is very enabling, especial worries about online gambling which is weakly regulated.**

**Most observe a large degree of industry pervasiveness into the field (policy, research, interventions). This isn't something we would tolerate in other spaces for example BAT involvement in tobacco control.** The industry line is that 1) "we will self regulate". This is a line that has been used by tobacco, alcohol, fast food and (in other countries firearms) for about 30 years and 2) we should focus on treatment for those deeply addicted and educate the wider population.

The narrative has long been dominated by individualised and often pathologised understandings that serve to maintain the status quo and hide broader societal perspectives, such as the harmful effects of gambling products and gambling environments. Should see it in context of a wide range of health and social harms on a continuum, rather than, as previously, a dichotomy between the harmless and the pathological. Gambling harms extend well beyond high-intensity relationships such as problem gambling, affecting families and communities, often with devastating consequences, including job loss, violence, relationship breakdown, suicide, education disruption, or homelessness.

Likely that responses from industry to regulation will employ range of well trodden lines.

Documented neatly by van Schalkwyk

When industries selling highly profitable, yet harmful, products (eg, tobacco, alcohol, opioids, and oil) are faced with clear evidence of the resulting harms, the threat of government regulation, and declining public legitimacy, one of their first moves has repeatedly been to cast doubt on the science, distorting the evidence base to influence the public discourse, delay regulation, and restore their legitimacy. There is already enough to argue that many of the established methods to counter other harmful but legal products (eg, tobacco and alcohol)—restricting access, availability, and advertising, and denormalisation and evidence-based counter-marketing—can be used to guide interventions to prevent gambling harms.

## **6 Work in Yorkshire**

Across Y&H, Leeds and Sheffield areas have been the most actively working on the gambling agenda over recent years. **A Y&H Harmful Gambling Working Group was established in 2018**, led by the DPH network, bringing together LA representatives and others. This is now chaired by the Sheffield DPH and coordinated by a public health specialist from Leeds and provides an ideal basis to support and drive forward work in Y&H.

**To respond to this growing public health concern, a bid was recently submitted by PHE on behalf of Y&H ADPH to the Gambling Commission for a 3-year programme of work across the region**, which was successful. The comprehensive and coordinated programme will aim to reduce exposure to and consumption of harmful gambling by vulnerable groups, and prevent related harm to individuals, families and communities that goes beyond financial impact, using a COM-B approach to understand and respond to behavioural drivers.

Work strands will include:

- **Improving identification and recognition** of problem gambling by providing a universal training offer to frontline workers and workplaces.
- **Directing gamblers to self-management and support** through targeted communications and training.
- **Protecting high risk and vulnerable groups from gambling related harms** and addressing community and individual behaviour.
- **Workforce education programmes** to tackle gambling related harms
- Programme evaluation

## 7 Window of opportunity

**The UK has one of the most liberal gambling markets in the world, supervised by a regulatory system that oversight bodies fear does not have the capacity or the data to regulate the industry in the public interest.** This policy system has promoted self-regulation and industry-regulator partnerships as standard.

**The nature of the market has shifted substantially in the last decade or so – more products, more addictive products, more marketing across more forms of media, sponsorship, shift to online. Accordingly the level of concern from clinicians and documented harm has also shifted** with the nature of the market.

**With the UK Government's review of the Gambling Act 2005, and local review of policy there is a window of opportunity to change the gambling policy system..** We don't know how gambling products will change over coming years, but they have changed massively over the last decade and more harm has come from this. It is a reasonably safe assumption that trend will continue.

### References:

Ipsos MORI (2015) The Prevalence of Underage Gambling. A research study among 11-15 year olds: Young People Omnibus 2015. Birmingham: Gambling Commission

Kenyon, A., Ormerod, N., Parsons, D. & Wardle, H. (July 2016). Problem gambling in Leeds: Research Report for Leeds City Council. Leeds Beckett University.

*PHE Public Health Profiles: People estimated to have gambled in past year: % adults, People estimated to have gambled (excluding Lottery) in past year: % adults (Data source: NatCen Gambling Behaviour in England and Scotland: Findings from the Health Survey for England 2012 and Scottish Health Survey 2012)*

Wardle, H. (2015) Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review. London: Westminster City Council.

Wardle H, et al. (2007) British Gambling Prevalence Survey 2007. London: National Centre for Social Research

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# **Appendix 'B'**

**(Consultation Responses Summary and updates made)**

# Consultation Comments Received

No.	Name	Organisation / Details	Overview of comments	Has the policy been updated following the comments?
1	Natalie Simpson	<p><b>Gamble Aware</b></p> <p>An independent charity that commissions evidence informed prevention and treatment services in partnership with expert organisations and agencies.</p>	<p>No specific feedback on SCC policy document. Supports Local Authorities which identify areas with increased levels of risk and require additional requirements to mitigate increased risks</p> <p>Encouraging all local authorities to signpost people to the National Gambling Helpline on 0808 8020 133 and also <a href="http://www.begambleaware.org">www.begambleaware.org</a>. Both are part of the National Gambling Treatment Service and offer free, confidential advice and support for those who may need it.</p>	<p>No changes made: Our policy already identifies areas where there are potential increased risks in sensitive locations in Part 5 of the policy.</p> <p>Yes, changes made Our policy includes full details of local and national support services in Part 13 which includes Gamble Aware. The contact details of the National Gambling helpline have been added to the local support services in Part 13 of the policy.</p>
2	Gosschalks Solicitors on behalf of the Betting and Gaming Council (BCG)	<p><b>Betting and Gambling Council (BCG)</b></p> <p>A standards body committed to championing safer gambling. Represent U.K. licensed betting shops, casinos and online operators.</p>	<p>Information provided about the BCG / betting and gaming in the UK / problem gambling / working in partnership with local authorities / differences between Licensing Act and Gambling Act applications.</p> <p>Considerations specific to Sheffield City Councils draft 2022 Gambling Act Statement of Principles as follows:</p> <p>To amend any references to a requirement to 'promote' the licensing objectives to be re-drafted. The requirement within Gambling Act 2005 is that premises operate in a manner that is "reasonably consistent" with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.</p>	<p>Yes, changes made: In line with the <a href="#">Gambling Commission's guidance to Licensing Authorities</a>, Part 6 details what is required in the Statement of Principles. Paragraph 6.7 under 'Fundamental Principles' state the Licensing Authorities statement of policy should begin by stating the three licensing objectives (s1 of the Act) which the policy will promote.</p>

			<p>Paragraph 3.7 – Integration with Planning – request that any recommendations around planning use be obtained prior to a premises application being submitted to be removed.</p> <p>Paragraph 5.2 – ‘Sensitive Locations’ when considering location of premises. Comments detail that gambling premises have always been situated in either residential or shopping areas where there is high footfall and where there are children. The proximity of gambling premises is not enough to present a risk to the licensing objectives.</p>	<p>In making decisions, the Licensing Authority should ‘aim to permit’ use of the premises for gambling in so far as it thinks it is ‘reasonably consistent’ with the licensing objectives. This is detailed throughout the document in particular 2.1, 2.4, 6.6, 7.1, 7.16.1, 8.3.1, 10.3 and 10.4.1.</p> <p>To ensure that applicants are aware that they must be ‘reasonably consistent’ with the licensing objectives the policy document has been updated and reworded to replace ‘promote’ with ‘be reasonably consistent with’ in the following paragraphs 2.2, 4.2, 4.4, 4.5, 4.6, 5.2, 5.5, 7.4 and 8.2.2.</p> <p>No change made: Paragraph 3.7 makes it clear that there is a separation between planning and licensing applications and the paragraph makes it clear that there is no obligation for the applicant to have planning permission first before applying for a licence. This paragraph is placed in ‘Integrating Strategies’ so applicants are aware of possible additional considerations.</p> <p>No change made: Two of the three licensing objectives are to protect children and vulnerable persons from being harmed or exploited by gambling and preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. In considering applications, the location of the premises can be considered in regards to protecting children and the vulnerable and high crime and disorder hot spots. Each</p>
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			<p>Paragraph 5.2 'Areas nearing stress'- comments refer to there being no evidence to support that the premises operating within the fours named areas present a risk to the licensing objectives and that evidence should be produced if these areas stay within the policy document.</p>	<p>applications as detailed in the policy will be treated upon it's own merits.</p> <p>Yes, changes made: The pandemic has led to most premises being closed; this leads to there being no current data/evidence from relevant authorities to suggest that these areas still pose a risk to the licensing objectives. Any data around this will only be available in the forthcoming months and years since premises have only been permitted to open in line with government legislation/regulations.</p> <p>Therefore the 'areas nearing stress' section has been removed and to ensure we still take into account of any areas of concern that may arise within the city, a new paragraph at 5.5 after the Policy Area box has been included as detailed below in red:</p> <p><i>"The Licensing Authority and its partners will monitor and work with businesses and communities in any areas of concern within the city which may lead to problems that undermine the licensing objectives, in particular crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.</i></p> <p><i>If interventions are required; a multi-agency approach will be taken within these areas which could include but not limited to; specialist advice on tackling the issues, a multi-agency action plan; specific targeted training and compliance checks at licensed premises within these areas.</i></p> <p><i>If issues persist in an area, the Local Authority may undertake their own local area profiling and where it</i></p>
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				<i>is determined that granting the application may lead to the licensing objectives being undermined, and where relevant conditions cannot be imposed, they will choose to refuse it.”</i>
3	Greg Fell	<b>Director of Public Health</b>	<p>Attachment of pre-consultation document of Magda Boo (Health Improvement Officer – Public Health) Comments include changes made for the public consultation document which include:</p> <ul style="list-style-type: none"> <li>• Inclusion of Public Health reports and strategies at Part 3 Integrating Strategies</li> <li>• Inclusion of ‘universities’ in paragraph 4.6, 5.2 and 5.4 as a building which may be frequented by children or the vulnerable</li> <li>• Use of self - screening tools to protect children and vulnerable and information about welfare and treatment services</li> <li>• Updated information for Local Support Services</li> </ul> <p>Further attachment from Greg Fell with the following summary points around gambling related harm:</p> <ol style="list-style-type: none"> <li>1. Participation in gambling is common and growing. For adults and children.</li> <li>2. Gambling harm is complex, difficult to pin down exactly and can span financial and debt, relationship, addiction, mental illness and suicide. Prevalence of problem gambling may be up to 1% of the population as a whole and 6% of the population considered at risk. Preventing participation of gambling in children and problem gambling in children is obviously a critical target.</li> <li>3. People don’t just become “problem gamblers”, there is often a long journey with many opportunities to intervene.</li> <li>4. Framing gambling as a “harmless leisure pursuit” (the preferred model of DCMS and industry) is</li> </ol>	<p>Yes, including in the consultation document</p> <p>Yes, changes made: The Licensing Authority recognises and supports the importance of reducing gambling related harm in the City and in particular to children and those who are vulnerable and have ensured the policy is linked to core strategies to assist with this in Part 3 – Integrating Strategies and throughout the document to promote the licensing objectives. Risk assessment are now a requirement for operators (Part 5 of policy) which require applicants to review risks in areas and provide information on how they intend to mitigate these risks and be consistent with the licensing objectives. The policy encourages operators the importance of social responsibility, best practice, identifying and communicating with vulnerable persons, staff training, primary</p>

		<p>problematic. Many frame it as “a public health issue”. What that means requires careful definition.</p> <p>5. Response Better treatment system is necessary but nowhere near sufficient. There is some work locally to define what that system should look like, there is no resource to implement it. “education” may be helpful, but personalises what can be characterised as a structural and societal problem. Regulation (product and environment) is where most of the gain can be found in terms of reducing gambling harm. This is obviously a space for the licencing committee.</p> <p>6. There is broad public support for regulation of gambling as a means to reduce harm. There are some who will see regulation as state over reach. The gambling industry obviously frame it a different way (taken from the tobacco and alcohol playbook).</p> <p>7. There is a programme of work in Yorkshire on gambling related harm</p> <p>8. There is a window of opportunity to reduce gambling harm both locally and nationally and to get ahead of the curve.</p> <p>9. Whether gambling harm is framed as “a public health issue” or framed in some other way is arguably immaterial. That there isn’t an explicit requirement to consider “public health” under the terms the licencing act is acknowledged, there are some potential shifts on that nationally. All local authorities have a duty to consider (and improve) well being, and the harm from gambling impacts on financial, social well being and health per se. It is difficult to make an argument that gambling isn’t harmful.</p>	<p>intervention and escalation and for staff to signpost customers to appropriate support services.</p> <p>The Gambling Commission has a <a href="#">National Strategy to reduce gambling harms</a>. The strategy identifies areas for action including an improvement in understanding and measuring harm, increased understanding of the effects of product characteristics and environment, and improvement in the methods of identifying harmful play.</p> <p>The aim of the Statement of Principles (policy) is to outline the principles we as the Licensing Authority will apply when exercising its functions under the Act whilst promoting the licensing objectives.</p> <p>To ensure the importance of reducing gambling related harm is considered by applicants/licensees, a further paragraph has been added at the end of Part 3 Integrating Strategies in the policy document as follows:</p> <p><b>To Note:</b> Applicants/licensees should note any possible changes that may occur following the consultation on the review of the Gambling Act 2005 (launched December 2020) and the results from the <a href="#">Gambling Commissions National Strategy to Reduce Gambling Harms</a>. In line with this, a separate Gambling Harm Reduction Strategy for Sheffield will be produced which will set out a comprehensive approach to minimising harm from gambling in the City.</p>
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			In considering the review of the statement of licencing principles and the overall policy, I would encourage consider carefully the issues I set out here and integrate them into the overall approach.	
4	Citizen Space Respondent	<b>Marcliffe Primary School</b>	<p>Questions and answers on Citizen Space:</p> <p><i>Q - Is the policy document easy to understand?</i> A – Yes</p> <p><i>Q - Does the policy document provide you with the information required to understand the purpose of the policy?</i> A - Yes</p> <p><i>Q - Does the policy document include any information that you disagree with or you think needs amending?</i> A - No</p> <p><i>Q - Does the policy document include any information that you disagree with or you think needs amending?</i> - If you have answered yes, please explain which section/s you are referring to and what you disagree with or you think needs amending. A – No</p>	No changes made.

