

# **Licensing Committee**

**Thursday 26 July 2012 at 10.00 am**

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

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

## **Membership**

Councillors John Robson (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Vickie Priestley, Ian Saunders, Nikki Sharpe, Clive Skelton (Deputy Chair), Geoff Smith, Stuart Wattam and Philip Wood

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## **PUBLIC ACCESS TO THE MEETING**

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

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552.

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

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

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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

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

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**LICENSING COMMITTEE AGENDA  
26 JULY 2012**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**  
To approve the minutes of the meeting of the Committee held on:-  
  
10 May 2012  
14 May 2012  
15 May 2012  
16 May 2012  
21 May 2012  
29 May 2012  
31 May 2012  
7 June 2012
- 6. GAMBLING ACT 2005**  
**Statement of Principles (Policy) Approval**  
Report of the Chief Licensing Officer
- 7. Licensing Fees Review**  
Report of the Chief Licensing Officer.

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**ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS**

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A new Standards regime was introduced on 1<sup>st</sup> July, 2012 by the Localism Act 2011. The new regime made changes to the way that your interests needed to be registered and declared. Prejudicial and personal interests no longer exist and they have been replaced by Disclosable Pecuniary Interests (DPIs).

The Act also required that provision is made for interests which are not Disclosable Pecuniary Interests and required the Council to introduce a

new local Code of Conduct for Members. Provision has been made in the new Code for dealing with “personal” interests.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council’s website as a downloadable document at - <http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests>

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

## MEETING OF THE LICENSING SUB-COMMITTEE

held 10<sup>th</sup> May 2012

**RESENT:** Councillors David Barker, Vickie Priestley and Geoff Smith.

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

1.1 **RESOLVED:** That in the absence of the Chair and Deputy Chair of the Sub-Committee, Councillor David Barker be appointed Chair of the meeting.

### 2. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

2.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### 3. **APOLOGIES FOR ABSENCE**

3.1 There were no apologies for absence received. Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

### 4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT – ORCHARD SQUARE, CITY CENTRE**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Street Trading Consent to trade in Orchard Square, City Centre.

4.2 Rosita Hunt presented the case on behalf of the applicants, Granelli's Ice Cream, indicating that Granelli's had been operating in Sheffield for 136 years and had operated in Orchard Square before, without any problems. She stressed that the Orchard Square Management Team had raised no objection to the application and had provided a letter of authorisation.

4.3 **RESOLVED:** That the applicants, members of the public and press and officers of the City Council involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

4.4 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

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

4.6 **RESOLVED:** That authority be given to the Chief Licensing Officer to grant a Street Trading Consent to Granelli's Ice Cream to trade in Orchard Square, City Centre, on the terms requested and on the grounds that there are

exceptional reasons to depart from the Qualitative Criteria for Small Trading Stalls on the basis that the traditional ice cream van would not detract from the attractiveness of the City Centre and is on private land, with the authorisation of the land management.

**MEETING OF THE LICENSING SUB-COMMITTEE**

**held 14<sup>th</sup> May 2012**

**PRESENT:** Councillors John Campbell (Chair), Clive Skelton and Philip Wood

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Simon Clement-Jones attended as reserve Member, but was not required to stay.

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

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

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 38/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 39/12 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.4 The applicant in Case No. 40/12 attended the hearing and addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
38/12	Renewal application for a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the shorter term of 12 months due to the convictions and offences now reported and issue the

applicant with a verbal warning as to his future conduct, in particular with regard to the organisation of his documentation.

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|-------|--|--|
| 39/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | Grant a licence for the shorter term of 6 months, followed by renewals of 9, 12 and 18 months, subject to there being no further cause for concern, and issue the applicant with a final written warning regarding his future conduct. |
| 40/12 | Application for a Hackney Carriage Vehicle Licence                         | Grant a vehicle licence for the normal term of 12 months.  |



## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 15<sup>th</sup> May 2012**

**PRESENT:** Councillors Clive Skelton, Geoff Smith and Philip Wood

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

- 1.1 RESOLVED: That, in the absence of the Chair and Deputy Chair of the Sub-Committee, Councillor Clive Skelton be appointed Chair of the meeting.

### **2. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

- 2.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **3. APOLOGIES FOR ABSENCE**

- 3.1 No apologies for absence were received. Councillor Simon Clement-Jones attended the meeting as a reserve Member, but was not required to stay.

### **4. LICENSING ACT 2003 – NISA SUPERMARKET, 61-65 BARBER ROAD, SHEFFIELD, S10 1EA**

- 4.1 The Chief Licensing Officer submitted a report to consider an application by South Yorkshire Police for the review of a Premises Licence made under Section 51 of the Licensing Act 2003, in respect of the premises known as Nisa Supermarket, 61-65 Barber Road, Sheffield, S10 1EA.

- 4.2 Present at the meeting were Inspector Glen Suttwood and Benita Mumby (South Yorkshire Police, for the Applicants), Julie Hague (Sheffield Safeguarding Children Board), Craig Fisher (Trading Standards), Danny Simpson (Howells Solicitors, representing the Premises License Holder and Designated Premises Supervisor), Tahir Ayub (Premises License Holder), Zakar Malook (Designated Premises Supervisor), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

- 4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield Safeguarding Children Board and Trading Standards and were attached at Appendices 'C' and 'D' to the report, respectively.

- 4.5 Inspector Glen Suttwood referred to the history regarding the test purchase operations undertaken by South Yorkshire Police at the premises between 7<sup>th</sup> April 2011 and 17<sup>th</sup> February 2012, indicating that four test purchase operations had been conducted and all four had failed. The Police therefore had serious concerns with regard to the sale of alcohol to young people and the consequent effects of such sales, including the impact on the local community and the health and safety and wellbeing of the young people. He stressed that this was one of the Police's major concerns across the City. Inspector Suttwood also expressed concerns regarding the management of the premises, indicating that, although Mr Ayub and Mr Malook did not hold their respective positions within the company throughout the whole period of the test purchase operations, they were in position for some of the period and in respect of the test purchase undertaken on 29<sup>th</sup> July 2011, it was Mr Ayub who sold alcohol to underage customers, although he was not the Premises License Holder at that time. He also referred to the fact that one of the sales assistants involved in one of the failed test purchases provided false details in respect of his identification to the Police on the grounds that he was not lawfully employed at the shop and therefore, not authorised to sell alcohol.
- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee and Mr Simpson, Inspector Suttwood confirmed that all the test purchases undertaken during the period 7<sup>th</sup> April 2011 to 17<sup>th</sup> February 2012, were failures whereby the proper procedures in terms of the sale of alcohol to young people were not carried out. Following the fourth and final failed test purchase on 17<sup>th</sup> February 2012, South Yorkshire Police had requested a 48 hour voluntary closure of the premises from 20<sup>th</sup> to 22<sup>nd</sup> April 2012, which was complied with. It was confirmed that there had been a further test purchase at the premises on 20<sup>th</sup> February 2012, but this had been undertaken by Trading Standards Officers, and related to the sale of cigarettes, with no involvement from the Police. However, the premises passed this test. Whilst the Police had evidence of incidents of anti-social behaviour caused by young people drinking on the streets in the Crookes/Walkley areas, they were unable to prove that such incidents were a direct result of the sale of alcohol to young people at the premises. In terms of the reference to the member of staff who had provided the Police with false details regarding his identification, it was stated that the employee in question had confirmed, in an interview with the Police, that he was not employed by the company, but only helped out when required.
- 4.7 Julie Hague commenced her representations by confirming that the Premises License Holder had now attended the relevant Safeguarding Children training, therefore this requirement should now be withdrawn from the conditions. She stated that her concerns centered around the fact that the present Premises License Holder and Designated Premises Supervisor had been involved in some way in the operation of the premises when there had been a number of incidents whereby alcohol had been sold to young people, as well as a number of incidents when counterfeit goods had been sold at the premises. Specific concerns were expressed regarding the level of such sales, in that there had been four failed test

