



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 6th November 2018 at 10am

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

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

To notify Members of the changes made and seek approval from the Licensing Committee on the draft revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005 (the 2005 Act).

Recommendations: That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document with any amendments they feel necessary and refer the matter to Full Council for approval.

Background Papers: Revised Statement of Principles (Policy)

Category of Report: OPEN

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

Ref: 109/18

GAMBLING ACT 2005 REVISED STATEMENT OF PRINCIPLES (POLICY) APPROVAL

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND

- 2.1 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 Sheffield City Council's first Statement of Licensing Principles (Policy) was published on 2nd 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.
- 2.3 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 gambling that are governed by the Gambling Act 2005 these include;
 - Casinos
 - Betting Shops
 - Adult Gaming Centres
 - Family Entertainment Centres
 - Gaming Machines in Licensed Premises
 - Occasional Use Notices
 - Bingo Halls
 - Tracks
 - Lotteries
 - Club Gaming Machines
 - Temporary Use Notices
- 3.2 The policy deals with all types of applications including the grant, variation and 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, 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

4.1 The Statement of Principles (policy) will assist the Council in achieving the priorities outlined in the Corporate Plan 2015–2018 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:

An in touch organisation

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

Strong Economy

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
- Support and develop the licensed business sector and build relationships with businesses to encourage jobs and growth in the city

Thriving Neighbourhoods and Communities

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.
- Recognises the needs of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit and ensuring the policy recognises this.
- Ensuring licensees understand the importance of safe well run premises.
- Help local businesses provide well run and appropriate licensed activity.

Better Health and Wellbeing

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

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

- 4.2 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’.

5.0 CONSULTATION

- 5.1 The formal consultation process for the Statement of Principles commenced on the 20th August 2018, and concluded at 5:00pm on the 12th October 2018.

- 5.2 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.”

- 5.3 Approximately 3,000 letters and emails (where possible) regarding the consultation have been sent out which include those bodies listed above in paragraph 5.2.

- 5.4 The letters and emails have included a link to our website and Citizen space where the draft Statement of Principles (Policy) can be viewed:

www.sheffield.gov.uk/gamblingpolicy.

Consultee’s had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access. Officers also attended public meetings.

- 5.5 The Licensing Authority has received a total of 10 responses to the public consultation.

6.0 RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION

- 6.1 During the consultation period, only **10** consultee’s responded requesting amendments and/or proposed additions, an overview of the details of the comments are listed at Appendix ‘A’ of this report.

- 6.2 Full copies of responses will be available at the meeting.
- 6.3 Amendments have been made where appropriate to the draft policy in response to the comments received. A brief on the amendments made to the Statement of Principles is attached at Appendix 'B' of this report.
- 6.4 The updated Statement of Principles (Policy) with changes of the amendments is attached at Appendix 'C'.

7.0 A BRIEF TIMETABLE FOR DETERMINATION OF THE STATEMENT OF PRINCIPLES (POLICY)

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):

- Report to Cabinet - 21st November 2018
- Report to Full Council - 5th December 2018
- Publish Statement of Principles (Policy) - December 2018
- Statement of Principles effective - January 2019

8.0 FINANCIAL IMPLICATIONS

8.1 The work on the revision of the Statement of Principles (Policy) has been undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.

9.0 LEGAL IMPLICATIONS

9.1 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.

9.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

10.0 RECOMMENDATIONS

10.1 That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document with any amendments they feel necessary and refer the matter to Full Council for approval.

11.0 OPTIONS OPEN TO THE COMMITTEE

11.1 That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document and refer the matter to Full Council for approval.

11.2 That Members of the Licensing Committee make further amendments to the document before approving the revised Statement of Principles (Policy) document and refer the matter to Full Council for approval.

Appendix 'A'

(Consultation Comments)

Consultation Comments Received

No.	Name	Organisation / Details		Overview of comments	Has the policy been updated following the comments?
1	Janet Marron	HM Revenue & Customs	1	Update in contact number and email for HMRC	Yes - This is updated in Part 13
2	Gosschalks Solicitors on behalf of Association of British Bookmakers	Association of British Bookmakers (ABB)	1	Comments detail that Licensing Authorities do not have a 'duty' to 'promote' the licensing objectives but to 'have regard' to the licensing objectives and references to 'promoting' the objectives should be removed.	No – In line with the Gambling Commission's guidance to Licensing Authorities, 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. The Licensing Authority is aware that it must 'have regard' to these licensing objectives when exercising its functions under the Act, this is detailed throughout the policy document and in particular Part 2.
			2	Request to amend Paragraph 1.2 as the aim of the policy is to outline the principles that the Licensing Authority will apply when exercising its function and not to promote the licensing objectives.	Yes – This paragraph has been amended as follows to ensure it is clear what the intended aim of the policy is: <i>"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</i>