# **Appendix 'C'**

## **(Amendments made to the Statement of Principles)**

# Gambling Act 2005 – Policy Changes Document

'Sheffield Safeguarding Board' has been changed to 'Sheffield Children Safeguarding Partnership' throughout the document.

## Page 3

Foreword – wording changed

## Part 1 - Overview

1.6 Monitoring and Review of this statement – effective date of Statement of Principles changed in line with the review of the document

## Part 2 – General Principles

2.2 Heading amended to remove 'promotion of' so it only reads as 'The Licensing Objectives'

2.6 Exchange of information – minor changes to wording to include the General Data Protection Regulations (GDPR) and the use of privacy notices.

## Part 3 – Integrating Strategies

3.1 Sheffield City Councils' Corporate Plan 2015-2018 removed as no longer effective

3.1 Inclusion of Sheffield City Partnership – link attached to heading

3.6 now 3.4 Sheffield City Centre Plan – updated plan details and link attached to heading

3.7 now 3.5 Accessible Sheffield - minor changes to wording

3.8 now 3.6 GamCare

3.9 now 3.7 Integration with Planning – link attached to heading

3.11 now 3.9 Renamed as Public Health Reports and Strategies. Inclusion of new local framework to reduce gambling related harm.

Additional paragraph added at the end of Part 3 titled 'To Note' for applicants and licence holders to consider any possible changes following the review of the Gambling Act 2005, the Gambling Commissions National Strategy to Reduce Gambling Harms and the proposed Sheffield Gambling Harm Reduction Strategy.

## Part 4 – Licensing Objectives

4.2, 4.4, 4.5, 4.6 - 'promote' removed and replaced by 'be reasonably consistent with'

4.6 Policy Objective:

- Location examples updated to include universities, domestic abuse support services, residential homes for children or vulnerable people.
- Safeguarding awareness training to be included as part of management measures for adequate training and contact details provided
- Minor updates on measures that operators must address to be reasonably consistent with the objective
- Further bullet point on recommendations for operators to work in partnership with local services such as Public Health and the Safeguarding Partnerships to provide information about welfare and treatment services to customers.
- Paragraph on underage gambling and Test Purchasing placed to confirm consideration will be given on results.

## Part 5 – Local, Area Profiling and Risk Assessments

5.2 Policy – Location

- universities included as evidence now shows students are a vulnerable group.
- 'Promote' replaced with 'be reasonably consistent with'.
- 'Areas Nearing Stress' section removed- replaced by a new section in paragraph 5.5 Policy Area.

5.3 Area Profiling and risk assessments

- minor changes to wording and update in links

5.4 Policy – Risk

- universities included as evidence now shows students are a vulnerable group

## 5.5 Policy – Area

- ‘Promote’ replaced with ‘be reasonably consistent with’.
- Two new paragraphs added to replace the ‘areas nearing stress’ section which was removed at paragraph 5.2. These new paragraphs include what the Licensing Authority will do in areas that cause concern and what could possibly happen to applications made within these areas.

## Part 7 – Premises licences and Reviews

### 7.8.1 Policy – AGC

- update for staff training to include age verification and safeguarding awareness training

### 7.9.1 Policy – FEC

- proximity of treatment or counselling services included in determining the suitability of the premises location
- staff training updated to include safeguarding awareness training

### 7.10 Casino’s

- Access paragraph updated to make clear under 18’s not permitted to enter including for working purposes which are paid or voluntary.

### 7.12.4 Policy – Tracks

- Safeguarding awareness training included as part of applicants measures to be reasonably consistent with the licensing objectives

## Part 8 – Permits, Notices and Lottery Registrations

### 8.2 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

- Paragraph updated to include that operators are expected to attend safeguarding awareness training and contact details

### 8.2.2 Policy - UFEC

- Safeguarding awareness training included as part of applicants measures to be reasonably consistent with the licensing objectives
- ‘Promote’ replaced with ‘be reasonably consistent with’.

### 8.4.1 – Policy – Prize Gaming - ‘Promote’ replaced with ‘be reasonably consistent with’.

## Part 9 – Ongoing Responsibilities of Licensed Premises

- Minor updates on wording
- ‘Promote’ replaced with ‘be reasonably consistent with’.

### 9.1 Self-exclusion scheme paragraph updated to include operators to evidence the self-exclusion processes are in order

## Part 11 – Enforcement

### 11.2 removal of sentence that Test Purchasing may be carried out jointly by the Gambling Commission and Licensing Authority. New section on local Test Purchasing inserted at paragraph 11.2.1 and 11.2.2

#### 11.2.1 new paragraph inserted to detail a local joint Gambling Test Purchase Strategy

#### 11.2.2 new paragraph inserted to detail the test purchase strategy process

## Part 12 – Equality, Diversity and Inclusion

### 12.1 Sheffield city Council’s Equality, Diversity and Inclusion Policy Statement updated to current version and minor changes to wording

## Part 13 – Useful Information and Contacts

- Other Useful Contacts webpages and details updated where required
- Local gambling support services updated with links to local information.
- Inclusion of National Gambling Helpline telephone number

## Appendix 2 – List of consultees updated

# **Appendix 'D'**

## **(Updated Statement of Principles)**

**SHEFFIELD CITY COUNCIL'S**

**STATEMENT OF PRINCIPLES**

**Gambling Act 2005**

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## Foreword

The Gambling Act 2005 (the Act) transferred the responsibility for granting licences for betting and gaming premises or participating in a lottery, from the courts to Councils. The responsibility for granting operating and personal licences remains with the Gambling Commission.

The Act requires all licensing authorities to draft, consult on, and publish a Statement of Gambling Policy, which must then be reviewed every three years.

We are pleased to present Sheffield City Council's reviewed Statement of Gambling Policy.

We are pleased to set out in this document how we will discharge our responsibilities under the Act and, specifically, promote the licensing objectives, which are:

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

This document sets out Sheffield City Council's Statement of Principles (Policy), which will guide the Licensing Committee when considering applications under the Act and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the general approach to gambling in the City.

~~However, we wish to go much further than just our obligations under the Act. Whilst many people enjoy gambling responsibly, we also believe it is a blight on many lives within Sheffield. The consequences of harmful gambling have a ripple effect in to our communities and causes significant hardship, despair and anguish. Sheffield requires a fully rounded approach to tackling this issue.~~

~~So whilst this document sets out our approach to specific licensing matters, it does not and cannot achieve our ambitions of making gambling fairer and safer for the whole community.~~

~~As such, we are crafting a separate Gambling Harm Reduction strategy which will set out a much more robust and comprehensive approach to minimising harm from gambling, beyond the licensing functions. Prevention of gambling harm will be at the core of this strategy.~~

~~Gambling is not a bad activity, but it can have extremely bad consequences for individuals, families and communities. This document, and the broader Gambling Harm Reduction Strategy that will follow in due course, give us the tools we need to tackle this.~~



**Cllr Jack Scott**  
Labour Councillor & Cabinet Member  
Sheffield City Council



**Cllr Jackie Drayton**  
Labour Councillor and Cabinet Member  
Sheffield City Council



## Part 1 – Overview

### 1.1 Key Definitions

The following terms are used frequently throughout this Statement of Principles (Policy) document:

<b>‘the Licensing Authority’</b>	refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary.
<b>‘the Council’</b>	refers to Sheffield City Council.
<b>‘Policy’</b>	refers to this Statement of Principles (Policy) as required under section 349(1) of the Gambling Act 2005.
<b>‘the Act’</b>	refers to the Gambling Act 2005.
<b>‘the Commission’</b>	refers to the Gambling Commission.
<b>‘Guidance to the Act’</b>	refers to the guidance issued by the Gambling Commission as required under section 25 of the Gambling Act 2005.
<b>‘Codes of Practice’ or ‘LCCP’</b>	refers to Licensed Conditions and Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### 1.2 Scope of Licensing Policy

Under section 349 of the ~~Gambling Act 2005~~, the Licensing Authority is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act at least every three years.

The aim of this document is to outline the principles we will apply when exercising our functions under the Act whilst promoting the following Licensing Objectives: -

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

This document should be read in conjunction with the Gambling Act 2005, the guidance issued by the Gambling Commission and the three Licensing Objectives.

The purpose of the licensing policy is to:

- provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- provide a clear, consistent basis for determining licence applications in Sheffield;
- ensure the relevant views of those affected by licensed premises are taken into consideration;
- ensure local area issues are taken into account by licensed premises; and
- support wider strategies of the City Council and the approach to gambling in the city

This Policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before it.

### 1.3 Summary of matters dealt with in this statement

This introductory section is included in accordance with Regulation 4 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, and as required by that provision it summarises the matters dealt with under Sheffield City Council’s Statement of Principles.

Part 1, Section 1.4 contains a description of the geographical area in respect of which this Licensing Authority exercises its functions under the Act as required under Regulation 4.

Part 1, Section 1.5 states whom the Authority has consulted in preparing this Statement of Principles and required under Regulation 4.

The remainder of Part 1 details the scope; the monitoring and review of this Statement.

Part 2, Section 2.6 details the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. This is detailed as a separate section to comply with Regulation 5.

Part 3 details the Authority's legal obligations and how the Authority will deal with the ~~Gambling~~ Act whilst adopting a multi-disciplinary approach to the integration of local and national strategies.

Part 4 of this Statement details the licensing objectives in more detail.

Part 5 deals with the Council's policy on location, area profiling and risk assessments.

Part 6, Section 6.2 details the principles to be applied by the Authority in exercising the powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. This is detailed as a separate section to comply with Regulation 5.

Part 6, Section 6.4 sets out the principles to be applied by the Authority in exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for, or in respect of a premises licence. This is detailed as a separate section to comply with Regulation 5.

Parts 7 and 8 details the authorisations available under the ~~Gambling~~ Act 2005 which include our local standards (policy) relevant to the specific types authorisation.

Part 11, Section 11.1 details the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section. This again is detailed as a separate section to comply with Regulation 5.

## 1.4 The Sheffield Area

Sheffield is one of England's largest cities and a metropolitan borough in South Yorkshire, England. The City has grown from largely industrial roots to encompass a wide economic base.

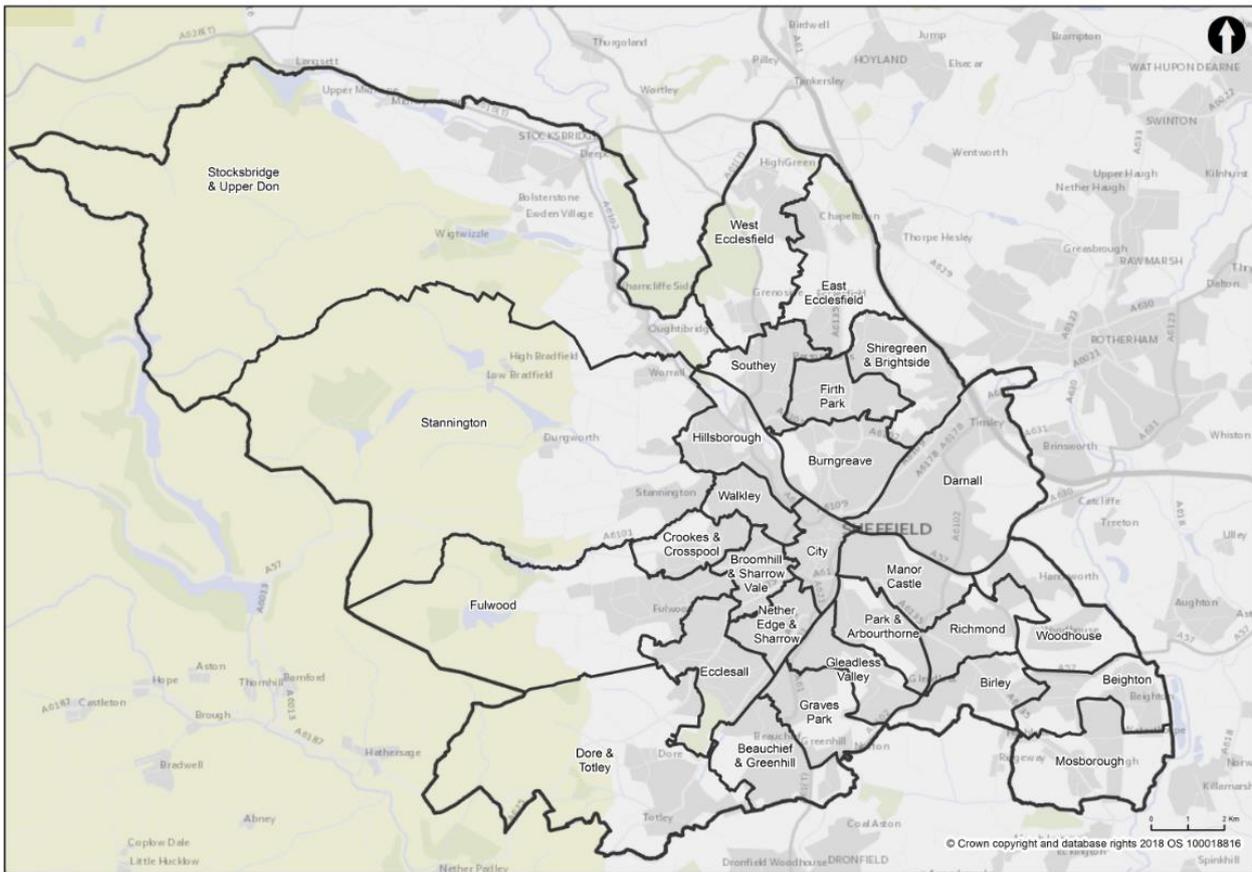
Sheffield is located fairly centrally in Britain in the metropolitan county of South Yorkshire. Lying directly to the east is Rotherham, from which it is separated by the M1 motorway. On its northern border is Barnsley Metropolitan Borough and to the south and west is the county of Derbyshire. Sheffield is the only city to include part of a national park, the Peak District, within its borders.

With a population of 575,400, the City of Sheffield is England's third largest metropolitan authority.

Sheffield benefits from a rich mix of cultural diversity and is fast becoming one of the leading cities for the provision of a wide variety of entertainment and cultural activities.

Sheffield is at the cutting edge of new technology, with two internationally renowned universities, a city of young people which continues to grow in population, a friendly place with vibrant and friendly communities, a thriving city centre, and beautiful parks and green open spaces.

The below map shows Sheffield's boundary:



## 1.5 Consultation

The Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Policies or any amendments in accordance with the Gambling Act 2005.