purchases at the premises in less than 12 months and that alcohol had been sold to children as young as 15. She stated that there were no safe limits in terms of the consumption of alcohol by young people as they do not understand the harmful effects it can have, both on their physical and mental wellbeing and that it could affect their performance at school, resulting in them being involved in accidents or making them vulnerable. On 9<sup>th</sup> December 2011, Mr Ayub was offered a place for himself or a member of staff on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop, but he failed to respond to this request. Despite this offer of assistance, the premises went on to fail a further test purchase operation on 17<sup>th</sup> February 2012, and in line with the multi-agency procedure, a further offer of training was made to Mr Ayub on 7<sup>th</sup> March 2012. Mr Ayub took up this offer and attended the training workshop on 18<sup>th</sup> April 2012. Whilst Mr Ayub produced a refusals log on this date, there appeared to be little other evidence of any improvements made to the premises' systems and procedures. Ms Hague concluded by referring to additional concerns following the receipt of information provided by Trading Standards relating to the discovery of counterfeit alcohol at the premises in October and November 2011.

- 4.8 In response to questions raised by the Solicitor to the Sub-Committee and the Solicitor representing the Premises License Holder and Designated Premises Supervisor, it was confirmed that the Designated Premises Supervisor had not attended any of the training offered and that it was now accepted that, further to the last visit to the premises on 23<sup>rd</sup> April 2012, the appropriate software, known as till prompts, had been installed on the tills and appropriate signage provided at various locations within the premises.
- 4.9 Craig Fisher reported that he was present on a test purchase operation undertaken by Trading Standards on 31<sup>st</sup> March 2009, when a volunteer aged 15 was successful in buying cigarettes at the premises. It was acknowledged that Mr Ayub was not the Premises License Holder at this time. He visited the premises again on 18<sup>th</sup> October 2010, accompanied by Lisa Marsden, Enforcement Officer, and seized 27 bottles of Glen's Vodka on the grounds that the officers suspected that it could be counterfeit. On further inspection, it was found that it was not counterfeit but had been duty diverted and had no legitimate market in the UK. On 14<sup>th</sup> October 2011, a complaint had been received that a student had purchased alcohol from the supermarket which had subsequently made them ill. Mr Fisher visited the premises the same day and seized several bottles of alcohol which were believed to be counterfeit. Two further complaints were received on 17<sup>th</sup> October 2011, which, along with the previous complaint, had been made following reports on local TV of the sale of Drop Vodka in South Yorkshire, which was believed to be contaminated. The latter complaints related to the purchase of such vodka from the premises and following this, a further visit was made to the premises on 2<sup>nd</sup> November 2011, and a number of bottles of suspect alcohol were seized. Samples were sent to the Public Analyst for testing, and the results confirmed that some was counterfeit and the vodka was

contaminated. Mr Fisher stated that whilst he could not confirm what health risks were involved in connection with the consumption of the contaminated vodka, he could only presume that they would be detrimental to people who consumed the drink in some way.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the Solicitor representing the Premises License Holder and Designated Premises Supervisor, Mr Fisher confirmed that Trading Standards Officers had not carried out any test purchase operations in relation to alcohol at the premises, and that officers inspecting the premises had not been provided with any receipts or purchase invoices for the suspected counterfeit drink discovered on the premises when requested. Officers were sure that the student had become ill after drinking the contaminated vodka. With regard to the legal proceedings pending in relation to the counterfeit and contaminated alcohol discovered on the premises during the visit made on 2<sup>nd</sup> November 2011, Mr Fisher stated that the prosecution file was in the final internal approval stage which, if approved, would then be submitted to Legal Services. In terms of the action taken against the Company following the test purchase operation and subsequent visits, it was reported that following the failed test purchase on 31<sup>st</sup> March 2009, the Premises License Holder at that time (Rebwar Ismail) had been given a written caution and provided with advice on underage sales. Following the seizure of the suspected counterfeit alcohol on 18<sup>th</sup> October 2010, Trading Standards Officers wrote to the owner of the premises at that time, but ownership changed hands prior to any action being taken. Trading Standards Officers had dealt with Mr Ayub in respect of the final two incidents. Mr Fisher accepted that the present Premises License Holder and Designated Premises Supervisor were not involved following the test purchase operation in 2009 and the seizure of suspect counterfeit alcohol in October 2010 and that the Prince Consort Vodka discovered on the visit in October 2011, had been purchased from a Cash and Carry, and the relevant invoice had been provided. Whilst it was accepted that Mr Ayub was not the Premises License Holder in March 2009 and October 2010, and that the suspected counterfeit alcohol found on the premises was likely to be old stock, it was evident that more counterfeit alcohol had been delivered to the premises during October and November 2011.
- 4.11 Danny Simpson stated that most of the suspected counterfeit alcohol had been seized from the premises prior to Mr Ayub and Mr Malook being employed by the Company and that they were both very upset that such stock had been discovered on the premises. It was accepted that the correct procedures had not been adhered to during the period of the failed test purchase operations. As an explanation for this, Mr Simpson stated that the majority of customers who purchased alcohol from the supermarket were students and the staff found it difficult to challenge so many customers by asking them their age. The member of staff who provided the Police with false details of his identity was new, and working on a trial basis at the time. Mr Simpson stated that now Mr Ayub and Mr Malook had been in position for some time, and had installed the relevant

software on the tills and had appropriate signage in the supermarket, they would welcome a visit by Trading Standards Officers and the Children Safeguarding Board. He stressed that all new staff were now supervised and were instructed, as part of their induction, not to sell alcohol without supervision. He also circulated details regarding nominations for the supermarket under the Responsible Retailer Scheme. Mr Simpson concluded by stating that whilst there had been issues at the supermarket in the past, Mr Ayub and Mr Malook had not been responsible for the majority of the problems and had given their assurances that there would be no more problems in respect of the operation of the supermarket.

- 4.12 In response to questions from the Members of, and the Solicitor to, the Sub-Committee, Julie Hague and Craig Fisher, Mr Simpson confirmed that Mr Malook was appointed Designated Premises Supervisor on 18th August 2011, and Mr Ayub was appointed Premises License Holder in November 2011. In connection with the failed test purchase operations, whilst it was accepted that students would be used to being asked for identification, staff found it difficult to challenge so many customers. Mr Ayub stated that he had not attended any further training sessions since April 2012 because there were staffing problems at the supermarket and therefore he didn't have the time. He accepted that he did not realise how important such training was as he had not managed a business like this before. Whilst it was accepted that there had been errors in terms of the failed test purchases, this had not been down to the staff 'cutting corners' in order to maximise profits. It was confirmed that Mr Malook had been associated with the premises since June 2011 and Mr Ayub had been associated on and off for the last two years. The relevant software had been installed on the tills, which would prompt staff to ensure they challenged customers purchasing alcohol and cigarettes if they believed them to be underage, and Mr Ayub stated that training would be provided for members of staff after he had been on the relevant training course. Whilst it was accepted that underage sales of alcohol and cigarettes was a criminal offence, there was no evidence to show that any anti-social behaviour in the area was linked directly to the premises. In terms of the proposed action to be taken, Mr Ayub confirmed that the relevant software had already been installed on the tills and the relevant signage was now in position. He stated that he would be present at the premises from 7.00 am to 7.00 pm every day and that Mr Malook would be there after he had left, up until closing time at around 00:00 hours in order to more closely supervise staff selling alcohol. He stated that he had talked to members of staff about their responsibilities and had given them the relevant guidance relating to underage sales to read. He would ensure that all stock was purchased from a Cash and Carry or Costcutter and he would ensure that relevant invoices were kept. In terms of the management structure of the premises, it was reported that the Company had been under the ownership of S and H Corporation Limited since 2009, and the Premises License Holder was Rebwar Ismail and the Designated Premises Supervisor was Mohammed Karim. Mr Malook became Designated Premises Supervisor on 18th August 2011 and Mr Ayub became the Premises License Holder in November 2011. Mr Ayub confirmed that he would welcome further

assistance from Trading Standards, such as help to identify tax-evaded goods. He confirmed that he was working at the premises and was aware that Trading Standards Officers had seized a number of suspect counterfeit bottles of alcohol when he was Premises License Holder. He also confirmed that all staff were instructed to complete the refusals book each time a customer attempting to purchase cigarettes or alcohol was refused on the basis that they could not provide proper identification in terms of their age.