			<p>3 It is unclear at paragraph 4.2 (Policy Objective 1) what is required/expected by applicants on the bullet point regarding ‘supporting local strategies and schemes’.</p> <p>4 Paragraph 4.6 (Policy – Objective 3) contains a list of bullet points that operators “must address in Sheffield to promote this licensing objective”. There is no need for this list as everything contained within that list are matters covered by the LCCP and SR Code provisions. This is duplication and overly prescriptive.</p> <p>5 Paragraph 5.2 (Policy – Location) contains reference to “areas nearing stress”. It is not clear whether or not the concentration of “licensed premises” are Gambling Act 2005 premises or Licensing Act 2003 premises. It is also not clear what the effects on the licensing objectives are.</p>	<p><i>Objectives:..”</i></p> <p>Yes – The wording has been amended at that bullet point to make it clearer what is to be in applicants risk assessments:</p> <p><i>“Local supporting strategies and schemes including those listed in Part 3 of this document to be assessed:</i></p> <ul style="list-style-type: none"> ○ <i>Applicants will be expected to detail how these have been addressed and promoted in regards to this licensing objective in their risk assessments”</i> <p>No - Although the LCCP and SR code provisions lay out requirements to the ‘protection of children and other vulnerable persons’ this particular part of the policy covers all licence types and local control measures it would expect applicants/licensees to follow to mitigate any risks relating to this licensing objective.</p> <p>Yes - The concentration of licensed premises detailed in this section of the policy refers to gambling premises only. The effects on the licensing objectives are in particular to crime and disorder and protecting children and the vulnerable. Paragraph 5.2 has been amended to ensure this is clear for applicants/licensees to mitigate further risks.</p>
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			<p>6 Paragraph 7.2 (Policy – Premises) should be redrafted. Specifically, the final paragraph of this policy needs to be updated to reflect changes to the Gambling Commission guidance and the SR Code provisions. As drafted, the paragraph refers to the “primary purpose” of the premises and thereafter to “ancillary gambling activities at the premises”. The current requirement (contained within SR code provision 9) is that gaming machines may be made available in licensed premises only where there are also substantive facilities for the non-remote gambling specified on the premises licence. There is no requirement with regard to “ancillary use” only that substantive facilities be required.</p> <p>7 Paragraph 7.12.1 (Off course betting (Betting Shops)) indicates that conditions may be applied by the licensing authority to a betting premises licence if it is felt necessary. This section should be amended to make it clear that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state that additional conditions will only be imposed where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.</p>	<p>Yes - The final paragraph in this policy section has been deleted to reflect the changes in the Gambling Commissions guidance and SR Provision codes.</p> <p>No - As each case will be dealt with on its own merit; specific conditions could be offered to applicants. Where imposed these will be proportionate to the circumstances they are intended to address.</p>
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3	Brian Minihane – National Licensing and Development Manager	William Hill	1	Paragraph 11.2 – Test Purchasing Does not feel it is necessary to submit all results to the Local Authority on any test purchasing carried out. Primary Authority scheme’s already in place where results are shared and shared with the Gambling Commission who then work with operators. Would be more supportive if the policy was amended to: <i>“Results of any test purchasing conducted by the licensee should be shared with the Licensing Authority on request.”</i>	Yes – It is reasonable to change the wording of this paragraph to provide this information ‘on request’ by the Licensing Authority. Amendment to the paragraph is as follows: <i>“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.”</i>
4	Magdalena Boo	Sheffield Public Health	1	Foreword – to make stronger statements about gambling related harm and link to core strategies	Yes – Part 3 Integrating Strategies updated to link to core strategies including those of the Public Health report and Health and Wellbeing strategy
			2	Paragraph 1.4 – the Sheffield Area – request to highlight areas of deprivation.	No – Areas can change through the duration of this policy. Area profiling and risk assessments are carried out by operators which will allow them to assess risks and mitigate them by putting in place appropriate measures. Each application will be treated on it’s own individual merits.
			3	Part 3 Integrating Strategies – Minor updates to the Strategies and Plans.	Yes – Corporate Plan updates to include Tackling Inequalities and Better Health and Wellbeing Sheffield Alcohol Strategy and Gamcare now linked to Part 9 of the policy regarding ongoing responsibilities of licensed