Under section 349(3) the Licensing Authority must in any case consult with the following: -

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

A list of all those persons consulted is attached at Appendix 2.

## 1.6 Monitoring and Review of this statement

This statement must be published at least every three years and will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

This Statement of Principles will have effect from January 20~~22~~<sup>24</sup>.

## Part 2 – General Principles

### 2.1 A summary of process

This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant codes of practice issued by the Gambling Commission under section 24;
- in accordance with any relevant guidance issued by the Gambling Commission under section 25;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles (policy).

Nothing in this Statement of Policy will:

- prevent any person from applying under the Gambling Act 2005 for any of the permissions and from having that application considered on its own individual merits; and
- prevent any person or stop any person from making representations on any application or from seeking a review of a licence or certificate where the Gambling Act 2005 permits them to do so.

The Licensing Authority will regulate gambling in the public interest and cannot take into account whether there is an unfulfilled demand for gambling facilities. Each application will be considered on its own individual merits without regard to demand.

### 2.2 ~~Promotion of t~~The licensing objectives

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are: -

- 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority expects applicants to offer their own measures to meet the licensing objectives which should include those detailed in Part 9 of this policy. Neither demand nor moral objections will be taken into account when determining applications. Further information regarding the licensing objectives can be found at Part 4 of this Statement of Principles.

### 2.3 The Functions of the Licensing Authority

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

Licensing Authorities are required under the Gambling Act 2005 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 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;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;

- receive Occasional Use Notices;
- provide information to the Gambling Commission regarding details of licences (see section 2.6 of this policy on “Exchange of Information”); and
- maintain registers of the permits and licences that are issued under these functions.

## 2.4 Applications

The Act places a duty on the Licensing Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- the Codes of Practice,
- the Commission’s Guidance,
- this Statement of Principles; and
- where the application is reasonably in accordance with the licensing objectives.

As these are the criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.

Applicants are advised to take into account the above when applying to the Licensing Authority.

This Statement of 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.

Forms and notices relevant to activities within the Licensing Authority’s remit are available from the Licensing Service at the address given in at Part 13.

## 2.5 Fees

The Licensing Authority will set fees for premises licences from within fee bands prescribed by Regulation. Each premises type will have separate fee bands. The fees once set will be reviewed to ensure that the fees cover the costs of administering the Act.

A list of current fees can be obtained from our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) or from the Licensing Service, contact details can be found at Part 13.

## 2.6 Exchange of information

Licensing Authorities are required to include in their Statement of Principles (Policy) the principles to be applied in exercising their functions under Sections 29 and 30 of the Act.

The principles are in respect of the exchange of information between the Licensing Authority and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between the Licensing Authority and those persons listed in Schedule 6 to the Act.

The Licensing Authority will apply the general principle of dealing with any exchange of information in accordance with the provisions of the Gambling Act 2005 and in accordance with the provisions of the [General Data Protection Regulations \(GDPR\) and UK Data Protection Act 2018](#).

The Licensing Privacy Notice informs the applicants what will happen with the personal data that they provide as part of their application. Any information supplied must only be used for the purposes for which it is obtained, it must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. The information will be shared with the listed Responsible Authority third parties to inform decision making regarding the licence application. ~~It must not be further transmitted to a third party without the consent of the original authority that supplied the information.~~

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **2.7 Duplication**

The Licensing Authority will so far as possible avoid duplication with other regulatory regimes.

The grant of a licence does not imply the approval of other legislative requirements.

## **2.8 Departure from Policy**

The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and fairness. In the event of departure from this Policy the Licensing Authority will give full reasons for the decision to do so. (i.e. each case will be dealt with upon its own individual merits).

Any advice about this Policy and general advice about the Gambling Act 2005 can be obtained from the Licensing Service, see contact details at Part 13.

Please Note: The Licensing Service will be unable to give legal advice on the Gambling Act 2005. Any legal advice should be obtained from their own Solicitor or Legal Advisor.

## Part 3 – Integrating Strategies

There are a number of statutory provisions which apply to every action the Council takes as a public authority, including the work it undertakes in its capacity as the Licensing Authority. These include, for example:

- duty to have regard to the interest of Sheffield's tax payers;
- its Human Rights Act obligations;
- in accordance with the Public Sector Equality Duty, as a public sector organisation we also have a duty to under the [Equality Act 2010](#) to have due regard to the need to:
  - eliminate unlawful discrimination, harassment and victimisation
  - advance equality of opportunity
  - foster good relations

The Council is committed to fulfilling all of its obligations when exercising licensing functions and will consider the use of its full range of powers in order to do so.

As well as the above legal obligations, the Licensing Authority is committed to ensure proper integration of local and national strategies to promote the Licensing Objectives

Sheffield's Statement of Principles (Policy) will work alongside existing Council strategies (e.g. local crime prevention, planning, transport, tourism, culture strategy, protection of children and vulnerable persons, public health and our fair city strategies) and the Licensing Authority will ensure continuing co-ordination and integration of these policies to include the setting up of separate working groups.

Any developers and/or individuals that are looking to start a business in Sheffield that requires licensing are encouraged at the outset to consider the policies of all Council Services that are in place that may affect their business proposals. A good example of this is the many planning policies that are in place to assist you when considering investing in the City. Information about all these policies and many more can be found on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk).

It is essential that applicants are aware of and have regard in their risk assessments to these policies and strategies (including those that may not be listed) when considering making an application.

The below are a selection of plans and strategies, applicants/licensees are to take into account all relevant plans and strategies locally and nationally when making an application.

### 3.1 — Sheffield City Councils' 'Corporate Plan 2015-2018'

~~The Corporate Plan sets out the overall direction and priorities of the Council for the next three years and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer.~~

~~The plan is structured around the five priorities of the administration that capture our long term ambitions for Sheffield:~~

- ~~1. An in touch organisation~~
- ~~2. Strong economy~~
- ~~3. Thriving neighbourhoods and communities~~
- ~~4. Better health and wellbeing~~
- ~~5. Tackling inequalities~~

#### ~~An in touch organisation~~

~~"This means listening; being connected and being responsive to a range of people and organisations; ideas and developments. This includes local people, communities and Government, as well as keeping pace with technology. This means understanding the increasingly diverse needs of individuals in Sheffield, so the services we and our partners provide are designed to meet these needs. It also means understanding how to respond. This priority is also about empowering individuals to help themselves and providing opportunities to do this, so they and their communities are increasingly independent and resilient"~~

~~The Licensing Authority will listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield by ensuring we are:~~

- ~~• Intelligent — making full use of information to inform decision making and drive service improvement~~

- ~~Efficient~~ — continually strive to provide value for money improving quality and outcomes
- ~~Responsive~~ — meet the increasingly diverse needs of the individuals of Sheffield

### **Strong Economy:**

~~“A strong economy means creating the conditions for local businesses to grow and making Sheffield an attractive location to start a business. We want Sheffield to achieve our economic potential and for the pace of Sheffield’s economic growth to quicken, particularly in the private sector. This means being well-connected, both physically and digitally, building on our success as a city that supports businesses to grow and playing a full, distinctive role in the global economy. We want local people to have the skills they need to get jobs and benefit from economic growth; and to make the most of the distinctive things Sheffield has to offer, such as cultural and sporting facilities”~~

~~As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:~~

- ~~Vibrant City~~ — help get the right mix of business leisure and retail
- ~~Distinctive cultural and sporting assets~~ — assist in delivering and maintaining these venues

### **Thriving neighbourhoods and communities**

~~“This means neighbourhoods where people are proud to live, with communities that support each other and get on well together. We want people living in Sheffield to feel safe and will continue to join with other agencies in the city to make it easier for local people and communities to get involved, so we can spot and tackle issues early.”~~

~~As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:~~

- ~~Assisting in improving community safety by reducing antisocial behaviour~~

### **Better Health and Wellbeing**

~~“This means helping people to be healthy and well, by promoting and enabling good health whilst preventing and tackling ill health, particularly for those who have a higher risk of experiencing poor health, illness or dying early. Health and wellbeing matters to everyone. We will provide early help and look to do this earlier in life to give every child the opportunity to have a great start in life. This is strengthened by our other priorities that make sure the city has facilities and amenities that help people to stay healthy and well, such as leisure and culture, as well as access to green and open spaces”~~

~~The Licensing Authority will promote good health, and assist in preventing and tackling ill health:~~

- ~~Provide information and education around the impact of alcohol and gambling.~~
- ~~Whilst promoting inclusive, vibrant, thriving neighbourhoods and communities and supporting businesses the Licensing Authority will work closely with external partners to support the improvement of better health and wellbeing.~~
- ~~The document recognises the need to protect children and the vulnerable from gambling addiction and gambling related harm etc. In this respect the Licensing Authority is working closely with the Safeguarding Children Service and other relevant Authorities in doing so.~~

### **Tackling inequalities**

~~“This means making it easier for individuals to overcome obstacles and achieve their potential. We will invest in the most deprived communities; supporting individuals and communities to help themselves and each other, so the changes they make are resilient and long lasting. We will work, with our partners, to enable fair treatment for individuals and groups, taking account of disadvantages and obstacles that people face”~~

~~The Licensing Authority will help invest in the most deprived communities and support individuals to help themselves:~~

- ~~By providing early help, listening and being responsive.~~
- ~~Promote equality, diversity and inclusion~~
- ~~Continue to work with Schools, Colleges and Universities to deliver education around licensing~~

~~The revision of the document means that we can improve the content and design in a way that assists us in achieving our aspiration to be ‘the best we can be — as individuals and communities, as a council and as a city’.~~

Applicants should have regard to this plan and link it to their business so they are aware of the direction of this City.

### **3.1 Sheffield City Partnership**

Sheffield City Partnership is the strategic non-statutory partnership for Sheffield, which works to develop a collective and collaborative approach to addressing the City's challenges and maximizing the strengths and opportunities. It focuses on building relationships, sharing information and adding value by joining-up efforts across the City.

The vision of the Partnership is for a thriving, successful and vibrant Sheffield Economy which delivers better opportunities for more people.

### **3.2 Sheffield City Region – Strategic Economic Plan 2015 - 2025**

This plan is developed by local authorities and businesses that are passionate about the Sheffield City Region and its success.

The Local Enterprise Partnership and its partners have created this Plan to grow both business activity and jobs. This plan contains a number of important initiatives, which focus on getting the existing strong supply chain of businesses to grow, as well as encouraging new businesses to start up in the City Region.

This plan presents a vision for accelerating business growth and job creation in the City Region and applicants should look to promote this plan.

### **3.23 Sheffield Safer and Sustainable Communities Partnership Plan**

This plan is written by the city's Community Safety Partnership who has statutory responsibilities established under the Crime and Disorder Act 1998.

The partnership has a legal responsibility to produce a plan to tackle crime, anti-social behaviour and drug and alcohol misuse.

This plan is linked into the [Police and Crime Commissioner plan](#) with their priorities being :

- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Enabling fair treatment

The Licensing Authority supports such plans to reduce crime and disorder in local communities and protecting the vulnerable.

### **3.4 Sheffield Alcohol Strategy 2016 - 2020**

The Sheffield Alcohol Strategy is a strategic document to guide the city's response to alcohol use which would link to gambling licensed premises and problem gambling.

The 2016-2020 Sheffield Alcohol Strategy over-arching ambitions for Sheffield are:

- To reduce the harms related to alcohol use in Sheffield
- To promote a vibrant night time economy in Sheffield which offers something for everyone

The 2016-2020 strategy addresses five broad themes relating to alcohol in order to provide a wide reaching approach to alcohol use and misuse in the city. The five themes are:

1. Alcohol and Health
2. Alcohol, Treatment and Recovery
3. Licensing Trading Standards and the night time economy
4. Alcohol and Crime
5. Communities and vulnerable groups and individuals

~~The Licensing Authority supports such strategies and plans for a safe and sustainable night time economy. To assist; licence holders should encourage access to information on drug and alcohol treatment services and domestic abuse services in regards to financial abuse. Please refer to Part 9 of this policy regarding ongoing responsibilities of licenced premises.~~

~~Further information and website details for DACT can be found at Part 13 of this document.~~

### **3.35 Culture Strategy**

The City Council recognises the importance of Sheffield's diverse, dynamic cultural offer which makes the city a great place to live, work and study in and visit.

Sheffield City Council has supported the Sheffield Culture Consortium in leading the city's strategic cultural direction.

~~Their vision is "to celebrate the ingenuity and energy of our creative people, and use this story to make Sheffield a magnet city for a new generation of wealth creators. To give every one of our children and young people an inspiring cultural education and to harness the power of creativity to support the wellbeing of the people of Sheffield."~~

### **3.46 Sheffield City Centre Master Plan 2018 - 2028**

The City Centre Master plan outlines how the Council will take forward the regeneration of Sheffield City Centre. The ~~Master~~ plan sets out the vision for the city centre, with a focus on retail, economy and sustainability. It will guide future regeneration and will therefore have a large impact on the future shape of the city centre.

Applicants who wish to apply or vary their licenses are recommended to take into account the ~~master~~ plan.

### **3.57 Accessible Sheffield**

Sheffield City Council are working collaboratively and in partnership with ~~Disabled Go, Access Card (Nimbus), AccessAble, Access Liaison Group, Disability Sheffield and Sheffield Carers Centre Nimbus Disability~~ to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

The partnership is supporting the development and delivery of an exciting new city Access Guide and Access Card scheme.

Inclusive information is an integral part of tourism, disabled people nationwide are accountable for an £80billion annual spend so promoting accessibility is part of building a vibrant economy for the city and ensuring that all of the city's attractions are promoted and well used.

~~Through working in partnership the project aims to:~~

- ~~• Promote good practice in terms of access and service provision via the Credibility Quality Assurance Systems~~
- ~~• Encourage providers and businesses within the city to use the Access Card scheme to offer discounts via the card.~~

~~For further information, please contact 0114 253 6750.~~

### **3.68 GamCare**

GamCare is the leading national provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. Their services are confidential, non-judgemental and expert.

They provide training and materials to the gambling industry to improve social responsibility and player protection. These programs provide attendees with vital insights on how to recognise the signs of problem gambling behaviour and advice on how to interact with players to achieve a positive outcome.

Gamcare support in Sheffield is offered through Krysallis, information and support can be found at <http://www.krysallis.org.uk/sheffield.html>.