- 4.13 RESOLVED: That the public and press and attendees involved in the application for review of the licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That the Sub-Committee agrees to:-
- (a) remove the Designated Premises Supervisor on the grounds of poor management, and due to the fact that he was present at the failed test purchase operation undertaken at the premises on 18<sup>th</sup> November 2011 and had allowed an unauthorised person to sell alcohol, resulting in a failed test purchase; and
  - (b) modify the conditions of the Premises License as follows:-
    - (i) the Premises License Holder or Designated Premises Supervisor is to be on the premises at all times alcohol is for sale;
    - (ii) Condition 7 in Annex 2 – Conditions Consistent with the Operation Schedule, be removed;
    - (iii) Challenge 25 will be in operation at all times;
    - (iv) all staff will be trained and records kept for six months. All staff will be trained in the selling of age sensitive products and sign to confirm that they have been trained. Records of the training and confirmation signatures to be kept for six months and made available to officers from Sheffield City Council and South Yorkshire Police on request;
    - (v) refresher training to be given every six months. Records of the training and confirmation signatures to be kept for six months

and made available to officers from Sheffield City Council and South Yorkshire Police on request;

- (vi) the Designated Premises Supervisor or Premises Licence Holder be required to attend a Safeguarding Children course;
- (vii) till prompts will be used at all times; and
- (viii) all alcohol to be purchased from a reputable and established supplier and invoices are to be kept for 12 months and available for inspection on the request of Trading Standards Officers.

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**SHEFFIELD CITY COUNCIL**

**LICENSING COMMITTEE**

**Meeting held 16<sup>th</sup> May 2012**

PRESENT: Councillors Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Neale Gibson, Vickie Priestley, John Robson, Ian Saunders, Clive Skelton, Geoff Smith, Stuart Wattam and Phillip Wood

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1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **APPOINTMENT OF CHAIR**

RESOLVED: That Councillor John Robson be appointed Chair and Councillor Clive Skelton be appointed Deputy Chair of the Committee.

3. **DAY AND TIME OF MEETINGS**

RESOLVED: That meetings of the Committee be held on Mondays, Tuesdays and Thursdays weekly at 10.00am, or as and when required.

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## MEETING OF THE LICENSING SUB-COMMITTEE

held 21<sup>st</sup> May 2012

**PRESENT:** Councillors Clive Skelton (Deputy Chair), Ian Saunders and Stuart Wattam

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### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Deputy Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

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

2.1 No apologies for absence were received.

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

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

### 4. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 41/12 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 42/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licensee in Case No. 43/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
41/12	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months and, on the first renewal, authority be given to grant the applicant a nine month licence,

on the second renewal, a 12 month licence and, on any subsequent renewal, an 18 month licence subject to (i) there being no further cause for concern and (ii) the applicant attaining the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and (b) the applicant be given a written warning as to his future conduct.

42/12            Application for a first Hackney Carriage and Private Hire Driver's Licence

Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

43/12            Review of a Private Hire and Hackney Carriage Driver's Licence

Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Sub-Committee has reasonable grounds for revoking the licence in the light of the offences and convictions now reported and the responses provided to questions raised at the hearing.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 29<sup>th</sup> May 2012**

**PRESENT:** Councillors John Robson (Chair), David Barker, Jillian Creasy and Neale Gibson.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

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

2.1 No apologies for absence were received.

### **3. LICENSING ACT 2003 – THE ECCLESALL, 255 ECCLESALL ROAD, SHEFFIELD, S11 8NX**

3.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as The Ecclesall, 255 Ecclesall Road, Sheffield, S11 8NX.

3.2 Present at the meeting were John Coen and Kimberley Chilton (Ford and Warren, Solicitors, for the Applicants), Donna Torgius (Objector), Martin Cowell (Representing the Objector), Sean Gibbons (Health Protection Service), Jonathan Round (Environmental Protection Service), Andy Ruston (Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from a local resident and were attached at Appendix 'E' to the report. Mr Ruston added that the representations received from the Health Protection Service had been withdrawn and that, further to the representations received from the Environmental Protection Service, an agreement had been reached with the applicants in terms of a number of amended conditions.

3.5 Sean Gibbons reported that, following detailed negotiations with the applicants, he had considered it appropriate to withdraw the objections of the Health Protection Service. He stated however, that he was due to meet with the applicant's architects on 11<sup>th</sup> June 2012, to discuss two outstanding issues of concern, regarding the safety in terms of the furniture on one of the external decking areas and the safety of the surface of the

decking.

- 3.6 In response to questions from Members of the Sub-Committee and the objector's representative, Mr Gibbons stated that he was confident that both these outstanding issues would be resolved following the meeting on 11<sup>th</sup> June 2012. John Coen added that any potential issues would be covered by Health and Safety Regulations. Despite the lack of contact from the applicants, Mr Gibbons was confident that all the outstanding issues regarding the application would be resolved. He did, however, confirm that there had been a breach of Condition 3 under Annexe 2 of the current Premises Licence in that during a visit to the premises on 27<sup>th</sup> April 2012, he had noticed that the electrical sockets for the purposes of live entertainment did not have the benefit of residual current device (RCD) units. He was informed that their electricians would ensure that this issue was resolved immediately. In terms of the lack of communication between the Service and the applicant's management company, Mr Gibbons confirmed that, although there had been communication problems in the past and that he had serious concerns regarding the operation of the management company, a new management company had now been appointed, which he believed would be a big improvement. When making a request on 20<sup>th</sup> April 2012, to meet with the applicants, no response had been received from Punch Taverns Plc and on the visit to the premises on 27<sup>th</sup> April 2012, at which it was discovered that the Designated Premises Supervisor (DPS) was not present, no attempts had been made to identify where the DPS was at that time. Mr Gibbons confirmed that there was no evidence of any RCD units protecting the electrical sockets for the purposes of live entertainment and the staff at the premises at the time would have been expected to notice them if they had been installed. Despite asking to see a copy of the Premises Licence, the member of staff was not able to produce one. The Service was aware of the new management company in that they were responsible for operations at three public houses, The Chantry, Prince of Wales and White Lion. Mr Gibbons concluded by confirming that he had not held any discussions with the new management company in terms of the operation of the premises.
- 3.7 Jonathan Round stated that he had also had considerable contact with John Coen which had resulted in the agreement of four amended conditions which, on request, he read out at the hearing. He confirmed that all the other proposed conditions he had suggested, had now been withdrawn.
- 3.8 In response to questions from Members of the Sub-Committee, the applicant's representative and the objector's representative, Mr Round stated that during the last five to six years, there had been a number of complaints regarding noise nuisance in connection with various events held at the premises and consequently, a number of new conditions had been added to the licence in response to this. More recently, a complaint was received on 27<sup>th</sup> February 2012, regarding noise nuisance at a jazz night held at the premises on 25<sup>th</sup> February 2012, at which the front doors