				premises. Concerns raised in reference to 'vulnerable groups' are addressed through the Licensing Objective and operators requirements to profile the area and carry out risk assessments.
			4	Policy Objective 3 – Paragraph 4.3 – request for the objective to be more proactive on offering self-exclusion and facilitating self-exclusion through referral to advocacy. Yes – Although not placed in paragraph 4.3, this has been updated in paragraph 9.1 Self exclusion scheme to include that referral to advocacy services would be recognised as good practice.
			5	Policy – Locations – Paragraph 5.2 – request that 'Youth' in itself should be recognised as a risk factor. No – This is already covered in paragraph 5.4 Risk and operators area profiling and risk assessments which would include vulnerable groups in the area.
			6	Policy – Risk – Paragraph 5.4 – request to include a proforma on risk assessments for operators. No - The policy document contains substantive information on what should be incorporated in operators risk assessments and the onus is left with the operators to ensure all risk factors have been assessed. The sources of data provided to assist operator in completing their risk assessments are helpful and will be included in the policy document at paragraph 5.4.
			7	Policy – Area – Paragraph 5.5 – Request to make this paragraph stronger to not have gambling establishments in sensitive locations or to phrase No - Area profiling and risk assessments would cover issues regarding vulnerable groups. As each application will be dealt

			that operators must have strongly evidence mitigation.	with separately and on their own individual merits it would be for the operator to show how risks would be mitigated in their area, specific conditions could also be offered to applicants. Where conditions are imposed; these will be proportionate to the circumstances they are intended to address.
		8	Policy – Interested Party – Request to have a wider definition of Interest party.	No – The Licensing Authority has no power to change who is regarded as an Interested Party as this is defined in the legislation under section 158 of the Gambling Act 2005.
		9	Reviews – Paragraph 7.16 – request to reword so a review is not seen as a ‘last resort’.	Yes – paragraph reworded as follows: <i>“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.”</i>
		10	Part 11 Enforcement – Paragraph 11.2 – Request for Test Purchasing to be more detailed in what would be carried out and provide feedback.	No – This is already covered in Paragraph 11.2. On request the Licensing Authority can explore the results of operators tests including what improvement measures have been adopted and whether they are effective. Test purchasing can also be conducted by the Gambling Commission and or jointly with the Licensing Authority where testing particular factors can be carried out.

5	Magdalena Boo on behalf of Sheffield Problem Gambling Stakeholder Group	Problem Gambling Stakeholder Group	1	Foreword and Part 1 – Group requesting to see a summary paragraph about gambling related harm.	Yes - The Licensing Authority recognises and supports the importance of reducing gambling related harm in the City and in particular to those who are vulnerable and have ensured the policy is linked to core strategies to assist with this (Part 3 – Integrating Strategies).
			2	Part 3 – Integrating Strategies – Request to update Corporate Plan to include Better Health and Wellbeing and the strategies to include the Director of Public Health report.	Yes – This has been updated in Part 3 of the policy document.
			3	Policy Objective 3 – Paragraph 4.6 – Comments details concerns about specific vulnerable groups and appropriate training and safeguard measures.	Yes – Paragraph 5.2 ‘location’ will also include ‘mental health projects and facilities’. The remaining comments and concerns regarding vulnerable groups are assessed through area profiling and risk assessments of operators.
			4	Part 5 – Location – Group felt it would be useful to define ‘close proximity’.	No - ‘Close proximity’ has not been defined under this section as each application will be considered on its own individual merits; therefore ‘close proximity’ may differ from application to another.
			5	Part 6 Interested Party – Paragraph 6.3 – Request to amend definition of Interest Party to include those whose children attend school or use facilities close to the authorised premises.	No – The Licensing Authority has no power to change who is regarded as an Interested Party as this is defined in the legislation under section 158 of the Gambling Act 2005.
			6	Part 11 – Enforcement – The group would like to see a schedule of monitoring inspections/visits/test	No – A schedule is not required within this policy document as inspections/visits etc