Part 9 of our policy details further information which can assist licence holders in relation to problem gambling.

The Licensing Authority recommends that licence holders support and are in partnership with GamCare and the Responsible Authorities whilst taking into account Sheffield's Public Health report and the Council's joint Health and Wellbeing strategies.

### **3.79 Integration with Planning**

The Licensing Authority recognises that there should be a clear separation of the Planning and Licensing Functions. Licensing applications will not be a re-run of the planning application.

While there is no obligation for an applicant to have planning permission before applying for a licence, it is strongly recommended that planning use be obtained first so that proper consideration can be given to the impact the use of the premises will have on the surrounding amenities, character and locality.

Licence holders, applicants and businesses should take into account local planning policies and the ~~new~~ Local Plan to ensure they fit into with the requirements for the plans of the city.

Businesses are also reminded to keep up to date with changes in usage and planning permission requirements (e.g. betting shop usage).

### **3.810 The Sheffield Local Plan**

The Council is working on a new draft 'Sheffield Local Plan' which will guide the future of the city by setting out how and where development will take place up to 2038~~4~~. It will be called the 'Sheffield Plan' once it has been adopted and will replace the Sheffield Core Strategy (2009) and the Sheffield Unitary Development Plan (1998).

### **3.914 ~~Public Health Reports and Strategies~~ Director of Public Health Report for Sheffield & the Sheffield Joint Health and Wellbeing Strategy**

- **The Director of Public Health Report**  
~~eD~~etails health issues in Sheffield and influential factors in securing good health outcomes.
- **The Sheffield Health and Wellbeing Strategy**  
This strategy supports the Public Health report and details a plan to improve the health and wellbeing of Sheffield people.
- **Public Health Framework for Gambling Related Harm Reduction**  
A local framework which suggests a menu of possible areas for action to reduce gambling related harm

Operators are recommended to review and promote ~~both~~ the report and strategy outcomes.

~~Both eD~~ocuments can be found at the following web site:  
<http://www.sheffield.gov.uk/content/sheffield/home/public-health.html>

### **To Note:**

Applicants/licensees should note any possible changes that may occur following the consultation on the review of the Gambling Act 2005 (launched December 2020) and the results from the Gambling Commissions National Strategy to Reduce Gambling Harms. In line with this, a separate Gambling Harm Reduction Strategy for Sheffield will be produced which will set out a comprehensive approach to minimising harm from gambling in the City.

## Part 4 – Licensing Objectives

### 4.1 Objective 1: Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

Anyone applying to the Licensing Authority for a premises licence will be required to hold an operating licence from the Gambling Commission before a licence can be issued. Therefore, the Licensing Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

Sheffield City Council places considerable importance on the prevention of crime and disorder, and the Licensing Authority will fulfil its duty under the Crime and Disorder Act 1998. A high standard of control is therefore expected to be exercised over licensed premises.

### 4.2 Policy – Objective 1

The Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder or have any other impact in relation to this objective.

The following are considerations when determining this and would normally be expected to be in your risk assessments:

- The location of the premises (see location policy at Part 5)
- Whether the premises has a history of crime and disorder or has been associated with crime and/or disorder and whether there are potential future risks of this occurring (see location policy at Part 5).
  - The likelihood of any violence, public nuisance, public order or other crimes and policing problems if the licence was granted.
- The design, layout and fitting of the premises
  - Has it been designed to minimise conflict and opportunities of crime and disorder?
  - Physical security features installed in the premises. This may include matters such as the position of the cash registers or the standard of CCTV that is installed
- What sufficient management measures are proposed ~~to promote this licensing objective~~ and what other measures have been considered.
- Local supporting strategies and schemes including those listed in Part 3 of this document to be assessed:
  - Applicants will be expected to detail how these have been addressed and promoted in regards to this licensing objective in their risk assessments
  - It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local Planning and Transport Policies, Tourism, Cultural and Crime Prevention Strategies. Information relating to crime reduction is available at the South Yorkshire Police website [www.southyorks.police.uk](http://www.southyorks.police.uk).

Conditions may be attached to Premises Licences in order to ~~promote~~ be reasonably consistent with this licensing objective, and will, so far as possible, reflect local crime prevention strategies (also see conditions section 10.4).

All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to ~~promote~~ be reasonably consistent with this objective

The steps to be taken ~~to promote the in regards to this~~ objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a licence is sought. These steps will therefore differ from one premise to another and each application for a Premises Licence will be considered upon its own individual merits.

## Determining an opposed application

The Licensing Authority considers South Yorkshire Police to be the main source of advice on crime and disorder.

Attention will be given to the consideration provided in the application on the above factors.

Where an applicant has omitted information on the above, the Licensing Committee will ask questions of the applicant on such and will consider attaching appropriate conditions.

### 4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. This is because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

Licensing Authorities must consider factors relevant to any of the three licensing objectives.

The exception to the above is for occupiers of tracks who do not propose to offer gambling themselves. This means there will be more of a role for Licensing Authorities in this area which is explained in more detail in the 'tracks' section at 7.12.

### 4.4 Policy – Objective 2

The following are considerations when determining an application and would normally be expected to be in your risk assessments:

- Whether sufficient management measures are proposed to ~~promote~~ be reasonably consistent with this licensing objective.
- The design, layout, lighting and fitting of the premises.
  - Has it been designed to ensure gambling is conducted in a fair and open way?
  - Physical security features installed in the premises. This may include matters such as the position and standard of CCTV that is installed
  - Separation of areas and adequate supervision
- Is the management and operation of the premises open and transparent?
  - Co-operation with enforcement agencies.
  - Ensuring correct protocols and procedures are in place to ~~promote~~ be reasonably consistent with this objective.
  - Compliance with the Gambling Commissions code of practice.

### 4.5 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act defines children as ~~meaning~~ 'an individual who is under 16 years old' (persons under the age of eighteen are 'young persons'). The objective here is specific to protecting children from being harmed or being exploited by gambling.

The Licensing Authority will expect applicants to consider the measures necessary to promote-be reasonably consistent with this objective which includes preventing children and vulnerable people from being enticed to gamble or to take part in inappropriate gambling and how operators intend to prevent children from entering those gambling premises which are adult only environments.

The Licensing Authority is also aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

#### 4.6 Policy – Objective 3

The following would normally be expected to be included and addressed in your risk assessments which in turn will be used in determining your application:

- The location of the premises (see location policy at Part 5) e.g.:
  - Are the premises located close to premises frequented by children or other vulnerable persons? E.g. Schools, universities, substance misuse treatment services, youth services, domestic abuse support services, children’s play areas; are the premises near to social housing or a treatment centre for gambling addicts, hospitals or residential homes for children or vulnerable people etc. (See local area profiling)
  - Is a gambling premises suitable to be located there?
  - Are there sufficient controls, procedures and conditions in place to promote-be reasonably consistent with this licensing objective?
- Whether any promotional materials or advertising associated with the premises could encourage the use of the premises by children or vulnerable persons.
- Whether there are sufficient management measures in place to ensure adequate training and refresher training for staff is in place to protect children, young persons and vulnerable persons who may be harmed or exploited by gambling, including safeguarding awareness training. Safeguarding training and advice is available by contacting the Safeguarding Licensing Manager at SCSPsafeguardinglicensing@sheffield.gov.uk.
- The following measures are requirements that operators must address in Sheffield to promote-be reasonably consistent with this licensing objective; these would include but not be limited to the following:
  - a risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Children Safeguarding Partnership Children-Board risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>.  
The outcome of the risk assessment should inform staff training and the operating policy.
  - a member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons (for a description of this role refer to <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>);
  - a recognised Proof Of Age Scheme to be operated in all areas of the premises where alcohol and other age restricted goods are is on sale and at entrances to areas of the premises which give access to adult gambling facilities;
  - staff shall receive induction and refresher training in relation to procedures and operating systems for the protection of children and vulnerable people. Staff training records shall be maintained and be available for inspection at the reasonable request of the Responsible Authorities;
  - a written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons including: refusals of service or

- admission, the provision of self-help information; membership records for the self-exclusion scheme including photographic ID; records of interventions with parents/carers who fail to behave responsibly at the premises; records of persons barred.
- signage to be displayed in areas where children are admitted regarding all restrictions
  - A customer charter promoting the principles of acceptable behaviour at the premises including that adults must supervise their children at all times;
  - Performance monitoring and self-testing procedures should be in place to identify training needs and staff competence in relation to age verification.
  - Staff should receive safeguarding training to help them to recognise and respond to individuals at risk of gambling related harm. Staff may benefit from training that includes the impact of harmful gambling, the benefits of taking a trauma informed approach to engage with customers and how to manage confrontation. For further information about gambling related safeguarding training, contact the Safeguarding Licensing Manager at [SCSPsafeguardinglicensing@sheffield.gov.uk](mailto:SCSPsafeguardinglicensing@sheffield.gov.uk). Staff training should include techniques for identifying and engaging with vulnerable adults who gamble
  - To promote the core objective of the Gambling Act 2005 to protect children and vulnerable adults from gambling related harm, Sheffield City Council recommends that licensed Operators work in partnership with local services such as Public Health and the Safeguarding Partnerships, to provide information about welfare and treatment services to customers. This may include local services distributing leaflets, posters, contact cards, self-screening tools (Lie/Bet) or other materials, free of charge, via Operators, to reduce the risk of gambling related harm.
  - ~~Staff training should include managing confrontation.~~
  - Measures to be in place to prevent underage or vulnerable persons accessing online gambling if offered at a premises.
  - areas for adult gambling must be clearly segregated and physically supervised to prevent underage admission.
  - Signage must be displayed to promote all the restrictions including age restricted games.
  - ~~signage displayed on age restricted games;~~
  - ~~bandit screens used;~~
  - self-help notices and literature should be discreetly accessible to customers;
  - staff to be trained to recognise vulnerable customers (for example, when people appear to be under duress when placing a bet or who appear to lack capacity (meaning they are unable at the time to understand the risks and likely implications of ~~G~~gambling) such as becoming agitated, aggressive, attempting to breach agreed limits or self-exclusion agreements; engaging in superstitious type rituals);
  - Operators are encouraged to establish links with the Sheffield Children Safeguarding Partnership Children Board as a the Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding Partnership Board as an advisory service regarding vulnerable adults.

The Licensing Authority will consider this licensing objective on a case by case basis and each application for a Premises Licence will be considered upon its own individual merits.

### Underage Gambling – Test Purchasing

Results from any Test Purchasing carried out either by the operators or the Licensing Authority through its strategy detailed in Part 11 paragraph 11.2.1 and 11.2.2 will be considered under this objective.

### **Determining an Opposed Application**

The Licensing Authority will give considerable weight to representations about child protection matters in licensed premises.

It will consider the Sheffield Children Safeguarding Partnership Children Board as a source of advice in relation to the protection of children and vulnerable adults.

# Part 5 – Location, Area Profiling and Risk Assessments

## 5.1 Location

In considering the location of premises, issues of demand cannot be considered. Considerations can however be made on the location of the premises in relation to promoting the licensing objectives.

The Licensing Authority sets out the following policy in relation to location.

## 5.2 Policy - Location

The Licensing Authority will pay particular attention to two of the three licensing objectives in considering location, that being: the protection of children and vulnerable persons from being harmed or exploited by gambling, and crime and disorder issues.

Whilst each application will be treated upon its own merits, applications which the authority feels is in close proximity (close proximity will be determined by the Local Authority on a case by case basis) or on route to the following sensitive locations will require applicants to provide further detailed information as to how their proposals will ~~promote~~ be reasonably consistent with the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):

- a school, university, college, nursery or other similar premises substantially used by or for children or young persons (including children’s homes and specialist units);
- a park or similar space used for children’s play or young people’s recreational activity;
- a Hospital, Mental Incapacity or Disability Centre, mental health projects and facilities or similar premises;
- vulnerable adult centres and community buildings (e.g. centre for gambling addicts)
- substance misuse treatment services
- youth or other children or vulnerable people specialist services.
- social housing for vulnerable adults
- locations known to attract unaccompanied vulnerable young people or criminals
- high crime and disorder hot spots

### ~~Areas Nearing Stress~~

~~In some areas of Sheffield, a concentration of gambling licensed premises maybe considered as leading to problems undermining the licensing objectives and in particular crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling. The following areas are causing ‘stress’ but are not, in the opinion of the licensing authority, at the level where we have adopted any form of a cumulative impact policy:~~

<del>AREA</del>
<del>Fitzalan Square</del>
<del>Darnall Centre</del>
<del>Hillsborough Corner</del>
<del>Paige Hall</del>

~~Applicants making applications for a licence in these areas are advised to carefully think about the licensing objectives and consider what measures they would take in their risk assessments to minimise the addition of any further impact. Risk management measures may be converted into licence conditions.~~

~~In considering any applications under this policy, the licensing authority will still take care to ensure the Act and guidance is applied and considers the merits of all individual cases.~~

## 5.3 Area Profiling and Risk Assessments

The Licensing Authority needs to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.

~~From 6 April 2016, it is a requirement of t~~The Gambling Commission's Licence Conditions and Codes of Practice (LCCP), sets out requirements for licensees to assess ~~the~~ local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. The codes of practice require licensees to share their risk assessment with Licensing Authorities.

~~This Licensing Authority requests that these assessments are submitted from the 6<sup>th</sup> April 2016.~~

Licensees must review (and update as necessary) their local risk assessments:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

## 5.4 Policy - Risk

The Authority would normally expect applicants to consider the following in their local risk assessments:

- Whether the premises is in an area subject to high levels of crime and/or disorder
- Location of areas/buildings that attract or involve the presence of children and vulnerable people (e.g. schools, universities, leisure centres, certain shops, children's homes, substance misuse treatment services or other specialist services for children and vulnerable people; money lending organisations etc)
- Demographics of the area and in particular to vulnerable groups (eg the location of the premises in deprived areas, level of social housing, or location in relation to money lending businesses)
- Location of services for vulnerable groups in the area
- Deprivation of local area (at the very least the Ward area)
- Local policies and strategies to assist in the promotion of the licensing objectives (see also Integrating Strategies at Part 3)

The above list is not exhaustive but shows a minimum requirement from this authority, applicants may wish to add anything additional to mitigate any risks to promote be reasonably consistent with the licensing objectives.