were wide open and there were speakers outside. A further complaint was received on 30<sup>th</sup> March 2012, relating to noise from a disco at the premises. In response to this, Mr Round visited the premises on 1<sup>st</sup> April 2012, and was informed that the jazz nights had now stopped but that the disco was to be a regular event. Whilst at the premises, he checked the sound limiter. Further to this visit, on 5<sup>th</sup> April 2012, he received a telephone call from the DPS, who indicated that he was not aware of the current conditions of the Premises Licence, but indicated that he would make sure the external speakers were turned off. In terms of complaints of noise nuisance, other than music-related, Mr Round stated that, although it was not seen to be a major problem, there had been some issues in terms of noise created by customers gathering outside the premises. He confirmed that Council officers had not witnessed the incidents which had resulted in the complaints on 27<sup>th</sup> February and 30<sup>th</sup> March 2012. He confirmed that, if the Sub-Committee were to agree the suggested conditions, he would have no further concerns regarding the licence. However, he stated that he still had some concerns regarding the quality and effectiveness of the glazing of the bi-folding doors, and indicated that he would prefer the installation of some form of physical measures. Whilst he accepted that once the sound limiter had been installed and set, and would therefore assist in limiting noise levels emanating from the premises, there was no guarantee that such a system could not be tampered with.

- 3.9 Mr Round confirmed that there had been a history of complaints of noise nuisance in respect of the premises during the last five to six years and that, despite the fact that there had been cause for the licence to be reviewed by this Sub-Committee, which had resulted in additional conditions being put on the licence, there had still been complaints of noise nuisance. He also confirmed that he was aware of incidents whereby sound limiters had been tampered with at other licensed premises in the City and that the DPS has live music in the other pubs he was responsible for.
- 3.10 Donna Torgius stated that she was not convinced there were proper safeguards to ensure there would not be any more problems in terms of noise breakout from the premises and noise nuisance from customers drinking outside the premises. She stated that she would like a condition placed on the licence requiring that the external areas to the front and rear of the premises be not used after 22:00 hours Sunday to Thursday and 23:00 hours Friday and Saturday. She also requested that there be an additional condition relating to noise levels in terms of breakout from the premises. She specifically requested that these conditions be placed on the Premises Licence in the light of the difficulty faced by residents in objecting to Planning Regulations. She referred to the history of complaints of noise nuisance in respect of the premises and to the problems regarding the management in not complying with the conditions of the Premises Licence in the past. She concluded by stating that she had moved into her present home in February 2012, and had been affected by noise nuisance from the premises, mainly relating to customers using the front external area.

- 3.11 In response to questions from Members of the Sub-Committee and the applicant's representative, it was stated that Ms Torgius had experienced vibration in her house as a result of the noise levels emanating from the premises and had experienced particular problems of noise nuisance, into the early hours of the morning, during the recent Sheffield United v Stevenage play-off football match, which had been televised live at the premises. Ms Torgius stated that she had lived in Sheffield for four years and was well aware of the vibrancy of Ecclesall Road prior to moving into her new premises in February 2012. Whilst she was not familiar with her wider neighbours, she believed that the neighbours either side of her property had not made any representations regarding the application to vary the Premises Licence as they were students and would not be too concerned as they would not be staying there long. She added that the other reason that other neighbours may not have made representations was that she only became aware of the application when she received a leaflet relating to the planning application, so there was a likelihood that other neighbours were not aware of the application. She accepted that there was a reasonable distance from her property and the premises, on the basis that Ecclesall Road was a wide road and that she had a long drive, but stated that she could still hear music coming from the premises, as well as being affected by customers drinking at the front, external area of the premises. Although she was aware of the premises prior to moving into her new home, she did not check the terms of the Premises Licence. She confirmed that there were no longer any problems of noise nuisance caused by loudspeakers at the front, external area of the premises and that she did not have any cause for concern in terms of noise nuisance regarding the front, external area of the premises when sending in her representations on 1<sup>st</sup> May 2012. Ms Torgius confirmed that she was aware that the bi-folding doors would be closed during any regulated entertainment and accepted that, as part of her representations, she had not requested a reduction in hours in terms of the use of the front, external area of the premises. She indicated that whilst the proposed conditions in respect of the front, external area of the premises had addressed her concerns to some extent, she would prefer it if this area was not used after 22:00 hours. In conclusion, Ms Torgius stated that whilst she accepted that she had only experienced problems of noise nuisance during the Sheffield United v Stevenage football match, there may well have been other matches which would have resulted in noise nuisance, but she may have missed these as she spent a lot of time away from home.
- 3.12 John Coen, for the applicants, referred to the conditions set out in Annexe 3 to the Premises Licence, relating to the concessions offered by the applicants, requiring that all amplified sound should go through a sound limiter and that the outdoor area to the front of the premises shall cease to be used after 23:00 hours on any day of the week. He stressed that there was no legal obligation on the applicants to make these amendments to the conditions and that such concessions, together with the four conditions recommended by the Environmental Protection Service, should address Ms Torgius' concerns in terms of potential noise nuisance. He referred to



the nature of the proposed variation, indicating that, in his opinion, there was nothing contentious. He pointed out the fact that the bi-folding doors would be closed during any regulated entertainment and that all amplified sound would have to go through the sound limiter. He also referred to the fact that there were no residential properties within the immediate vicinity of the rear of the premises and that the ethos was to change the operation of the premises in the sense that the sales would comprise approximately 70% food and 30% drink. Mr Coen concluded by referring to the fact that no representations had been received from South Yorkshire Police.

- 3.13 In response to questions from Members of the Sub-Committee and the objector's representative, Mr Coen stated that the aim was to operate predominately as a sports bar, with a minimum of live music, although there would be some live music up to when the planned renovations works commence, in approximately five weeks. Based on the low level of complaints, he did not consider there to be a problem in terms of noise nuisance at the premises, therefore the management had no plans to regulate noise from customers sitting outside the premises. He also stated that, as there were no obvious problems in terms of noise nuisance, there would be no need for additional patrols by members of staff, both internally and externally, to check on any such nuisance. The main benefits of the bi-folding doors was to brighten up the premises in that, at the present time, there were only small windows and it appeared quite dark inside. He stressed that access and egress would still be through the main front door, and not through the bi-folding doors. Mr Coen stated that the reason for requesting the removal of the condition regarding noise breakout limits was on the basis that they were not readily understandable or enforceable and also, the Environmental Protection Service had indicated that they were happy to withdraw this condition. There had been no community engagement in connection with the operation of the premises on the basis that the applicants did not envisage the variation to be contentious. In terms of the change of name of the premises from The Ecclesall to Champs, it was stated that as the existing Champs was to become an up-market restaurant, there was an opportunity to maintain what was a well-established name on Ecclesall Road, and the plan was to continue with the sports bar theme. With regard to the structural works, there was no intention to increase the standing area within the premises, but the main alterations would include the remodeling of the existing car park area at the rear, and increasing the extent of the external licensable area to the rear of the premises. It was understood that there had been an application for the vacant post of DPS on 28<sup>th</sup> May 2012. The applicants would ensure that, to the best of their ability, the conditions to the license would be imposed. The application for planning permission had been submitted, and was in the process of being determined and if such permission was granted, by increasing the area at the rear of the premises, this would encourage more people to use this area, therefore lessening the potential for noise nuisance at the front of the premises. Mr Coen stated that there was no one available from Punch Taverns Plc to attend today's hearing to give evidence and in terms of the notices exhibited outside the premises, including the name Haywyn Leisure, he could not confirm who this was.