				purchases.	will be carried out in a risk based assessment format.
			7	Other issues – the group would like to see local support services and Krysallis the local Gamcare provider’s details in the document.	Yes –Policy document updated to include local support services and Krysallis.
6	Cllr Douglas Johnson on behalf of Sheffield Green Party	Sheffield Green Party	1	Request made for Public Health Strategy and Sheffield’s Joint Health and Wellbeing strategy to be included in the policy as a separate paragraph in Part 3 of the policy.	Yes – Separate paragraph included.
			2	Would like there to be the expectation that applications for licences will normally be supported by evidence of appropriate planning permission.	No - Gambling Commissions guidance states that the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents as these matters should be dealt with under relevant planning control, building and other regulations, authorities are required to determine applications on their merit.
			3	Would like the policy to address the proliferation of betting shops and requiring careful consideration of new premises around existing gambling premises.	No - The proliferation of gambling premises has been identified within this policy document at Part 5, paragraph 5.2. New planning laws require any new betting premises to require planning permission.
			4	Statement should address Fixed Odd Betting Terminals which are not currently mentioned.	Yes - ‘Fixed Odd Betting Terminals (FOTBs)’ are referred to as category B2 machines; B2 machines are referred to throughout the policy document and specific policy is detailed under that part or licence type.

			5	Foreword - The statement that “The Council recognises how important this sector of the entertainment industry is within the city” is no longer appropriate in light of public health concerns and should be removed.	To assist on making this clear, ‘Appendix 1 – Glossary of Terms’ has been updated to details what a ‘Fixed Odd Betting Terminal’ is referred to in the policy document. Yes – This statement has been removed.
7	Rev. Zaidie Orr	Central United Reformed Church	1	Policy document is clear and provides necessary guidelines. Concerns highlighted that gambling is becoming a ‘disease’ among the young and the vulnerable. Applications for low stake gambling machines to be considered carefully as the impact on the young and vulnerable are not known. Policy needs to stress that it provides a responsible approach to gambling and demonstrate how it safeguards the vulnerable.	No changes required – The policy document covers the licensing objective to protect children and other vulnerable persons from being harms or exploited by gambling. Specific tools provided by Sheffield’s Safeguarding Children’s Board, management measures and operator risk assessments ensure the mitigations of particular risks.
8	Citizen Space Respondent	Individual	1	Questions and answers on Citizen Space: <i>Q - Is the policy document easy to understand?</i> <i>A – Not answered</i> <i>Q - Is the policy document easy to understand? - If no, please explain why</i> <i>A - ok for me, but I am not everybody</i> <i>Q - Does the policy document provide you with the information required to understand the purpose of the policy (see list below)?</i>	No changes to the policy document

				<p>- Does the policy document provide all the information you would expect? A - Yes</p> <p>Q - Does the policy document provide you with the information required to understand the purpose of the policy (see list below)? - If you have answered no, please indicate what other information you would like to see included A – Not answered</p> <p>Q - Does the policy document include any information that you disagree with or you think needs amending? A - Yes</p> <p>Q - Does the policy document include any information that you disagree with or you think needs amending? - 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 – I would like to see gambling discouraged</p>	
9	Citizen Space Respondent	Individual	1	<p>Questions and answers on Citizen Space:</p> <p>Q - Is the policy document easy to understand? A – No Q - If no, please explain why A - Lack of plain English</p> <p>Q - Does the policy document provide you with the information required to understand the purpose of</p>	No changes to the policy document

			<p><i>the policy (see list below)?</i> <i>- Does the policy document provide all the information you would expect?</i> <i>A - No</i> <i>Q - If you have answered no, please indicate what other information you would like to see included</i> <i>A – Not answered</i></p> <p><i>Q - Does the policy document include any information that you disagree with or you think needs amending?</i> <i>A - No</i> <i>Q - If you have answered yes, please explain which section/s you are referring to and what you disagree with or you think needs amending.</i> <i>A – Not answered</i></p>	
	<p>Citizen Space Respondent</p>	<p>Ruskin Mill Trust</p>	<p>Questions and answers on Citizen Space:</p> <p><i>Q - Is the policy document easy to understand?</i> <i>A – Yes</i> <i>Q - If no, please explain why</i> <i>A - Not answered</i></p> <p><i>Q - Does the policy document provide you with the information required to understand the purpose of the policy (see list below)?</i> <i>- Does the policy document provide all the information you would expect?</i> <i>A - Yes</i> <i>Q - If you have answered no, please indicate what other information you would like to see included</i> <i>A – Not answered</i></p>	<p>No changes to the policy document</p>

			<p><i>Q - Does the policy document include any information that you disagree with or you think needs amending?</i></p> <p><i>A - Yes</i></p> <p><i>Q -If you have answered yes, please explain which section/s you are referring to and what you disagree with or you think needs amending.</i></p> <p><i>A – Not answered</i></p>	
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Appendix 'C'

(Amendments made to the Statement of Principles)

Amendments made to the Statement of Principles:

Foreword

Minor changes to wording.