To assist applicants with the above local area profiling and their risk assessment, the following links and information may assist:

- **Sheffield fact and figures:**  
<https://www.sheffield.gov.uk/home/your-city-council/population-in-sheffield.html>  
~~<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html>~~
- **Ward profiles:**  
<https://www.sheffield.gov.uk/home/your-city-council/ward-profiles.html>  
~~<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/ward-profiles.html>~~  
This Ward Profile Tool that has been produced to provide analysis and statistics for a variety of key topics such as demographics, education, crime and the economy, as well as providing information from the census, at a local level.
- **South Yorkshire Police**  
[www.southyorks.police.uk](http://www.southyorks.police.uk)  
Information relating to crime reduction is available at the South Yorkshire Police website.
- **Joint Strategic Needs Assessment**  
<https://www.sheffield.gov.uk/home/public-health/health-wellbeing-needs-assessment.html>

- **CDRC Data Maps**  
<https://data.cdrc.ac.uk/>

## 5.5 Policy - Area

The Licensing Authority will consider the following factors when deciding if an application is appropriate in a location:-

- the possible impact a gambling premises may have on any premises that provide services to children, young people and vulnerable persons, i.e. a place of education, play, recreation or treatment or vulnerable adult centres in the area and any mitigating factors put in place by the applicant to reduce risk
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children and any mitigating factors put in place by the applicant to reduce risks
- the size of the premises and the nature of the activities taking place
- appropriate number of staff and supervision procedures
- levels of crime in the area and the impact of the grant of the licence
- If the applicant has offered any conditions which would mitigate risks and ~~promote~~ be reasonably consistent with the licensing objectives.
- How the premises will operate to restrict access to children, young persons and vulnerable persons
- Details of any partnership working arrangements the operator has in place with police, social care or similar agencies).
- How the risk of online gambling will be managed if offered at a premises

This list is not exhaustive, but is a number of factors that will be taken into account regarding the suitability of location.

The Licensing Authority and its partners will monitor and work with businesses and communities in any areas of concern within the City which may lead to problems that undermine the licensing objectives, in particular crime and disorder and protecting children and other vulnerable persons from being harmed or exploited by gambling.

If interventions are required; a multi-agency approach will be taken within these areas which could include but not limited to; specialist advice on tackling the issues, a multi-agency action plan; specific targeted training and compliance checks at licensed premises within these areas.

If issues persist in an area, ~~T~~he Local Authority may undertake their own local area profiling and where it is determined that granting the application may lead to the licensing objectives being undermined, and where relevant conditions cannot be imposed, they will choose to refuse it.

## Part 6 - Responsible Authorities, Interested Parties & Representations

### 6.1 Responsible Authorities

The Gambling Act 2005 sets out in Section 157 a list of bodies to be treated as Responsible Authorities under the Act.

Responsible Authorities are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the Licensing Objectives.

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children ~~Partnership Board~~;
- HM Revenues & Customs; and
- any other person prescribed in Regulations by the Secretary of State.

### 6.2 Policy – Sheffield Children Safeguarding Partnership Children Board Statement of Principles (Section 157(h) of the Act)

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. Those principles are:

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

The Licensing Authority has designated Sheffield Children Safeguarding Partnership Children's Board of Sheffield City Council for this purpose in relation to children and vulnerable people.

The contact details of all the Responsible Authorities are set out in Part 13 and available on the Licensing Authority's website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

## 6.3 Interested Party

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 sets out the persons to be treated as Interested Parties under the Act.

For the purpose of this part a person is an “Interested Party” in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)

## 6.4 Policy – Interested Party Statement of Principles (SI2006/636)

The Licensing Authority is required by Regulations to state the principles it applies in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party.

The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Gambling Act 2005:

- a) each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005;
- b) the Licensing Authority will not apply a rigid rule to its decision making.

The Licensing Authority will:

- have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of ‘Interested Parties’.
- also consider the Gambling Commissions Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has also recommended that Licensing Authorities state that ‘Interested Parties’ are to include trade associations, trade unions, and residents and tenants associations. This Authority will not, generally view these bodies as ‘Interested Parties’ unless they have a member who can be classed as an ‘Interested Party’ under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be likely to be affected by the activities applied for).

This Authority will however, require written evidence that a person / body (e.g. an advocate or relative) “represents” someone who either lives sufficiently close to the premises so that they are likely to be affected by the authorised activities and / or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. (Note: If there is any doubt then please contact the Licensing Service, see contact details at Part 13.

## 6.5 Making Representations

Representations to applications or requests for a review should be based on the licensing objectives of the ~~Gambling~~ Act which are set out at the start of this Statement.

Representations received outside the statutory period for making such representations or which otherwise does not comply with the regulations will be invalid and will not be taken into consideration when the application is determined.

## 6.6 Policy - How to make a representation

The Licensing Authority expects representations to include the following:

- a) the name, address and a contact number for the person making the representation.
- b) the capacity in which the representation is made (i.e. Interested Party or Responsible Authority) and if made as a representative should indicate who is being represented with their name and address.
- c) the name and address of the premises in respect of which the representation is being made.
- d) the licensing objective(s) relevant to the representation.
- e) why it is felt that the application:
  - is not reasonably consistent with the licensing objectives; or
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or;
  - otherwise should not be granted or;
  - should only be granted subject to certain specified conditions  
**(one or more of the above reasons should be listed)**
- f) details of the evidence supporting the opinion in (e).

It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

The above criterion is to ensure that the representation is made by a Responsible Authority or Interested Party and that it is relevant and directly related to the premises the application refers to.

### Petitions

We understand that petitions are sometimes attached as a form of representation to an application. Should you wish to submit a petition, the Licensing Authority would expect that it entails the above listed information.

The Licensing Authority would also expect that there is:

- An organiser of the petition who will be the point of contact
- A spokesperson to discuss the views and answer questions on behalf of the petitioners at any Licensing Committee hearing

Whilst representations which are not in the preferred form or which do not fully comply with the above will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

Where valid representations are received the Authority will hold a hearing.

## Part 7 - Premises licences and Reviews

### 7.1 General principles

Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed, though certain activities may be authorised by way of notification. The involvement of Responsible Authorities, Interested Parties and the degree of control and discretion available to the Licensing Authority varies, dependent upon the type of authorisation necessary. Part 7 and 8 of this statement addresses the local standards applicable to the various types of authorisation.

The Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling as far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Principles (Policy).

### 7.2 Policy - Premises

When considering applications for premises licences the Licensing Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted, except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities.

Applicants for a premises licence will need to show to the satisfaction of the Authority that they

- have a right to occupy the premises concerned;
- hold a valid Operating Licence from the Commission or have applied for an Operating Licence and
- meet such other criteria set in this policy document.

The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.

### 7.3 Definition of a 'Premises'

In the Act, "premises" is defined as including "any place".

Section 152 therefore prevents more than one premises licence applying to any one place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or a shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

Particular attention will be paid if there are issues about sub-divisions of a single building or plot and licence holders should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the decision is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider

that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises”.

## 7.4 Policy - Divided premises

The Licensing Authority takes particular care in considering applications for multiple licences for a building, as part of the consideration, applicant must demonstrate the following:

- that the premises are genuinely separate and have not been artificially divided to what is already identifiable as a single premises;
- separation between the premises is appropriate;
- that the licensing objectives and the authorities expectations on promoting the those are taken into consideration;
- the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business
- that the Licensing Authority will take into particular regard the third licensing objective which seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- steps have been taken in preventing unlawful direct access by customers between licensed premises
  - entrances and exits from parts of a building covered by one or more premises should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- That any local schemes and strategies have been assessed and promoted where ever possible (see also Integrating strategies at Part 3)

The Licensing Authority may also consider the following factors listed in the Commissions guidance:

- Do the premises have separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or public passageway?
- Can the premises only be accessed from any other gambling premises?

These and other relevant factors will be considered when making a decision, depending on all the circumstances of the case.

## **7.5 Premises ready for Gambling**

A licence to use premises for gambling will only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

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

### **7.5.1 Policy – Premises ready for gambling**

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, the Licensing Authority will determine applications on their merits, applying a two stage consideration process:

- 1) whether the premises ought to be permitted to be used for gambling; and
- 2) whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

The Licensing Authority may request any other information they may feel relevant in determining the application.

Licensing Authorities are not obliged to grant a licence, where it does seem appropriate to grant a licence, it may do so by attaching conditions.

## 7.6 Types of Premises Licences and Provisional Statements

Premises licences are only necessary for the following types of gambling:

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres

The Gambling Act allows “Responsible Authorities” (identified in section 157 of the Act) and “Interested Parties” to make representations to applications relating to premises licences and provisional statements (see making representations at section 6.5). In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies.

## 7.7 Provisional Statements

Developers may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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

- expects to be constructed;
- expects to be altered; or
- expects to require the right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change to the applicant’s circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Authority’s opinion reflect a change in the operators circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making its decision.

The provisions set out below apply to provisional statements as they apply in relation to premises licences.

## 7.8 Adult Gaming Centres (AGC's)

These premises must be operated by persons holding a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Licensing Authority.

Section 172(1) of the Act permits the following on AGC's:

- category B machines; and
- unlimited category C and D machines.

The Category B machines are limited to B3 and B4 and the number of category B machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

### Access

- No one under the age of 18 is permitted to enter an Adult Gaming Centre.
- No customer must be able to access the premises directly from any other licensed gambling premises.

### 7.8.1 Policy - AGC

Factors for consideration by the Licensing Authority when determining the application for an Adult Gaming Centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling through risk assessments and in particular the location (see location policy at Part 5); and
- Applicants measures and procedures to minimise illegal access to the premises by under 18's

The Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy to the Licensing Authority that there will be sufficient measures to control access to and participation in gambling by such persons.

The Authority will also expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- change machines
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare
- staff training including age verification and safeguarding awareness training
- record keeping
- signage
- publicity or advertising.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

In addition to the mandatory conditions attached by regulations issued by the Secretary of State, conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary (see section 10.4 on conditions).

## 7.9 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence from the Licensing Authority
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see section 8.2 of this Statement)

This section deals with FEC's, and persons operating a licensed FEC must hold a gaming machine general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority.

### Access

- No customer must be able to access an FEC premises directly from any of the following:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track.
- Children and young persons are permitted to enter an FEC and may play on the Category D Machines only. There must be clear segregation between category C and D machines, to ensure children do not have access to the category C machines. Access and egress points must be monitored.

### 7.9.1 Policy - FEC

Factors for consideration by the Licensing Authority when determining an application for a licensed family entertainment centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Applicants measures and procedures to minimise illegal access to the premises by under 18's.
- Measures and procedures for any staff supervision requirements and ensuring any risk to this particular licensing objective (Objective 3) is being suitably managed.
- Suitability of the location through the applicants local area risk assessments:

In determining the suitability of the location, specific consideration will be given to the following factors:

- proximity of premises to places of education, play or recreation; specialist services for children or vulnerable adults (e.g. a centre for gambling addicts or other addictions, [treatment or counselling services](#)), and community buildings;
- proximity to residential areas where there may be a high concentration of families with children; and
- whether the premises is within a shopping area centre or within the edge of one.

Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary in addition to the mandatory conditions attached by regulations issued by the Secretary of State (see section 10.4 on conditions).

Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes

- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff including safeguarding awareness training and ~~on~~ how to deal with suspected truant school children on the premises
- arrangements for partnership working with relevant agencies such as social care, police or similar.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

## 7.10 Casinos

Sheffield City Council, as the Licensing Authority has not passed a “No Casino” resolution under Section 166 of the Gambling Act 2005, but is fully aware that it has the power to do so.

Should Sheffield City Council, as the Licensing Authority, decide to pass a “No Casino” resolution in the future it will update this statement with details of that resolution. Any such resolution will be made by the Full Council.

Sheffield City Council has a number of casinos licensed in its area. Although the authority cannot grant any new casino premises licences, existing casino premises licences can be varied to increase or decrease permitted gambling area, vary the default conditions, or any conditions imposed by the authority.

The Secretary of State has made regulations setting out both mandatory and default conditions (conditions which the Licensing Authority can choose to exclude) for attaching to casino premises licences. These conditions cover the layout, access arrangements, number of player positions and requirements concerning the display of information.

Casino premises licences will be monitored by the Licensing Authority so far as the Act, the guidance, and the codes of practice allow. Such licences are also subject to the review process.

### Access

- The principle access entrance to the premises must be from a street (as defined under the Commissions guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- No one under the age of 18 is permitted to enter a casino (including for the purpose of working (paid or voluntary) or performing/entertaining).

### 7.10.1 Policy – Casino Variation

Factors for consideration by the Licensing Authority when determining the application to vary a casino licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority’s considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises
- Applicants measures and procedures to minimise illegal access to the premises by under 18’s

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

Local area profiling through risk assessments and in particular the location (see location policy at Part 5)

### 7.10.2 Casinos and competitive bidding

Where a Licensing Authority area is enabled to grant a premises licence for a new style casino (i.e. where the Secretary of State has made such regulations under section 175 of the Gambling Act 2005 applying to the particular Authority) there are likely to be a number of operators who will seek the right to run the casino.

In such situations the Local Authority will run a competition in line with any regulations / codes of practice issued under the Gambling act 2005.

## 7.11 Bingo Premises

Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles.

Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority.

The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

### Access

- Customers must not be able to access a bingo premises directly from any of the following:
  - a casino;
  - an adult gaming centre; and
  - a betting premises, other than a track

### 7.11.1 Policy - Bingo

Factors for consideration by the Licensing Authority when determining an application for a bingo licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises (see location policy Part 5)
- Suitability and lay out of the premises (see below description)
  - plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence
  - plans are to be marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown
- Demonstrate to the Licensing Authority that bingo can be played in any bingo premises for which a premises licence is issued.
  - This is to ensure avoidance of a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance
  - This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

## 7.12 Betting Premises

The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.

Licensable activities include:

- off-course betting;
- on-course betting for tracks (see below);
- betting by way of betting machines; and
- up to four class B2, B3, B4, C or D category gaming machines

### 7.12.1 Off course betting (Betting shops)

Off course betting is betting that takes place other than at a track, typically in a betting shop and includes an entitlement to operate up to four gaming machines if category B2, B3, B4, C or D.