Mr Coen also could not confirm when the previous DPS had left the premises, nor that Adam Firth was the manager of the premises. Further to the request made by Sean Gibbons to see a copy of the Premises Licence during a visit to the premises on 27<sup>th</sup> April 2012, Mr Coen stated that it was most probably a case of the member of staff present not being able to locate the licence rather than it not being there at all. In terms of the condition in Annexe 2, referring to the requirement to have additional patrols to limit any noise pollution when entertainment was being offered within the premises, Mr Coen stated that staff regularly went outside the premises to collect glasses and to check that there were no problems. Mr Coen could not confirm the number of personal licence holders at the premises and in response to a query regarding the current system in terms of staff taking a pro-active approach to noise control, he stated that the present system operated at the premises was working fine. He was not aware that any records were kept in terms of evidence regarding such a pro-active approach by staff in connection with noise control, nor was he aware of what the approach would be by the new applicants in this area. In conclusion, Mr Coen stated that the applicants had not consulted the Authority prior to submitting the applicant to vary the Premises Licence, but that, given the expert opinion of the Environmental Protection Service, the applicants had agreed to the four conditions now required by the Service.

- 3.14 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.15 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.17 RESOLVED: That the Sub-Committee agrees to vary the Premises Licence in respect of The Ecclesall, 255 Ecclesall Road, Sheffield, S11 8NX, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-
- (a) No amplified sound shall be played anywhere on the premises except through an in-house amplified sound system, fitted with a sound limiter, the setting of which shall be to the written satisfaction of the Environmental Protection Service;
  - (b) The bi-folding glazed doors shall remain closed during the provision of regulated entertainment and after 23:00 hours each day of the week;
  - (c) All external areas shall not be used after 23:00 hours each day of the

week;

- (d) No speakers shall be positioned in external areas of the premises that relay regulated entertainment; and
- (e) Music should only be played within the building such that:-
  - (i) noise breakout from the building to the street should not exceed the ambient\* noise levels by more than 3dB(A) when measured as a 15 minute LAeq; and
  - (ii) noise breakout from the building to the street should not exceed the ambient\* noise levels in any octave band centre frequency by more than 3dB when measured as a 15 minute Leq;

\* Where ambient noise level is LAeq, 15 minutes in the absence of the specific noise source (breakout from the premises)

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

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## **MEETING OF THE LICENSING COMMITTEE**

**held 31<sup>st</sup> May 2012**

**PRESENT:** Councillors John Robson (Chair), Nikki Bond, Jillian Creasy, Neale Gibson, Clive Skelton (Deputy Chair), Stuart Wattam and Philip Wood.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

- 1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

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

- 2.1 Apologies for absence were received from Councillors Jenny Armstrong, David Barker, Vickie Priestley and Geoff Smith.

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

- 3.1 There were no items identified

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

- 4.1 The minutes of the meetings held on 16 February 2012, 23 February 2012, 8 March 2012, 8 March 2012 (Summary Review), 12 March 2012, 13 March 2012, 19 March 2012, 27 March 2012, 29 March 2012, 2 April 2012, 3 April 2012, 13 February 2012, 20 February 2012, 27 February 2012, 28 February 2012, 1 March 2012, 1 March 2012 (informal meeting), 5 March 2012 and 15 March 2012 were approved as a correct record, and there were no matters arising.

### **5. GAMBLING ACT 2005**

- 5.1 The Committee received a report of the Chief Licensing Officer to notify and consult with Members of 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).
- 5.2 Steve Lonnia, Chief Licensing Officer, reported that the Gambling Act was reviewed every three years, and he reported that this Policy dealt with all forms of gambling governed by the Gambling Act 2005, which included casinos, bingo halls, betting shops, tracks, adult gaming centres, lotteries, family entertainment centres, club gaming machines, gaming machines in licensed premises, temporary use notices and occasional use notices.
- 5.3 It was noted that there had been very few comments received so far in response to the consultation, and that the consultation period was due to finish on 25<sup>th</sup> June 2012. It was further noted that, following the end of the consultation period, this item would be submitted to the meeting of the

Committee to be held on 26<sup>th</sup> July 2012, for formal approval by the Licensing Committee.

5.4 **RESOLVED:** That the Committee;

(a) notes the contents of the report now submitted, and

(b) requests that, following the end of the consultation period, this item (Gambling Act 2005), be submitted to the meeting of the Committee to be held on 26<sup>th</sup> July 2012 for formal approval.

6. **POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011**

6.1 The Committee received a report of the Chief Licensing Officer to notify Members of amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 (PR and SR Act) as part of the Government's alcohol reforms. It was noted that the Government had legislated via the PR and SR Act to overhaul the Licensing Act 2003 and to rebalance it in favour of local communities. These new measures were intended to give the Police and Licensing Authorities in England and Wales more local powers to tackle irresponsible premises which were consistently facilitating unacceptable levels of sales of alcohol to under 18s.

6.2 Steve Lonnia, Chief Licensing Officer, detailed a few main points within the report, including the new ability for other responsible authorities to object to Temporary Event Notices (TENs) on the grounds of any of the four licensing objectives, whereas previously, it was only the Police who could submit an objection, purely on the grounds of crime and disorder. In response to this change, Members were concerned that services, such as the Environmental Health Service would not have sufficient staffing resources to go through every individual application to identify potential problems with TEN applications, and that opportunities might be missed.

6.3 There was also a statutory requirement now to review this Act every five years, which was a positive development, as, currently, there were no legal requirements for statutory review. The Licensing Authority was now also classed as a 'responsible authority', which meant that it had increased powers to submit concerns about particular licensed premises. Whilst this was a further positive development, Mr. Lonnia confirmed that the Licensing Authority would endeavour not to 'pre-judge' any new licences, and that their interventions would always be purely evidence based.

6.4 With regard to changes proposed for the collection of annual fees, this would hopefully yield excellent results for the Licensing Authority. The new law stated that premises could have their licences suspended if fees remained unpaid, whereas currently, there was a Licensing Officer whose time was almost fully dedicated to chasing up late and unpaid fees. Mr. Lonnia explained that to chase up non-paying licensees through the Small Claims Court cost approximately £500, and that the unpaid fee (if recovered) was usually far less than this amount. Therefore, the Licensing Authority had taken the decision not to chase up some unpaid amounts. This meant that

the Licensing Authority missed out on almost £30,000 of revenue per annum. Mr. Lonnia added that the fees collected were used to cover the costs of administering the licence applications.

- 6.5 Mr. Lonnia went on to report that, with regard to objecting to Licensing applications, the requirement for an 'interested party' to live or work in the 'vicinity' had been removed from the Act. Members were concerned that this might encourage certain individuals or groups to lodge complaints against numerous licensing applications, but Mr. Lonnia reassured Members that any persistent objectors (with no good reason) would be managed under the notion of them being 'frivolous' or 'vexatious'.
- 6.6 It would also now be the responsibility of Licensing Committee Members to determine whether the term 'vicinity' was applicable in each individual case. There had also been a change of wording, from the term 'necessary' to 'appropriate' in terms of the steps the Licensing Committee could take. The Licensing Solicitor explained the semantics behind this subtle change, and explained that she or another colleague would be available at Committee meetings to advise on this change where necessary.
- 6.7 There would also be increased financial penalties for premises consistently selling alcohol to under 18s, with fines now of up to £20,000.
- 6.8 As well as the changes now detailed, Mr. Lonnia explained that there were also a number of further changes proposed to take effect from either October 2012 or April 2013. One of these was a plan for a 'Late Night Levy', whereby bars and clubs would have to pay for extra police resources to monitor them late at night. This money would be directed back into Police funds (75% of the fees), with options available for the remaining 25%. There would also be potential exemptions for the Levy for hotels, restaurants and takeaways.
- 6.9 Mr. Lonnia were on to detail proposals for Extended Early Morning Restriction Orders (EMROs), which were a power allowing Licensing Authorities to restrict sales of alcohol in the whole or part of an area for any specified period between 0300 hours and 0600 hours if this was considered appropriate for the promotion of the licensing objectives. Mr. Lonnia emphasised that the introduction of any EMRO must be evidence-based.
- 6.10 There were also plans for locally set fees, allowing Licensing Authorities the ability to set their own fees for licensing applications based on cost recovery. This would be a positive step forward for the Sheffield Licensing Authority, as, currently, the nationally set fees did not cover the costs of administering the system, as the fees were based on the rateable valuable of individual premises, which led to great inconsistencies. Mr. Lonnia clarified that any fees gathered in this manner could only be used to administer the processing of the application; the money could not be used for inspections, enforcements, Committee work or legal advice.
- 6.11 Councillors were keen that the process whereby local residents could call for the review of a particular premise was made simpler and less expensive, as,

currently, it was felt that the process was set up in a way which would deter most people from pursuing the review option.