Paragraph 1.2 Scope of Licensing policy

Rewording to the aim of this policy from:

“The aim of this Policy is to promote the following Licensing Objectives:”

to:

“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:”

Paragraph 1.4 The Sheffield Area

Update in population of Sheffield from 551,800 to 575,400.

Paragraph 2.2 Promotion of the Licensing Objectives

Final paragraph to include applicants to include measures listed in Part 9 of the policy to meet the licensing objectives.

Paragraph 2.6 Exchange of information

Update in legislation of the Data Protection Act to the 2018 Act.

Part 3 – Integrating Strategies

1. Update in the Equality Act 2010 and our duty to pay regard to the Act.
2. Inclusion of public health and our fair city strategies.
3. Inclusion of paragraph for applicants to take into account all relevant local and national strategies when making an application.
4. Paragraph 3.1 – update of all priorities of the Corporate Plan
5. Removal of the Sheffield City Strategy 2010-2020 – no longer in force.
6. Paragraph 3.2 – inclusion of the Sheffield City Region – Strategic Economic Plan 2015-2025
7. Paragraph 3.2 to 3.10 – updates in current strategies and plans
8. Paragraph 3.11 – Inclusion of the Director of Public Health Report for Sheffield and the Sheffield Joint Health and Wellbeing Strategy.

Part 4 – Licensing Objectives

1. Paragraph 4.2 – Policy Objective 1 – Paragraph regarding supporting strategies and schemes made clearer.
2. Paragraph 4.6 – Objective 3 – Links to Safeguarding tools updated.

Part 5 – Location, Area Profiling and Risk Assessments

1. Paragraph 5.2 – Policy – Location
 - a. Second paragraph to include the ‘close proximity’ will be determined by the Local Authority on a case by case basis.
 - b. Third bullet point in regards to ‘sensitive location’ to include mental health projects and facilities

- c. Areas nearing stress – first paragraph made clearer on which licensing objectives are being undermined in areas of concentrated licenced premises.
- d. Areas nearing stress – Paige Hall added as new areas of concentrated gambling licensed premises.
- e. Paragraph under list of areas updated to make clear that risk management measures may be converted into licence conditions.
- f. Links updated to assist applicants with local area profiling and their risk assessments.
- g. Final paragraph added to make clear that the 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 may choose to refuse it.

Part 7 – Premises licences and Reviews

- 1. Paragraph 7.2 Policy – Premises – final paragraph removed due to updates in codes of practices.
- 2. Paragraph 7.9.1 Policy – FEC – determining suitability, example in first bullet point updated to include other additions other than gambling
- 3. Paragraph 7.12.4 Policy – Tracks – Update in final paragraph to show examples given in this policy section is what Sheffield City Council would expect as measures and recognise as responsible practice.
- 4. Paragraph 7.15 – Betting Machines on Track – update in circumstances considered to include:
 - a. Minimum staffing levels proposed through risk assessments
 - b. How to restrict access to under 18's including adequate signage
- 5. Paragraph 7.16.1 policy – Reviews – Applications by Responsible Authorities updated to detail: 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.

Part 8 – Permits, Notices and Lotter Registrations

- 1. Paragraph 8.3.3 policy LPGMP – Links for safeguarding tools updated.

Part 9 – Ongoing Responsibilities of Licensed Premises

- 1. Paragraph 9.1 – Self-exclusion scheme – Second paragraph updated to show that referral to advocacy services would be recognised as good practice.

Part 11 – Enforcement

- 1. Paragraph 11.2 Test Purchasing – Third paragraph amended to include that results from an operator test purchasing exercises will be shared with the Licensing Authority 'on request'.

Part 13 – Useful Information and Contact Details

Updates to contact details of Responsible Authorities.

Contact details now include Public health and Local support services.

Appendix 1 – Glossary of Terms

Updated of glossary to include what 'Fixed Odd Betting Terminals' are referred to as in the policy (B2 machines).

Appendix 2 – List of Consultees

Updates in religious contacts.