Conditions may be applied by the Licensing Authority in support of the licensing objectives if it is felt necessary and such licences are subject to mandatory and default conditions applied by regulations issued by the Secretary of State (see also section 10.4 on conditions).

#### Access

- Access must be from a street or from other premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- No one under the age of 18 is permitted to enter a betting premises.

### 7.12.2 Policy – Off course (Betting Shops)

Factors for consideration by the Licensing Authority when determining an application for a betting premises licence (other than a track) will consider how the applicant has demonstrated the:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's principles under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises in particular to young and/or vulnerable persons (see location policy Part 5)
- Procedures in place to prevent access to young people under the age of 18
- Suitability and lay out of the premises
- Size of the premise in relation to the number of betting machines
- The ability of staff to monitor the use or abuse of machines
- Self-exclusion systems
- Staff training in relation to responding to underage or vulnerable people

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

### 7.12.3 Tracks

The Gambling Act 2005 defines a track as “a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place”.

Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track.

Track operators are not required to hold an operator’s licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting.

The Licensing Authority recognises that track operators will have an important role to play in the regulation of gambling activities and expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.

#### Access

- Customer should not be able to access a track premises directly from any of the following:
  - a casino; or
  - an adult gaming centre.
- There must be clear segregation between category C and D machines. Tracks will be required to have policies to ensure under 18’s do not participate in gambling other than on category D machines.

### 7.12.4 Policy - Tracks

The Licensing Authority will expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks 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.

Applicants are encouraged to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances / machine areas;
- physical separation of areas;
- location of entrances;
- notices / signage;
- specific opening hours;
- self-barring schemes; and
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- Customer charter to promote responsible behaviour and supervision of children
- Safeguarding awareness training

This list is not mandatory, nor exhaustive, and is merely indicative of examples that Sheffield City Council would expect as measures and recognise as responsible practice.

### **7.12.5 Policy - Applications and plans for Tracks**

Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion to ensure that Licensing Authorities gains a proper understanding of what it is being asked to licence, the Authority requests the following information:

- detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
- in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the "Tote" or "Track Operator", as well as any other proposed gambling facilities;
- plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

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

It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **7.12.6 Policy - Rules being displayed**

Licensing Authorities will attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that measures are taken to ensure that they are made available to the public. For example; the rules could be printed in the race-card or made available in leaflet form from the track office.

## **7.13 Gaming Machines used on Tracks**

Guidance from the Gambling Commission addresses where such machines may be located on tracks and any special considerations that should apply in relation, for example, the location and supervision of the machines and preventing children from playing them.

The Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

## **7.14 Betting Premises on Tracks**

A track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

Pool betting may also take place on certain types of tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.

In line with the Commission's Guidance the Licensing Authority will expect operators of self-contained units on tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## 7.15 Betting Machines on Tracks

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and vulnerable people (it is an offence for those under 18 to bet), when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.

When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider:

- the potential space for the number of machines requested;
- minimum staffing levels proposed through risk assessments
- the ability of track staff to supervise the machines especially if they are scattered around the site;
- how to restrict access to under 18's including adequate signage; and
- the ability of the track operator to prevent children and vulnerable people betting on the machines.

## 7.16 Reviews

Requests for a review of a premises licence can be made by 'Interested Parties' or 'Responsible Authorities', which include the Licensing Authority.

### 7.16.1 Policy – Reviews

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 Licensing Authority's Statement of Principles.

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

1. the grounds are frivolous;
2. the grounds are vexatious;
3. the grounds are irrelevant;
4. 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 (i.e. where the Licensing Authority will not have any power to effect the licence) ;
5. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
6. the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

The onus will be on the Responsible Authority/Interested Party initiating the review to provide evidence in support of the matters for concern.

#### Applications by Responsible Authorities

Where risk is identified and has not been managed to the satisfaction of the Responsible Authorities; an application will be submitted to review the licence.

The Licensing Authority considers the action planning approach an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

#### Review applications by 'Interested Parties'

Persons other than responsible authorities can request that the licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested, the licensing authority would expect to see evidence of:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues;
- Asking the licensing department to talk to those who manage the premises on your behalf; or
- Talking to the relevant "responsible authority" about the problem.

The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken but will seek to establish that all options have been considered.

## Part 8 - Permits, Notices and Lottery Registrations

### 8.1 Permits

Permits regulate gambling and the use of gaming machines on premises which do not require a premises licence under this Act where either the stakes are very low or gambling is not the main function of the premises.

Premises with this option include family entertainment centres, alcohol serving premises, members clubs, miners welfare institutes and those premises wishing to offer prize gaming can apply to the Licensing Authority.

Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified Responsible Authorities.

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore the Authority will consider a number of factors before determining an application for a permit to ensure the permit holder and the premises are suitable for the proposed to carry out gambling activities.

The Licensing Authority is responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits
- Alcohol licensed premises gaming machine permits
- Prize gaming permits
- Club gaming permits and club machine permits

Applicants are required to consider the licensing objectives in Part 4 of this policy and apply the general principles in Part 2 of this statement.

### 8.2 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

Unlicensed family entertainment centres are those premises which provide category D gaming machines only and possibly other amusements such as computer games or penny pushers.

The premises are 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it provides both category C and D gaming machines (please see section 7.9 for further details of licenced family entertainment centres). [Operators of UFEC's are expected to attend safeguarding awareness training, contact the Safeguarding Licensing Manager at SCSPsafeguardinglicensing@sheffield.gov.uk for more information.](mailto:SCSPsafeguardinglicensing@sheffield.gov.uk)

#### 8.2.1 General Principles

As per Section 238 of the Gambling Act 2005 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines (which can be played by a young person).

The Licensing Authority will require applicants to demonstrate:

- The premises will be used as an unlicensed FEC.
- The Police have been consulted on the application.
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's.
- That the applicant has no relevant convictions (see schedule 7 of the Act and below statement of principles regarding convictions)
- Staff are trained to have a full understanding of the maximum stakes and prizes
- A risk management plan is in place in relation to protecting children and vulnerable people

The Licensing Authority will in relation to an application for an unlicensed family entertainment centres take into account the following statement of principles when determining an application:

## 8.2.2 Policy – UFEC Statement of Principles (Schedule 10 paragraph 7 of the Act)

Applicants are to use the prescribed application form when applying for such permit and attach the required fee and all supporting documentation requested.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be given to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed.

As well as the Police, Sheffield [Children Safeguarding Partnership](#) ~~Children’s Board~~ will also be consulted on the application.

The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

In doing so, the Licensing Authority will expect applicants to demonstrate to the Authority as part of the application:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm (harm in this context is not limited to gambling and includes wider issues around the protection of children and vulnerable others);
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions (i.e. submit a criminal record);
- that there are measures set out to ~~promote~~ be reasonably consistent with the Licensing Objectives (see licensing objectives policy at Part 4);
- the location of premises (in relation to schools, substance misuse or other specialist services for children and vulnerable adults etc. – see locations policy at Part 5);
- local area profiling of the applicant through their risk assessments
- that a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- there are policies and training available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield [Children Safeguarding Partnership](#) ~~Children Board~~;
- provide details of the supplier of the machines and licence number
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- that staff are appropriately trained to have a full understanding of the maximum stakes and prizes.

The efficiency of such policies and procedures will each be considered on their merits, however, they should include appropriate measures / [safeguarding awareness](#) 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 or vulnerable others causing perceived problems on / around the premises or children or vulnerable others perceived to be engaging in risk-taking or dangerous behaviour.

## 8.3 Alcohol Licensed Premises Gaming Machine Permits

### 8.3.1 Automatic Entitlement for up to two gaming machines

The Act provides for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D.

To rely on this automatic entitlement the person who holds the premises licence under the Licensing Act 2003 must formally notify the Licensing Authority and pay the prescribed fee.

Failure to give notification means that the gambling is unauthorised and the premises user or any person who makes the machine available for use commits an offence.

Notification must be given on the form provided for by this Authority and can be found on our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Applicants are reminded to comply with the Gambling Commissions code of practice on gaming machines which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The applicant will be expected to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. This could include positioning the machines in sight of the bar, or in sight of staff who can monitor that the machines are not used by those under 18, or in an area designated for adults only

The Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises in breach of the automatic entitlement provisions contained in Section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

### 8.3.2 Permit for three or more machines

If a premises wishes to have more than two machines of category C or D they would be required to apply for a 'licensed premises gaming machine permit'.

In determining such an application, regard will be given to the licensing objectives and any guidance issued by the Gambling Commission. In particular, the applicant must satisfy the Licensing Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the adult only gaming machines.

#### 8.3.3 Policy - LPGMP

Measures which will help satisfy the Authority of the applicant's commitment to prevent persons under the age of 18 years access to adult machines will be to ensure those machines are in sight of the bar and that suitable notices and signage will be on display.

Premises are encouraged to put into effect procedures intended to prevent underage gambling. This should include procedures for:

- operating a recognised age verification scheme, including checking the age of apparently underage customers, maintaining refusal records and training staff to operate the scheme; and
- refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce any acceptable form of identification.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines. Staff should be trained to recognise and report concerns about children and vulnerable people.

#### Policy - 6 Machines or more

Any applications or variations for 6 machines or more will require producing the following with the appropriate application form:

- Plan of the premises indicating where the machines will be located
- Measures and procedures put in place regarding supervision of the machines

- A risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Children Safeguarding Partnership Children Board risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>  
The outcome of the risk assessment should inform staff training and the operating policy.
- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons. For a description of this role refer to <https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/the-gambling-act-2005>

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application will need to be dealt with under the relevant provisions of the Act and this Policy.

It should be noted that the Licensing Authority can decide to grant the application for a licensed premises gaming machine permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Alcohol licensed premises are able to provide some limited equal chance gaming. Licence holders are to refer to the advice and guidance issued by the Gambling Commission.

## 8.4 Prize Gaming Permits

These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming on specified premises.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

Although a Licensing Authority cannot attach conditions, Section 293 of the Gambling Act 2005 set out four conditions that permit holders must comply with to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in Regulations, must be complied with;
- all chances to participate in gaming must be allocated on the premises on which the gaming is taking place and on the 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.

The Licensing Authority will also in relation to an application for prize gaming permits take into account the following statement of principles when determining an application:

### 8.4.1 Policy – Prize Gaming Statement of Principles (Schedule 14 para 8 of the Act)

The Licensing Authority has a prescribed form which it requires applicants to use which is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

The Licensing Authority will expect the applicant to set out the types of gaming that they are intending to offer and be able to demonstrate:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- that all staff have been fully trained in all the relevant issues;

- that the applicant has no relevant convictions;
- that there are measures set out to ~~promote~~ be reasonably consistent with the Licensing Objectives;
- the location of premises and a local area profile risk assessment (in relations to schools etc – see location policy at Part 5);
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable others;
- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Children Safeguarding Partnership~~Children Board~~;
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be taken to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed. In addition the Sheffield Children Safeguarding Partnership~~Children Board~~ and Police will also be consulted on the application. The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

## 8.5 Club Gaming Permits & Club Machine Permits

These permits are required where members clubs and Miners’ Welfare Institutes provide a gambling facility but either the stakes and prizes are low or gambling is not the main function of the premises.

Club gaming permits allow the provision of no more than three gaming machines in total. Each of the three machines must be from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Club gaming permits also allow equal-chance gaming (for example, poker) and games of chance (for example, pontoon, chemin-de-fer) under certain restrictions.

Club machine permits allow the holder to have no more than three gaming machines in total. Members’ clubs and miners’ welfare institutes may site up to three machines from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Applicants are reminded to comply with the Gambling Commissions code of practice for equal chance gaming which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The Authority may only refuse an application on the following grounds:

- a) the applicant does not fulfil the requirements for a members’ or commercial club or Miners’ Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant’s premises are used wholly or mainly by children and / or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the Police; and in the case of (a) or (b) must refuse the permit.

There is also a ‘fast-track’ procedure available for premises where the club holds a Club Premises Certificate under Section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are that:

- the club is established primarily for gaming, other than gaming of a prescribed kind;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club machine permit issued to the applicant in the last ten years has been cancelled.

The Authority may grant or refuse a permit, but it may not attach conditions to a permit. The Authority expects that operators will observe the Code of Practice and guidance provided by the relevant agencies in relation to this type of premise.

## NOTICES

## 8.6 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.

The limitations to the use of a TUN are:

- it can only be used to offer gambling of a form authorised by the operator's operating licence
- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- gaming machines may not be made available under a TUN.

The reference to a "set of premises" in the Act prevents large premises from having Temporary Use Notices for more than 21 days in a 12 month period by giving notification in regard to different parts of the same premises.

The definition of a "set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Licensing Authority will need to consider amongst other things the ownership / occupation and control of the premises.

Key points for operators:

- A Temporary Use Notice (TUN) can only be used to provide facilities for equal chance gaming, and the gaming must be intended to produce a single overall winner
- Cash games are not permitted under a Temporary Use Notice (TUN)
- The Gambling Commission-licensed operator which notifies the Temporary Use Notice (TUN) bears full responsibility for the compliance of any event run under that TUN
- All relevant licence conditions and code of practice provisions, that apply to the Gambling Commission-licensed operator responsible for the TUN, apply to the temporary premises just as if they were the operator's usual licensed premises

### 8.6.1 Policy - TUN

The Licensing Authority in considering Temporary Use Notices, will consider whether gambling should take place or should only take place with modification under the TUN.

In doing so, the Licensing Authority will consider:

- Promotion of the licensing objectives (see Part 4)
- Suitability of the premises (see Part 5)
- Suitability of the location (see Part 5)
- Measures put in place for safeguarding
- Any guidance issued by the Gambling Commission or relevant authorities

## 8.7 Occasional Use Notices

Betting may be permitted by an occasional use notice without the need of a full premises licences for up to 8 days in a calendar year by the occupier of the track or the person responsible for the administration of the event.

The Licensing Authority has very little discretion as regards these notices apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing authority will though need to consider the definition of a "track" and whether the applicant is permitted to avail themselves of the notice.

## 8.8 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.

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

It is noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that this applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses their boundaries is monitored so that the statutory limits are not exceeded.

## **8.9 Registration of Small Society Lotteries**

The purpose of permitted lotteries is to raise money for causes that are non-commercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery.

Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located. A society with its principal office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- below the permitted maximum financial limits; or
- for any other non-commercial purpose other than for private gain.