- 6.12 With regard to unpaid fees, Mr. Lonnia informed Members that licences for premises would be suspended until payment was received, and that, if a licensing fee remained unpaid at a premises, the unpaid fee would stay with the venue, rather than with the licensee, so that the Licensing Authority had more chance of eventually recovering these unpaid fees.
- 6.13 **RESOLVED:** That the Committee notes the contents of the report now submitted.

## 7. **LIVE MUSIC ACT 2012**

7.1 The Committee received a report of the Chief Licensing Officer to notify Members of amendments made to the Licensing Act (2003 Act) by the Live Music Act 2012 as part of the Government's reforms.

7.2 It was noted that key changes to the Act were as follows;

- Remove the licensing requirement for *unamplified* live music taking place between 0800 hours and 2300 hours in all venues, subject to the right of the Licensing Authority to impose conditions about live music following a review of the premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- Remove the licensing requirement for *amplified* live music taking place between 0800 hours and 2300 hours before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of the Licensing Authority to impose conditions about live music following a review of the premises licence or club premises certificate;
- Remove the licensing requirement for *amplified* live music taking place between 0800 hours and 2300 hours before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- Remove the licensing requirement for the provision of regulated entertainment facilities; and
- Widen the licensing exemption for live music integral to a performance of Morris Dancing or dancing of a similar type.

7.3 Steve Lonnia, Chief Licensing Officer, expressed concerns that the new policies were potentially a 'step backwards', and that, if a music event was managed poorly, it could be dangerous no matter how large or small the venue was. He added that a lot of these changes had been pushed forward by the Live Music Forum, which was a group of independent live music campaigners, founded in 1993, to oppose restrictions on the presentation of live music.

7.4 **RESOLVED:** That the Committee notes the contents of the report now



submitted.

## **8. GOVERNMENT ALCOHOL STRATEGY**

- 8.1 The Committee received a report of the Chief Licensing Officer to notify Members of information regarding the new Alcohol Strategy recently launched by the Government.
- 8.2 It was noted that the Government had unveiled their new Alcohol Strategy on Friday 23<sup>rd</sup> March 2012, which they claimed to be a 'radical plan' to improve attitudes regarding irresponsible drinking, whilst empowering communities to reclaim their High Streets. The new Strategy set out proposals for tougher measures against the 'binge drinking' culture, and to cut alcohol fuelled violence and disorder currently affecting communities, as well as attempting to reduce the number of people drinking to harmful levels. It was the Government's ambition that the alcohol strategy would radically reshape the approach to alcohol and reduce the number of people drinking to excess.
- 8.3 Steve Lonnia, Chief Licensing Officer, commented that the Strategy was very much aimed at encouraging increased partnership working between the Local Authority and the NHS, and that plans for the Late Night Levy, previously mentioned at this meeting, could also be used to tackle alcohol-related crime. There were also plans for a minimum unit price for the sale of alcohol, and Extended Early Morning Restriction Orders, to tackle binge drinking.
- 8.4 Many of the initiatives mentioned in the report, such as bans on multi-buy promotions, the Best Bar None certificate and the Purple Flag award, were already in operation in Sheffield, as well as consistent challenge and effective enforcement led by the Licensing Authority.
- 8.5 Mr. Lonnia noted that there had been no prosecutions made in Sheffield for the offence of serving alcohol to someone who was already drunk, but he emphasised that this was an offence which was extremely difficult to prove.
- 8.6 Mr. Lonnia suggested that some of the monies raised by the Late Night Levy could be used to direct Police resources towards having a permanent presence at the Accident and Emergency department of hospitals on weekends, as many of the patients there had consumed excessive amounts of alcohol.
- 8.7 Mr. Lonnia reported that there would be further consultations and more detailed reports brought to Committee upon minimum alcohol price and multi-buy options, as well as a further report upon anti-fraud measures for illicit alcohol.
- 8.8 Members were disappointed that the report did not make reference to the reasons why people were binge drinking, and what could be done to tackle the root problems of the cause rather than putting measures in place which might not address the key issues.

8.9 **RESOLVED:** That the Committee;

(a) notes the contents of the report now submitted;

(b) notes that the Chair of the Licensing Committee and the Chief Licensing Officer had met to hold preliminary discussions with the Cabinet Member responsible for Licensing issues, Councillor Isobel Bowler, where it had been agreed that it was necessary to investigate the implications of the Government Alcohol Strategy;

(c) approves the establishment of a task and finish multi-agency working party, to include representatives from Planning, South Yorkshire Police, the Health Authority, Ward Members, local business and local community, and any other relevant representatives, with the remit to focus upon the night-time economy within the City Centre and the Ecclesall Road area, and to make any appropriate comments and suggestions;

(d) requests that the Licensing pages of the Council website be given a higher profile, and

(e) requests that an evening visit to late night establishments for Committee Members be arranged by Licensing Officers as soon as possible.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 7<sup>th</sup> June 2012**

**PRESENT:** Councillors John Robson (Chair), Neale Gibson, Vickie Priestley and Clive Skelton.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

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

2.1 No apologies for absence were received.

### **3. LICENSING ACT 2003 – K-MAX KARAOKE BAR AND RESTAURANT, 51 SCOTLAND STREET, SHEFFIELD, S3 7BS**

3.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as K-Max Karaoke Bar and Restaurant, 51 Scotland Street, Sheffield, S3 7BS.

3.2 Present at the meeting were Chris Grunert (John Gaunt and Partners, Solicitors, for the Applicants), Nan Wang (Applicant), Shaylan Popat (Premises owner), Councillor Rob Murphy (Objector), Ruth Johnson (Local resident – Objector), Chris Johnson (Owner of local property – Objector), Sarah Johnson (accompanying the Objectors), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from Councillor Rob Murphy and a local resident and her father, who owned the property, and were attached at Appendices 'C' and 'D' to the report, respectively. He added that the representations which had been received from the Sheffield Safeguarding Children Board had now been withdrawn following the agreement of the suggested conditions by the applicants, and which were read out at the hearing. He also circulated conditions from the Environmental Protection Service, Health Protection Service and South Yorkshire Police, which had been agreed by the applicants.

3.5 Councillor Rob Murphy stated that he was objecting to the application mainly on the grounds of public nuisance. He stated that the proposal to

open until 02:00 hours Sunday to Thursday and 04:00 hours Friday and Saturday would create problems of noise nuisance for residents within the immediate vicinity of the premises, particularly those residents of Chapel West, which was almost directly opposite. The development comprised 15 apartments in a converted chapel. The windows within the development were only single-glazed, therefore increasing the possibility of the residents being affected by the noise from the premises. As well as there being a number of families with young children, some residents would need to be up early in the morning for work and other reasons and would therefore prefer an early night, without any disturbance. He also stated that residents of a number of other residential developments in the area were likely to be affected by noise nuisance as a result of the premises. He stated that the main cause of concern with regard to noise nuisance involved customers arriving at and leaving the premises, which would not only involve customers talking or shouting loudly when leaving, but also involve taxis pulling up and leaving the premises as late as 04:00 hours. He concluded by stressing that the area was predominantly residential and that the premises operating until 04:00 hours at the weekends could have a serious effect on the quality of life of residents within the area.