Inclusion of Sheffield Problem Gambling Stakeholder Group.

Appendix 'C'

(Updated Statement of Principles)

SHEFFIELD CITY COUNCIL'S

STATEMENT OF PRINCIPLES

Gambling Act 2005

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Foreword

The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling after its introduction in September 2007. It gave Local Authorities new and extended responsibilities, including licensing premises for gambling and transferred to Local Authorities' responsibilities for betting, gaming and bingo that previously lay with Local Licensing Justices.

Although, amongst other duties, the Gambling Commission is responsible for licensing operators and individuals who provide gambling and betting facilities. Sheffield City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities such as registering small society lotteries.

Every Licensing Authority must develop, consult on and publish a Statement of its Licensing Principles. This Statement of Principles (Policy) sets out the principles which the Local Authority will apply in exercising its licensing functions under the Act.

New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly with problems of gambling related crime and disorder.

This document sets out Sheffield City Council's Statement of Principles (Policy), which 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 general approach to gambling in the City which also supports the Council's priorities:

- **An in touch organisation**
- **Strong economy**
- **Thriving neighbourhoods and communities**
- **Better health and wellbeing**
- **Tackling inequalities**

Although each and every application will be dealt with separately and on their own individual merits, the Council in writing this Statement of Principles (Policy) is offering guidance on the wider considerations that will be taken into account

Part 1 – Overview

1.1 Key Definitions

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

‘the 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.
‘the Council’	refers to Sheffield City Council.
‘Policy’	refers to this Statement of Principles (Policy) as required under section 349(1) of the Gambling Act 2005.
‘the Act’	refers to the Gambling Act 2005.
‘the Commission’	refers to the Gambling Commission.
‘Guidance to the Act’	refers to the guidance issued by the Gambling Commission as required under section 25 of the Gambling Act 2005.
‘Codes of Practice’ or ‘LCCP’	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.

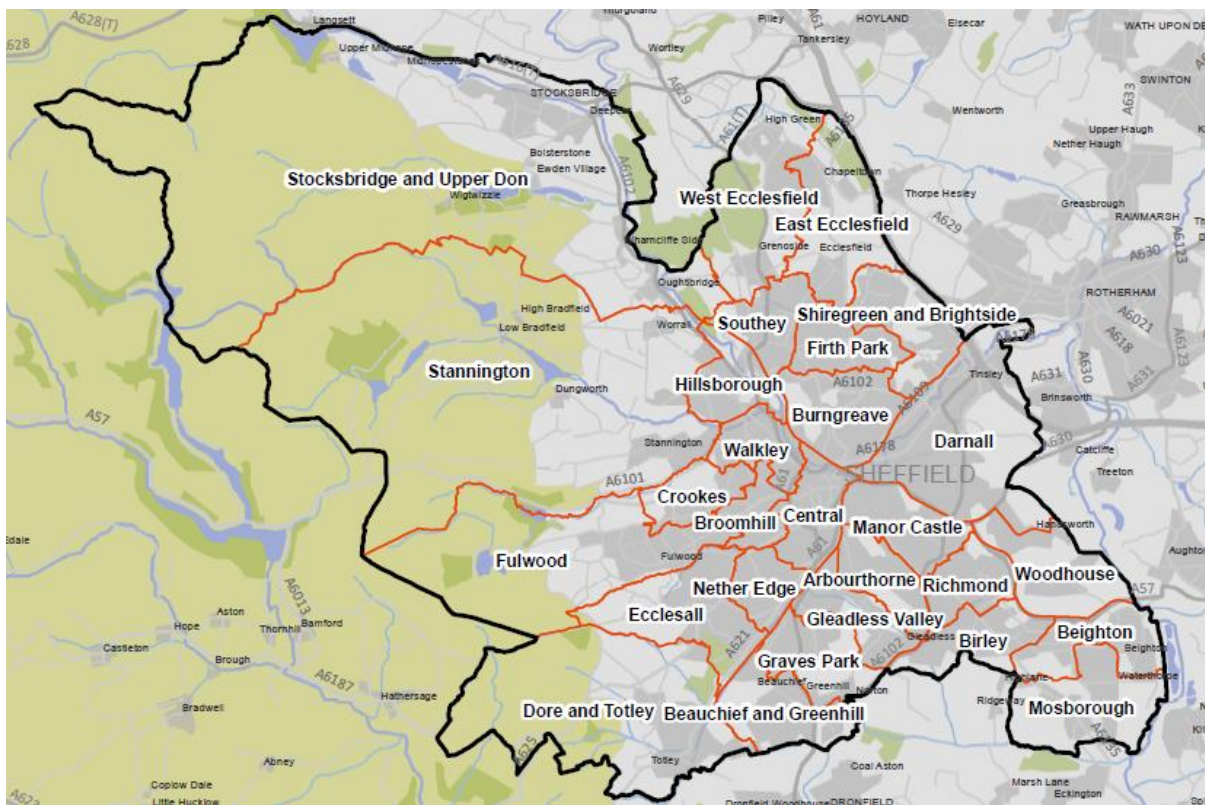
Sheffield is located fairly centrally in Britain in the metropolitan county of South Yorkshire. Lying directly to the east is Rotherham, from which it is separated by the M1 motorway. On its northern border is Barnsley Metropolitan Borough and to the south and west is the county of Derbyshire. Sheffield 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 2019.