Application forms are available from the Licensing Service or from our website at: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed that:

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is false or misleading; or
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.

### **8.9.1 Policy – Small society lottery application**

As part of the application the Authority will ask applicants to set out the purposes for which the society is established in order to ensure that they represent a bona fide non-commercial society and have no relevant convictions.

The Authority will also request the following additional information:

- A copy of the society's constitution
- Names, address and date of birth of all committee members and any other person promoting the society
- Details of any relevant convictions from committee members including any other person promoting the society

Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.

The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service. A copy will also be on the Licensing Service web site at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

A registration may be revoked if the Authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.

Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing Authority. Operators are recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months must be available for inspection. Failure to provide a statement is an offence (see below).

The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.

The Act sets out a number of offences that apply to lotteries, as follows:

Section of the Act	Offence
s.258	Promoting a non-exempt lottery without a licence
s. 259	Facilitating a non-exempt lottery without a licence
s.260	Misusing the profits of a lottery
s.261	Misusing the profits of an exempt lottery
s.262	Purporting to operate a small society lottery when not registered, or failing to make the required, or making false or misleading returns in respect of such lotteries
S.326	Without reasonable excuse, obstructing or failing to co-operate with an authorised person exercising his/hers powers
s.342	Without reasonable excuse, giving false or misleading information to the Commission or a licensing authority

If a registered society fails to comply with any of the other conditions of a small society lottery, laid down in Part 4 of Schedule 11, it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the Police or the Licensing Authority.

## Part 9 - Ongoing Responsibilities of Licensed Premises

The responsibility to ~~promote~~ be reasonably consistent with the licensing objectives does not stop when an authorisation is granted. In fact it is only just beginning. Operators must continue to tackle the risks associated with the activities they provide.

We expect all customer-facing and management staff in licensed premises to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling.

Amongst other elements, staff knowledge should include (where appropriate):

1. The importance of social responsibility (premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility);
2. Partnership engagement with local agencies (for example, police, local children and adult safeguarding partnerships/children board) so that staff are familiar with the necessary services, are furnished with contact details and know how to report concerns.
3. Causes and consequences of problem gambling;
4. Identifying and communicating with vulnerable persons; primary intervention and escalation;
5. Dealing with problem gamblers; exclusion (mandatory and voluntary) and escalating for advice / treatment;
6. The importance of maintaining records (refusals, self-exclusion, incident logs including under 18's interventions etc)
7. Refusal of entry (alcohol, ~~and~~ drugs, vulnerability);
8. Age verification procedures and need to return stakes / withdraw winnings if underage persons found gambling;
9. Importance and enforcement of time / spend limits;
10. The conditions of the licence;
11. Offences under the Gambling Act;
12. Categories of gaming machines and the stakes and odds associated with each machine;
13. Types of gaming and the stakes and odds associated with each;
14. Staff exclusions from gambling at the premises where they are employed and reasons for restriction;
15. Ability to signpost customers to support services with respect of problem gambling, financial management, debt advice, safeguarding etc;
16. Safe cash-handling / payment of winnings;
17. How to identify forged ID and report it and procedures in relation to the offender (for example, report to police; bar those using forged ID from the premises);
18. Knowledge of a problem gambling helpline number (for their own use as well as that of customers); and
19. The importance of not encouraging customers to:
  - increase the amount of money they have decided to gamble;
  - enter into continuous gambling for a prolonged period;
  - continue gambling when they have expressed a wish to stop;
  - re-gamble winnings; or
  - chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 9.1 Self-exclusion scheme

Following updates in the Gambling Commissions Licence Conditions and Codes of Practice, the Licensing Authority expect all premises to operate a voluntary exclusion scheme. This means that wherever a customer requests to be excluded from the premises, they are excluded for an agreed time-frame taking into account the LCCP minimum requirements.

A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period and is expected to evidence that self-exclusion processes are in order and being implemented (for example photographs attached to

| exclusion records, staff briefed to be aware of self-exclusions). Referral to advocacy services would be recognised as good practice.

| Licensees are encouraged to appropriately share information with other operators and encourage customers to consider extending their self-exclusion to other licensed premises.

The Licensing Authority would request licensees to share this information/records with them to assist with tackling issues in a particular area.

## Part 10 – Hearings, Conditions and Appeals

### 10.1 Delegation of Functions

The Licensing Authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.

The Licensing Committee has delegated certain decisions and functions to a number of sub-committees. However, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)	✓		
Application for Premises Licences		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application to vary a licence		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the commission	Where no representations have been received from the Commission
Application for a provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Review of a Premises Licence		✓	
Applications for club gaming / club machine permits		Where objections have been made and not withdrawn	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine Permits		✓	
Applications for other permits			✓
Cancellation of licensed gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give counter notice to a temporary use notice		✓	

### 10.2 Rights of the Applicant

This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence. Each application will be considered on its own individual merits in accordance with the requirements of the Gambling Act 2005.

## 10.3 Hearings

If representations are received in respect of an application, a hearing will be scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

Every determination of a Licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

All other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary, will be dealt with by the Council's Licensing Officers under delegated powers.

Sheffield City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant.

Where we receive an application for a gambling premises licence, the Licensing Committee will aim to permit the use of premises for gambling where it is considered:

- 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 (subject to (a) and (b)); and
- d) in accordance with this policy (subject to (a) – (c)).

Please note: The Licensing Committee has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the Committee cannot reject applications on moral grounds.

## 10.4 Conditions

The majority of premises licences will have mandatory and / or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default conditions) Regulations 2007.

The Act provides that conditions may be attached to premises licences in a number of ways:

- automatically by the Act;
- through regulations made by the Secretary of State;
- by the Commission through operating and personal licences; or
- by Licensing Authorities.

Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

### 10.4.1 Policy – Imposing Conditions

The Authority will not normally interfere with default conditions which apply by reason of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed.

In both cases the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the Codes of Practice,

Gambling Commission's guidance, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:

- relevant to the need to make the premises suitable as a gambling facility;
- directly relevant 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 Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- relating to gaming machine categories or method of operation.
- which specify that membership of a club or other body is required.
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits

## **10.5 Appeals against Licensing Authority decisions**

Appeals against Licensing Authority decisions must be made within 21 days of notice of the decision being received by the appellant (with the exception of appeals in relation to Temporary Use Notices which must be made within 14 days) and will be heard by the Magistrates Courts.

## Part 11 - Enforcement

Licensing Authorities are required by Regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of offences specified.

### 11.1 Policy – Enforcement - Statement of Principles (Section 346 and Part 15 of the Act)

The Licensing Authorities principles are that:

- It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

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

- It will adopt a risk based inspection programme, and endeavour to avoid duplication with other regulatory regimes so far as possible.
- It will ensure compliance with the premises licences and other permissions which it authorises.
- It will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the City.
- It will investigate complaints about licensed premises where appropriate. In the case of a valid representation the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

Where considered appropriate, the Licensing Authority may pass a complaint on for investigation to any other statutory agent under whose enforcement responsibility the complaint falls.

The Licensing Authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise.

### 11.2 Test Purchasing

It is the responsibility of operators to manage risks to the licensing objectives that their activities may present.

Test purchasing is a method which can measure the effectiveness of licensee's efforts to control risks to the licensing objectives. Examples could include the effectiveness of self-exclusion procedures, controls on underage gambling and anti-laundering policies and procedures.

Licence holders are encouraged to conduct their own test purchasing to manage their risks. Results of any test purchasing conducted by the licensee must be shared with the Licensing Authority on request including any improvement programme or measures and to demonstrate later the effectiveness of such a programme.

~~Test purchasing may also be operated by the Gambling Commission or jointly with the Licensing Authority. Any such operations will be in accordance with the Better Regulation Delivery Office's (BRDO) Code of Practice on age Restricted Products.~~

### **11.2.1 Sheffield Joint Gambling Test Purchase Strategy**

~~The Licensing Authority, Sheffield Children's Safeguarding Partnership, South Yorkshire Police and Trading Standards work in partnership to prevent and respond to underage gambling.~~

~~The group has an agreed strategy for dealing with and educating premises that fail test purchase operations carried out by South Yorkshire Police and Sheffield Trading Standards.~~

~~The strategy provides a clear framework to both enforcement agencies and operators of how persistent failures of test purchases are dealt with in Sheffield.~~

### **11.2.2 Test Purchase Strategy Process**

#### **1<sup>st</sup> Failure**

~~We will advise the licence holder of the failure in writing and provide measures to assist in tackling underage gambling. Example of measures to implement may include but are not limited to the following:~~

- ~~• **The Challenge 25 scheme:** All staff must be trained to operate this in relation to gambling, including managing confrontation, keeping a refusals log and knowledge of which types of identification are legitimate and acceptable.~~
- ~~• Staff training records must be maintained including the signature of trainees, details of the training delivered and dates, including refresher training.~~
- ~~• Signage to highlight the Challenge 25 scheme and to highlight the law in relation to children and gambling must be prominently displayed.~~
- ~~• **A safeguarding risk assessment** should be undertaken in relation to children and vulnerable adults and gambling and this should inform your operating policy and staff training. Assistance with the risk assessment process including a risk assessment tool is available from the Sheffield Children Safeguarding Partnership.~~
- ~~• Expect the operator to attend a **Safeguarding and Gambling Awareness Session**~~

#### **2<sup>nd</sup> Failure**

- ~~• Look at a multi-agency Action Plan to address issues~~
- ~~• Provide further training and advice~~
- ~~• Impose a requirement to attend the Safeguarding and Gambling awareness session~~
- ~~• Review any possible enforcement action~~

#### **3<sup>rd</sup> Failure – within 12 months**

~~Implement review proceedings before the Licensing Sub-Committee who could decide amongst other decisions to cancel the permit or impose conditions. Historical test purchase results will also be provided to the Licensing Sub-Committee and consideration will be given to compliance with the training and advice provided by the relevant authorities.~~

~~The Gambling Commission may consider taking formal regulatory action against the operator in addition to any action being taken by the Licensing Authority in relation to the premises licence.~~

#### **General**

~~Any further failed test purchases falling outside the above 12 month period will be classed as a first fail within 12 months; however persistent failures will be assessed in the context of the history of compliance. This means that, dependent upon the severity of the fail, review proceedings may be implemented at any time.~~

## Part 12 – Equality, Diversity and Inclusion

Sheffield is a multi-racial, multi-cultural and multi-faith city. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

Below lists some of the statutory requirements under this part, applicants/licensees and businesses are reminded of the below and we strongly recommend everyone works towards compliance with relevant legislation.

### 12.1 The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy ~~&and~~ maternity, race, religion ~~/-or~~ belief, sex and sexual orientation.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2018~~7~~.

An overview of how equality law applies to all businesses, including gambling licensees, can be found on the Equality & Human Rights website: For further information, please see details on the following link: <http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

### 12.2 Equality Impact Assessment (EIA)

Completing An EIA is the way chosen vehicle for Sheffield City Council evidences that it has assessed to assess equality impacts. It is a systematic way of assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention. We therefore undertake an EIA to help us make better decisions and to try to ensure that the services we provide and commission are fair and accessible to all.

In Sheffield, our EIAs go beyond our statutory duty under the Equality Act 2010. We also assess the impact on the Voluntary, ~~and~~ Community and ~~F~~Faith Sector (VCFS), poverty and financial exclusion, carers, armed forces and cohesion. We believe that this gives us a wider understanding than the statutory framework would without these additions.

EIA's are carried out within the ~~I~~Licensing ~~s~~Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the ~~review formulation~~ of this policy (number ~~936327~~). If you are interested in viewing this document, please contact the ~~I~~Licensing ~~s~~Service.

## Part 13 - Useful Information and Contact Details

### RESPONSIBLE AUTHORITIES:

Licensing Authority		
Licensing Service Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	<a href="mailto:licensing@sheffield.gov.uk">licensing@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/licensing">www.sheffield.gov.uk/licensing</a>

Gambling Commission		
Victoria Square Birmingham B2 4BP	Telephone	0121 230 6666
	Email	<a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
	Website	<a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>

South Yorkshire Police		
South Yorkshire Police Licensing Dept Force Headquarters Carbrook House 5 Carbrook Hall Road Sheffield S9 2EH	Telephone	0114 252 3617
	Email	<a href="mailto:Sheffield.liquor-licensing@southyorks.pnn.police.uk">Sheffield.liquor-licensing@southyorks.pnn.police.uk</a>
	Website	<a href="http://www.southyorks.police.uk">www.southyorks.police.uk</a>

South Yorkshire Fire and Rescue		
Sheffield Fire Safety Office (Licensing) 197 Eyre Street Sheffield S1 3FG	Telephone	0114 272 7202
	Email	<a href="mailto:comments@syfire.gov.uk">comments@syfire.gov.uk</a>
	Website	<a href="http://www.syfire.gov.uk">www.syfire.gov.uk</a>

The Planning Authority		
Head of Planning Services Licensing Applications Sheffield City Council Howden House Sheffield S1 2SH	Telephone	0114 273 4218
	Email	<a href="mailto:planningdc@sheffield.gov.uk">planningdc@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/planning">www.sheffield.gov.uk/planning</a>

Health Protection (Health & Safety)		
The Information Officer Sheffield City Council Floor 5 (North), Howden House 1 Union Street, Sheffield S1 2SH	Telephone	0114 273 4415
	Email	<a href="mailto:healthprotection@sheffield.gov.uk">healthprotection@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

Environmental Protection Service		
The Information Officer Sheffield City Council Floor 5 (North), Howden House 1 Union Street, Sheffield S1 2SH	Telephone	0114 273 4609
	Email	<a href="mailto:epsadmin@sheffield.gov.uk">epsadmin@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

**Sheffield Children Safeguarding Partnership Children Board**

Sheffield City Council Floor 3 South, Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4450
	Email	<a href="mailto:SOSPsafeguardinglicensing@sheffield.gov.uk">Safeguarding Licensing Manager: SCSPsafeguardinglicensing@sheffield.gov.uk</a>
	Website	<a href="http://www.safeguardingsheffieldchildren.org.uk">www.safeguardingsheffieldchildren.org.uk</a>

**HM Revenue & Customs**

HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom	Telephone	0300 322 7072 Option 7
	Email	<a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
	Website	