- 3.6 In response to questions from Members of the Sub-Committee and the applicant's representative, Councillor Murphy confirmed that there were 15 apartments within the Chapel West development, but he could not confirm the number of residents. Roughly half of the apartments faced on to Scotland Street, directly opposite the premises, with the windows being very large, therefore increasing the potential for noise nuisance. He was not aware of the secondary double-glazing, which could be installed to windows to help minimise the effects of any noise nuisance from outside.
- 3.7 Ruth Johnson stated that her main reasons for objecting to the application also focused on public nuisance, and related to potential noise nuisance from customers arriving at and leaving the premises in the early hours of the morning. She also raised concerns regarding the potential for noise from the smoking area at the premises. She stated that it was a reasonably quiet area, which was predominantly residential, and that the proposed venue would be out of place in the area. She raised specific concerns regarding the number of families living in the Chapel West development, stating that it would be unsuitable to have such a venue directly opposite.
- 3.8 Chris Johnson stated that, whilst he did not live in the area, he had bought the apartment at Chapel West, which was now joint-owned with his daughter, who had lived in the property since 2009. He stated that his objections to the application were the same as his daughter's, and focused on the potential noise nuisance for residents living within the immediate vicinity of the premises. He stated that, as part of his research into the area, prior to purchasing the apartment, he had read about the Council's vision for the St Vincent's area on its website and noted that the Council was looking for the residential community to thrive in this particular area. He did not consider it suitable having such a venue within a residential

area, particularly one that would stay open until 02:00 hours during the week and 04:00 hours at weekends.

- 3.9 In response to questions from Members of the Sub-Committee and the applicant's representative, Mr Johnson stated that, whilst there was very little in terms of licensed premises in the area when purchasing the apartment in 2009, he accepted that as it was very near the City Centre, there was a likelihood that there would be such establishments in the future. He added that he would be happy with the venue closing at 00:00 hours, but considered the proposed hours of 02:00 hours Sunday to Thursday and 04:00 hours Friday and Saturday too late. Ruth Johnson stated that as she worked full-time, she was rarely at the apartment during the day but was there most weekends. The area was reasonably quiet and she often slept with a window open at night. Although it was pointed out to her that Scotland Street was used by many car drivers and pedestrians as a through-route from town to Walkley and Crookes, she did not consider the area to be particularly busy or noisy. She confirmed that the neon sign outside the premises did not have any impact on her sleep at night. The premises were not in operation when she moved in in September 2009. She noticed a sign on the premises a few months ago, although she could not confirm how long it had been there. Mr Johnson could not confirm whether there was any reference on the Council's website to licensed activities/entertainment as part of the St Vincent's Action Plan, when looking to purchase in the area. Ruth Johnson stated that there had been no problems of noise nuisance linked to the premises to date.
- 3.10 Chris Grunert stated that the premises had not previously held a license, and had previously been used for storage purposes. The venue had been operating for the last few weekends, using Temporary Events Notices, and had opened until 00:00 hours. There had been no complaints of any nature by residents. Mr Grunert referred to the plan of the premises, which was circulated at the hearing, indicating that there were two distinct trading areas, a holding bar area at the front and a karaoke area to the rear. Due to the systems in place, there should be no possibility of anyone hearing any noise emanating from the premises and steps had been taken to ensure that any noise from customers leaving the premises was kept to a minimum. In terms of the external smoking area, Mr Grunert stated that the applicants would be happy for a condition restricting the number of customers using the area at any one time, to be imposed on the Premises Licence. In terms of the noise nuisance caused by taxis arriving at and leaving the premises, particularly in the early hours of the morning, he accepted this was a potential issue for local residents, but was a problem linked to numerous other licensed premises in the City. He stated that the applicants would be happy to organise taxis for customers, which would limit the number of taxi movements and stop customers waiting for a taxi outside the premises. The licensing hours were in keeping with other similar premises in the City. Mr Grunert responded to the concerns raised by other objectors, who were not present at the hearing.

3.11 In response to questions from Members of, and the Solicitor to, the Sub-Committee and Councillor Rob Murphy, it was reported that there were three stationary CCTV cameras outside the front of the premises and three cameras in the bar area. In terms of staffing, a manager would be present at the premises at all times during operation, and Mr Wang would also be spending a lot of time at the premises. Although Mr Wang's postal address was in Birmingham, he had other business interests in Sheffield and also had a residential property in the City. Whilst Mr Wang was the only Premises Licence Holder at the present time, arrangements would be made for his manager to apply for a licence. In total, there would be Mr Wang, the manager and five other staff working on the premises during opening hours. The signature on the application for the Premises Licence was that of the applicant's mother, who was the only Director of K-Max Entertainment Project Limited. In terms of the capacity and layout of the private rooms in the premises, they comprised fixed seating and had a large screen and a small stage, with the largest room having a capacity of 15 people and the smallest, a capacity of four. Customers would be expected to wait in the holding bar area on arrival and then be led to whichever room they had booked for their entertainment. Customers could be served food and drink in the rooms on request. All the rooms were individually insulated and although they all had individual sound systems, the systems were not fitted with individual sound limiters. The premises had been open on Friday and Saturday for the last five weeks, closing at 00:00 hours both nights. There had been approximately 50 people in attendance on each night and there had been no complaints of noise nuisance from local residents. The overall capacity of the premises was between 50 and 80. In terms of last admission times, during the recent operation, the latest time customers had been admitted to the premises was approximately two hours prior to closing time. The majority of customers would be those who had pre-booked sessions, but it was likely that customer who had not booked would be allowed entry to the venue. All customers would be requested to wait in the bar area prior to being directed to their room. Customers who had not booked a session would still be able to gain entry to the premises and have a drink and use the karaoke facilities in the front bar area, but such customers would not be admitted after 00:00 hours. Decisions on how many customers who had not booked sessions to be allowed to gain entry to the premises would be based on the level of custom on any particular night. The applicant's representative suggested that if the application was granted, the applicants would be willing to operate on the basis of the last entry being at 00:30 hours Sunday to Thursday and 02:00 hours Friday and Saturday. In terms of access to the premises and door security, there would be two security staff located in the lobby and able to go outside and deal with any trouble if necessary. Customers would access the premises through the front door, then arrive at a magnetic door with a buzzer-entry system, which was covered by CCTV, so staff would see who was entering the premises. As the majority of customers will have pre-booked sessions, staff will be aware that they are expecting them. Whilst the applicant's representative accepted that sound tended to travel further in the early hours of the morning, when there was less background noise, he stated that there were

measures in place to minimise the effects of any noise caused by customers arriving at and leaving the premises. Mr Wang confirmed that those customers leaving the premises, and who had booked a taxi, would be required to wait in the bar area until the taxi arrived. The applicants would be using City Taxis, who would text customers a few minutes before arriving to pick them up, which would minimise any potential for people hanging around on the street outside.