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 issues 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 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 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 Data Protection Act 2018.

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. 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;
- as a public sector organisation we also have a duty to pay regard to the [Equality Act 2010](#) and the [Public Sector Equality Duty](#), which requires public bodies 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.

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.

3.2 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.

3.3 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.

3.5 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."*

3.6 Sheffield City Centre Master Plan

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.

3.7 Accessible Sheffield

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and 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.

3.8 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.

3.9 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).

3.10 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 2034. 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).

3.11 Director of Public Health Report for Sheffield & the Sheffield Joint Health and Wellbeing Strategy

The Director of Public Health report details health issues in Sheffield and influential factors in securing good health outcomes.

The Sheffield Health and Wellbeing Strategy support the Public Health report and details a plan to improve the health and wellbeing of Sheffield people.

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

Both documents can be found at the following web site:

<http://www.sheffield.gov.uk/content/sheffield/home/public-health.html>

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.

Conditions may be attached to Premises Licences in order to promote 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 this objective

The steps to be taken to promote the 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 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 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 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, substance misuse treatment services, youth services, play areas; are the premises near to social housing or a treatment centre for gambling addicts, hospitals 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 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.
- The following measures are requirements that operators must address in Sheffield to promote 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 Safeguarding 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 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
- A customer charter promoting the principles of acceptable behaviour at the premises including that adults must supervise their children at all times;
- Self-testing procedures should be in place to identify training needs and staff competence in relation to age verification.
- Staff training should include techniques for identifying and engaging with vulnerable adults who gamble
- 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 the restrictions.
- signage displayed on age restricted games;
- bandit screens used;
- self-help notices and literature should be 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 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 Safeguarding Children Board as the Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding 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.

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 Safeguarding 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 the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):

- a school, 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:

AREA
Fitzalan Square
Darnall Centre
Hillsborough Corner
Paige Hall

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 the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), 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.

This Licensing Authority requests that these assessments are submitted from the 6th 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, 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 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:**
<http://www.sheffield.gov.uk/content/sheffield/home/your-city-council/population-in-sheffield.html>
- **Ward profiles:**
<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
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 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 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 may 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 Board;
- HM Revenues & Customs; and
- any other person prescribed in Regulations by the Secretary of State.

6.2 Policy – Safeguarding 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 Safeguarding 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.

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
- 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), 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 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 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

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 provide both category C and D gaming machines (please see section 7.9 for further details of licenced family entertainment centres).

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 Safeguarding 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 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 Safeguarding 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 / 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.

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.

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 Safeguarding 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.

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 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 Safeguarding 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 Safeguarding 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.

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 principle 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.

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.

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 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 safeguarding 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);
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 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. Referral to advocacy services would be recognised as good practice.

Licensees are encouraged to share information with other operators and encourage customers to consider extending their self-exclusion to other licensed premises.

The Licensing Authority would request licensee's 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:

Proportionate	Regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
Accountable	Regulators must be able to justify decisions, and be subject to public scrutiny;
Consistent	Rules and standards must be joined up and implemented fairly;
Transparent	Regulators should be open, and keep regulation simple and user friendly; and
Targeted	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*.

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 2012.

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)

An EIA is the chosen vehicle for Sheffield City Council 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.