**The Navigation Authority**

Association of Inland Navigation Authorities Middle Level Office 85 Whittlesey Road March, Cambridgeshire PE15 0AH	Telephone	0844 335 1650
	Email	<a href="mailto:info@aina.org.uk">info@aina.org.uk</a>
	Website	<a href="http://www.aina.org.uk">www.aina.org.uk</a>

**Canal and River Trust**

Head Office First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB	Telephone	0303 040 4040
	Email	
	Website	<a href="http://www.canalrivertrust.org.uk">www.canalrivertrust.org.uk</a>

## OTHER USEFUL CONTACTS:

<b>Business Sheffield</b>		
Business Sheffield's Gateway provides a point of contact for all business needs. Working with a key advisor you will be directed to the services that are appropriate to your needs, such as Planning, Licensing, Building Standards, and Business Rates amongst others.		
	Telephone	0800 043 5522 or 0114 224 5000
	Email	<a href="mailto:businesssheffield@sheffield.gov.uk">businesssheffield@sheffield.gov.uk</a>
	Website	<a href="http://www.welcometosheffield.co.uk/business">http://www.welcometosheffield.co.uk/business</a>

<b>GamCare</b>		
GamCare provides support, information and advice to anyone suffering from a gambling problem.		
Head Office 2 <sup>nd</sup> Floor 7-11 St John's Hill London SW11 1TR	Telephone	020 7801 7000
	Email	<a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>
	Website	<a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>

<b>Gamble Aware</b>		
Gamble Aware provides a gateway to information about gambling in the UK encompassing regulation, social responsibility and industry funding of research education and treatment. It also explains how to get advice for gambling related problems.		
C/O Responsible Gambling Trust 35 Piccadilly London W1J 0DW	Telephone	020 7287 1994
	Email	<a href="mailto:info@gambleaware.co.uk">info@gambleaware.co.uk</a>
	Website	<a href="http://www.begambleaware.org/ee-uk/">www.begambleaware.org/ ee-uk/</a>

<b>Ward Councillors</b>		
Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.		
	Telephone	0114 273 4096
	Email	
	Website	<a href="http://www.sheffield.gov.uk/councillors">www.sheffield.gov.uk/councillors</a>

<b>Sheffield Drugs and Alcohol / Domestic Abuse Co-ordination Team (DACT)</b>		
Sheffield DACT is a strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.		
Sheffield DACT Sheffield City Council Moorfoot Building (level 9 East) Sheffield S1 4PL	Telephone	Drug misuse: 0114 272 1481 Alcohol misuse: 0114 226 3000 Domestic abuse: 0808 808 2241
	Email	<a href="mailto:help@sheffielddact.org.uk">help@sheffielddact.org.uk</a>
	Website	<a href="http://www.sheffielddact.org.uk">www.sheffielddact.org.uk</a>

<b>Public Health</b>		
Sheffield's Public Health team		
<a href="#">The Public Health Officer</a> <a href="#">Office of the Director of Public Health</a> <a href="#">Sheffield City Council</a> <a href="#">Town Hall, Pinstone Street</a> <a href="#">Sheffield, S1 2HH</a> <a href="#">1 Union Street</a> <a href="#">Howden House</a>	Telephone	<a href="tel:0114273415201142734567">0114 27341520114 273 4567</a>
	Email	<a href="mailto:DPHoffice@sheffield.gov.uk">DPHoffice@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/home/public-health">-www.sheffield.gov.uk/home/public-health</a> <a href="http://www.sheffield.gov.uk/content/sheffield/home/public-health.html">http://www.sheffield.gov.uk/content/sheffield/home/public-health.html</a>

## LOCAL SUPPORT SERVICES:

### Krysallis – Local GamCare support

[www.krysallis.org.uk](http://www.krysallis.org.uk)

### Sheffield CCG

<http://www.sheffieldccg.nhs.uk/Your-Health/gambling-addiction.htm>

### NHS

<https://www.nhs.uk/live-well/healthy-body/gambling-addiction/>

### Sheffield Mental Health Guide

<https://www.sheffieldmentalhealth.co.uk/support/gamblers-anonymous/>

### Psychology today

<https://www.psychologytoday.com/gb/counselling/gambling/eng/sheffield>

**Sheffield Gamblers Anonymous** – <https://www.gamblersanonymous.org.uk/index.php/meetings/sheffield>  
<https://www.gamblersanonymous.org.uk/find-a-meeting>

### University of Sheffield

<https://www.sheffield.ac.uk/ssid/sos/gambling>

### Gamcare

<https://www.gamcare.org.uk/support-and-treatment>

### Northern Gambling Service

<https://www.leedsandyorkpft.nhs.uk/our-services/northern-gambling-service/>

### Gambling With Lives

<https://www.gamblingwithlives.org/help>

### Sheffield CCG Clinical Guidance around Gambling Related Harm

<https://www.sheffieldccgportal.co.uk/clinical-guidance/gambling-related-harms>

### Sheffield – Safeguarding Children – Vulnerable People and Gambling

<https://www.safeguardingsheffieldchildren.org/sscb/children-licensed-premises/safeguarding-children-vulnerable-people-and-gambling>

### National Gambling Helpline

[0808 8020 133](tel:08088020133)

## Appendix 1 – Glossary Of Terms

This section explains the key terms used in the Statement of Principles (Policy). These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### Adult Gaming Centre

The holder of an adult gaming centre premises licence may make available for use category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to subcategory B3 and B4 machines (category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises). They require an operating licence and a premises licence. No one under the age of 18 years is permitted to enter an Adult Gaming Centre.

### Authorisation

Refers to all licences, permits, notices and registrations under the Gambling Act 2005.

### B2 Machines

B2 machines are also known as Fixed Odd Betting Terminals (FOBTs). B2 machines can only be made available in casino, betting shops or at tracks with pool betting.

### Betting

Making or accepting a bet on the outcome of a race, competition, or any other event or process; the likelihood of anything occurring or not occurring; or whether anything is true or not.

### Betting machines

Means a machine designed or adapted for use to bet on future real events.

### Betting Premises

Betting premises are premises for off-course betting. They will be able to make category B2, B3, C or D gaming machines (a maximum of 4) available to their customers. They will also be able to provide betting machines for use to bet on live or future events.

### Bingo Premises

Bingo premises are premises that will be able to offer both cash and prize bingo. They will also be able to make category B3 or B4, C or D gaming machines available to their customers. (Category B machines must not exceed 20% of the total number of gaming machines which are available for use on the premises). Children are allowed to enter premises licensed for bingo but not allowed access to areas where category C or above gaming machines are situated.

### Casino

Casinos are premises where people can participate in one or more casino games. These are games of chance which are not equal chance gaming (i.e. they may involve playing or staking against a bank and the chances may not be equally favourable to all participants. Casinos can also make category B, C or D machines available to their customers.

### Children

Section 45(1) defines a 'child' as an individual who is less than 16 years old.

### Christmas Day Period

The period of 24 hours from midnight on 24 December.

### Club Gaming Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D), equal chance gaming and games of chance.

### Club Gaming Machine Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

### **Codes of Practice**

Any relevant Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### **Default Condition**

A specified condition provided by Regulations to be attached to a licence, unless excluded by Sheffield City Council.

### **Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

### **Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centres –

- Licensed: which provide category C and D gaming machines and require a premises licence
- Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit  
No one under the age of 18 is permitted to enter areas where category C machines are being used.

### **Fixed Off Betting Terminals (FOBTs)**

Please see B2 machines above.

### **Gaming**

Playing a game of chance for a prize

### **Gaming Machine**

A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act

### **Guidance**

Guidance issued to Licensing Authorities by the Gambling Commission as required by section 25 of the Gambling Act.

### **Interested Party**

For the purpose of the Gambling Act 2005 a person is an Interested Party in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)

### **Licensed Premises Gaming Machine Permit**

The Licensing Authority can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.

### **Licensing Authority**

Refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary

### **Licensing Committee**

A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.

### **Licensing Sub-Committee**

A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act to determine applications.

### **Lottery**

Where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

### **Mandatory Conditions**

Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.

### **Members Club**

A club that must:

- Have at least 25 members;
- Be established and conducted “wholly or mainly” for purposes other than gaming;
- Be permanent in nature;
- Not established to make commercial profit; and
- Controlled by its members equally.

### **Notification**

Notifications of temporary and occasional use notices

### **Occasional Use Notice**

Provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notices are different to those for temporary use notices.

### **Off Course Betting**

Betting that takes place other than at a track, i.e. at a licensed betting shop.

### **Off Course Betting – Tracks**

Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

### **On Course Betting - Tracks**

Betting that takes place on a track while races are taking place

### **Operating Licence**

Authorises individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operation. A single licence cannot authorise both remote and non-remote activities; separate operating licences are needed for this. Conditions may be attached.

### **Personal Licence**

Except for small scale operations, each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

### **Pool Betting – Tracks**

Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

### **Premises**

Any place, including a vehicle, vessel or moveable structure.

### **Premises Licence**

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licenses will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holding a valid operating licence.

### **Prize Gaming**

Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

## Prize Gaming Permit

This permit allows the provision of facilities for gaming with prizes on specified premises.

## Provisional Statement

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered
- Expects to acquire a right to occupy.

## Regulations

Regulations made under the Gambling Act 2005

## Remote Gambling

Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

## Representation

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commissions Guidance or Codes of Practice.

## Responsible Authorities

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children [Partnership Board](#);
- HM Revenues & Customs; and
- Any other person prescribed in Regulations by the Secretary of State

## SIA (Security Industry Authority)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

## Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

## Statement of Licensing Principles

Policy statement issued by the Licensing Authority which indicate those matters which will be taken into account when considering an application for a licence or permit.

## Temporary Use Notice

These 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 would include hotels, conference centres, and sporting venues.

## Tracks

Tracks are sites, including horse racecourses and dog tracks, where races or other sporting events take place. There is no automatic entitlement to provide gaming machines but if the track operator holding the premises licence also holds a pool betting operator's licence up to 4 gaming machines in categories B2,B3,B4, C or D may be provided.

#### **Travelling Fair**

A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and On a site used for fairs for no more than 27 days per calendar year.

#### **Unlicensed Family Entertainment Centre**

These allow the use of category „D“ gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

#### **Vessel**

Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

#### **Vulnerable Person**

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

#### **Young Person**

Section 45(2) of the Gambling Act 2005 defines a young person as an individual who is not a child but who is less than 18 years old, i.e. 16 or 17 years old.

## Appendix 2 – List of Consultees

### Responsible Authorities

Licensing Authority  
The Gambling Commission  
South Yorkshire Police  
South Yorkshire Fire and Rescue  
The Planning Authority  
Health Protection Service (Health & Safety)  
Environmental Protection Service (Noise Nuisance)  
Sheffield [Children Safeguarding Partnership](#)  
~~Children Board~~  
HM Revenue & Customs  
The Navigation Authority  
Canal and River Trust

### Local Authorities

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council

### Solicitors

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Popleston Allen  
Ford and Warren  
Gosschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Parker Rhodes Hickmotts  
HLW Keeble Hawson LLP  
[Ashton Morton Slack](#)  
[HLW Commercial Solicitors](#)  
[Wake Smith Solicitors](#)  
[Taylor & Emmet](#)  
[Woods Whur Solicitors](#)

### Sheffield City Council Contacts

Brian Messider, Access Officer  
Sheffield Schools  
~~Jayne Ludlam, Executive Director, Children and Young People~~  
Sheffield City Council Councillors  
[Executive Management Team](#)  
[Relevant Directors and Head of Service](#)  
[Locality Management Team](#)  
Business Sheffield  
~~First Point for Business~~  
Local Members of Parliament  
~~Angela Smith~~[Olivia Blake](#)  
Paul Blomfield  
Gill Furniss  
Louise Haigh  
Clive Betts  
~~Jared O'Mara~~[Miriam Joy Cates](#)

### Religious Contacts

Central United Reformed Church

### Gambling Industry Contacts

Amusement Caterers (Sheffield) Limited  
British Association of Leisure Park, Piers and Attractions  
Casino Machines Manufacturers Group (CMMG)  
Gamblers Anonymous  
Independent Bookmakers Association (IBA)  
Racecourse Promoters Association (RCPA)  
Rails Bookmakers Association Ltd  
~~BBPA Midland Counties~~  
Northern Bookmakers Protection Association  
Association of British Bookmakers  
Betting Exchange Trade Association  
Bingo Association  
British Amusement Catering Trades Association (BACTA)  
British Beer and Pub Association  
~~British National Casino Forum Association~~  
Casino Operators Association (COA)  
GamCare  
National Association of Bookmakers  
~~CIU British Beer and Pub Association~~  
~~Scottish Beer and Pub Association~~

### Others

~~CIU~~  
~~BBPA North~~  
~~British Beer and Pub Association~~  
~~Scottish Beer and Pub Association~~  
~~Scouts Association~~  
Sheffield Chamber of Commerce  
DACT  
Sheffield First Partnership  
Sheffield Licence Watch  
Sheffield Primary Care Trust  
~~South East~~ Sheffield Citizens Advice Bureau  
Institute of Licensing  
NALEO  
~~The Scouts Association~~  
~~Yorkshire Forward~~  
Accessible Sheffield  
Bradfield Parish Council  
Ecclesfield Parish Council  
Stocksbridge Town Council  
SCCRAG  
[Botanical Gate Community Association](#)  
[Sharrow Community Forum](#)  
[Carterknowle and Millhouses Community Group](#)  
[Crooksmoor Community Forum](#)  
[Equality Hub Network Sheffield](#)  
[Hillsborough Forum](#)  
[Park Community Action](#)  
[Broomhill Forum](#)  
[Casinos / Operators](#)  
Betting Offices / Operators  
Tracks / Pool Betting Licence Holders  
Bingo Hall / Operators  
Premises Licence Holders

Father D Sexton, Cathedral Church of St. Marie  
Diocesan Secretary, Diocesan Church House  
The Right Reverend Dr Pete Wilcox, ~~Bishop of  
Sheffield~~  
The Very Reverend Peter Bradley. The Cathedral  
Church of St. Peter and St. Paul  
~~St John The Baptist C-Of-E Church~~

Club Premises Certificate Holders  
Holders of Small Lotteries Registrations  
Problem Gambling Stakeholder Group (Sheffield)  
[Gamblers Anonymous](#)  
[Gamble Aware](#)  
[GamCare](#)

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