EIA's are carried out within the licensing 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 formulation of this policy (number 327). If you are interested in viewing this document, please contact the licensing 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	licensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing

Gambling Commission		
Victoria Square Birmingham B2 4BP	Telephone	0121 230 6666
	Email	info@gamblingcommission.gov.uk
	Website	www.gamblingcommission.gov.uk

South Yorkshire Police		
South Yorkshire Police Licensing Dept Force Headquarters Carbrook House 5 Carbrook Hall Road Sheffield S9 2EH	Telephone	0114 252 3617
	Email	Sheffield.liquor-licensing@southyorks.pnn.police.uk
	Website	www.southyorks.police.uk

South Yorkshire Fire and Rescue		
Sheffield Fire Safety Office (Licensing) 197 Eyre Street Sheffield S1 3FG	Telephone	0114 272 7202
	Email	comments@syfire.gov.uk
	Website	www.syfire.gov.uk

The Planning Authority		
Head of Planning Services Licensing Applications Sheffield City Council Howden House Sheffield S1 2SH	Telephone	0114 273 4218
	Email	planningdc@sheffield.gov.uk
	Website	www.sheffield.gov.uk/planning

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	healthprotection@sheffield.gov.uk
	Website	www.sheffield.gov.uk

Environmental Protection Service		
The Information Officer Sheffield City Council Floor 5 (North), Howden House	Telephone	0114 273 4609
	Email	epsadmin@sheffield.gov.uk

1 Union Street, Sheffield S1 2SH	Website	www.sheffield.gov.uk
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Sheffield Safeguarding Children Board		
Sheffield City Council Floor 3 South, Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4450
	Email	sscb@sheffield.gov.uk
	Website	www.safeguardingsheffieldchildren.org.uk

HM Revenue & Customs		
HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom	Telephone	0300 322 7072 Option 7
	Email	nrubetting&gaming@hmrc.gsi.gov.uk
	Website	

The Navigation Authority		
Association of Inland Navigation Authorities Middle Level Office 85 Whittlesey Road March, Cambridgeshire PE15 0AH	Telephone	0844 335 1650
	Email	info@aina.org.uk
	Website	www.aina.org.uk

Canal and River Trust		
Head Office First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB	Telephone	0303 040 4040
	Email	
	Website	www.canalrivertrust.org.uk

OTHER USEFUL CONTACTS:

Business Sheffield		
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	
	Website	http://www.welcometosheffield.co.uk/business

GamCare		
GamCare provides support, information and advice to anyone suffering from a gambling problem.		
Head Office 2 nd Floor 7-11 St John's Hill London SW11 1TR	Telephone	020 7801 7000
	Email	info@gamcare.org.uk
	Website	www.gamcare.org.uk

Gamble Aware		
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	info@gambleaware.co.uk
	Website	www.gambleaware.co.uk/

Ward Councillors		
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	www.sheffield.gov.uk/councillors

Sheffield Drugs and Alcohol / Domestic Abuse Co-ordination Team (DACT)		
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	help@sheffielddact.org.uk
	Website	www.sheffielddact.org.uk

Public Health		
Sheffield's Public Health team		
1 Union Street Howden House Sheffield S1 2SH	Telephone	0114 273 4567
	Email	
	Website	http://www.sheffield.gov.uk/content/sheffield/home/public-

LOCAL SUPPORT SERVICES:

Krysallis – Local GamCare support

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>

University of Sheffield

<https://www.sheffield.ac.uk/ssid/sos/gambling>

Gamcare

<https://www.gamcare.org.uk/support-and-treatment>

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 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.

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 Safeguarding 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
Poppleston Allen
Ford and Warren
Gosschalks
Law Society
Maitland Walker
Irwin Mitchell
Parker Rhodes Hickmotts
HLW Keeble Hawson LLP

Sheffield City Council Contacts

Brian Messider, Access Officer
Sheffield Schools
Jayne Ludlam, Executive Director, Children and Young People
Sheffield City Council Councillors
Locality Management Team
Business Sheffield
First Point for Business
Local Members of Parliament
Angela Smith
Paul Blomfield
Gill Furniss
Louise Haigh
Clive Betts
Jared O'Mara

Religious Contacts

Central United Reformed Church
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

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 Casino Association
Casino Operators Association (COA)
GamCare
National Association of Bookmakers
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
Casinos / Operators
Betting Offices / Operators
Tracks / Pool Betting Licence Holders
Bingo Hall / Operators
Premises Licence Holders
Club Premises Certificate Holders
Holders of Small Lotteries Registrations
Problem Gambling Stakeholder Group (Sheffield)

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