3.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

3.13 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

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

3.15 RESOLVED: That the Sub-Committee agrees (a) to grant the Premises Licence in respect of K-Max Karaoke Bar and Restaurant, 51 Scotland Street, Sheffield, S3 7BS, in the terms now requested, and subject to the operating schedule, agreed conditions and to the modified conditions now made as follows:-

(i) No entry to new customers after 00:30 hours Sunday to Thursday and 02:00 hours Friday or Saturday, except for pre-bookings;

(ii) A maximum of six people will be permitted in the smoking area at any one time; and

(iii) A contact number will be made available for use by the residents at all times the premises are open; and

(b) the following changes to the modified operating schedule following agreement with the Responsible Authorities, as follows:-

Environmental Protection Service

(i) A written noise management plan will be agreed with the Environmental Protection Service and be made available for inspection by authorised officers from Environment and Regulatory Services and Licensing Services, Sheffield City Council, on request;

(ii) no condition will be imposed requiring that the premises will not trade in excess of its planning hours;

(iii) no condition be imposed stating that no licensable activity shall be

permitted on the first floor of the premises without the written consent of the City Council's Health Protection and Environmental Protection Services, under conditions requested by the Environmental Protection Service, on the basis that they were already covered in the conditions requested by the Health Protection Service; and

(iv) no condition shall be imposed stating that when regulated entertainment, in the form of dancing, is to take place on the premises, in an area not previously approved for dancing by the Authority, at least 14 days notice must be given to Environment and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used; the designated dance floor should be delineated, suitable and adequate in size for its intended use and dancing must not take place in the area until approved by the Authority, on the basis that this condition had already been requested by the Health Protection Service.

South Yorkshire Police

(i) no condition shall be imposed requiring a Refusals Log to be maintained as it is a requirement of a Challenge 25 scheme;

(ii) a written risk assessment of door staff be drafted and kept for six months, and made available for inspection by authorised officers from South Yorkshire Police and the City Council's Licensing Services, on request; and

(iii) the words "where appropriate" be deleted from the condition referring to notices being displayed at all exits and the condition shall now read as "Prominent, clear and legible notices shall be displayed at all exits, requesting the public respect the needs of local residents and to leave the premises and area quietly".

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





## SHEFFIELD CITY COUNCIL Committee Report

6

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

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**Date:** 26<sup>th</sup> July 2012

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

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**Author of Report:** Shimla Rani - 2037752

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**Summary:** To inform members of the results of the consultation process recently undertaken; and 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).

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**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 Cabinet for approval.

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**Background Papers:** Revised Statement of Principles (Policy) which will be forwarded by email to all Members.

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**Category of Report:** OPEN

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

Ref: 60/12

## **GAMBLING ACT 2005 DRAFT STATEMENT OF PRINCIPLES (POLICY) APPROVAL**

### **1.0 PURPOSE OF REPORT**

- 1.1 To inform members of the results of the consultation process recently undertaken.
- 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 Members will remember that a consultation report was presented at the Licensing Policy meeting held on the 31<sup>st</sup> May 2012.
- 2.2 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.”
- 2.3 Sheffield City Council’s first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and then revised and published again in January 2010. The Licensing Authority has revised 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.
- 2.4 Revisions have been made to the previous policy in all sections to ensure compliance of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The revised policy provides more detailed information for each of the processes.
- 2.5 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and guidance issued by LACORS and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006

### **3.0 CONSULTATION**

- 3.1 The formal consultation process commenced on 2<sup>nd</sup> April 2012 for a period of twelve weeks, and concluded at 5:00pm on the 25<sup>th</sup> June 2012.
- 3.2 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."

3.3 Approximately 2,600 letters and emails (where possible) regarding the consultation have been sent out. A list showing the type of consultee's is attached at Appendix 'A' this list is not exhaustive.

3.4 The letters and emails have included a link to our website where the draft Statement of Principles (Policy) can be viewed [www.sheffield.gov.uk/gamblingpolicyupdate](http://www.sheffield.gov.uk/gamblingpolicyupdate). Consultee's had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access, a hard copy was also available in the Town Hall, First Point for Business, Howden House and the Central Library.

3.5 We had a total of 18 responses of which the vast majority were stating no comment or requesting a copy of the document.

#### **4.0 AMENDMENTS TO THE STATEMENT OF PRINCIPLES (POLICY)**

4.1 During the consultation period, only three consultee's responded requesting amendments and /or proposed additions, details of which are listed at Appendix 'B' of this report.

4.2 Amendments have been made where appropriate to the draft policy in response to the comments received.

4.3 An electronic copy of the updated revised Statement of Principles (Policy) with track changes of the amendments have been forwarded to all Committee Members prior to this meeting for their information.

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

5.1 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include;

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

5.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.

- 5.3 The policy sets out how the Licensing Authority intends to deal with applications etc. under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.
- 5.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.
- 5.5 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.

## **6.0 A BRIEF TIMETABLE FOR DETERMINATION OF THE STATEMENT OF PRINCIPLES (POLICY)**

6.1 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 Executive Management Team (EMT) | - September 2012 |
| • Report to Leadership EMT                  | - October 2012   |
| • Report to Cabinet                         | - November 2012  |
| • Report to Full Council                    | - December 2012  |

## **7.0 WHAT THE POLICY DELIVERS**

- 7.1 The Statement of Principles (Policy) recognises the need of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit. Also ensure licensees understand the importance of safe well run premises.
- 7.2 The document recognises the need to protect Children and the Vulnerable from gambling addiction etc. The Licensing Service is working closely with the Safeguarding Children Service and GAMCARE.
- 7.3 Whilst promoting inclusive, vibrant, safe and strong communities and supporting small businesses the Licensing Service will work closely with external partners to support the improvement of public health and wellbeing.
- 7.4 The revision of the document means that we can improve the content and design in a way that assists us in achieving our vision of “Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be”.
- 7.5 The work we are doing fits with many of our service objectives;
- Effective – customer satisfaction
  - Equitable – provision to all without disadvantaging anyone
  - Empowering – engaging customers and involving them
  - Enabling – helping make things happen

And also our design principles;

- Collaboration – working with customers, partners and other stakeholders
- Responsiveness – listening and acting in a timely fashion
- Openness – transparent and accountable
- Flexibility – making it easier for customers
- Learning – listening / learning and improving overtime

7.6 The overarching benefits are that the new Policy will assist in achieving the Place core strategic outcome of “Making Sheffield a Great Place to Be”.

By supporting the following outcomes;

- A Strong & Competitive Economy – working with businesses
- A Great Place to Live – place management / effective service delivery
- Vibrant City – night time economy / destination of choice
- Safe & Secure Communities – working with police, safer neighbourhood officers etc. around “Crime Prevention”
- Successful Young People – protect and promote the welfare of children

## **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.

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

9.1 That Members of the Licensing Committee approve the revised Statement of Principles (Policy) document.

9.2 That Members of the Licensing Committee make further amendments to the document before approving the revised Statement of Principles (Policy) document.

## **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 Cabinet for approval.

Stephen Lonnia,  
Chief Licensing Officer  
Head of Licensing  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD.

4<sup>th</sup> July 2012

# Appendix 'A'

## List of Persons / Bodies Consulted - 2012

### **Responsible Authorities**

Sheffield Safeguarding Children Board  
Environmental Protection Service (Noise Nuisance)  
Head of Planning  
Health Protection Service (Health & Safety)  
South Yorkshire Fire and Rescue  
South Yorkshire Police  
The Gambling Commission  
The Navigation Authority  
The British Waterways Board

### **Other Local Authorities in the Region**

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council

### **Solicitors**

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Popleston Allen  
Ford and Warren  
Gosschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Hickmotts  
Ashton Morton Slack  
HLW Commercial Lawyers

### **Sheffield City Council Contacts**

Brian Messider, Access Officer  
Community Assemblies  
Sheffield Schools  
Sonia Sharp, Executive Director, Children and Young People  
Sheffield City Council Councillors

### **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

**Local Members of Parliament**

Angela Smith  
Meg Munn  
Nick Clegg  
Clive Betts  
Richard Caborn  
David Blunkett

**Religious Contacts**

Central United Reformed Church  
Father D Sexton, Parish Priest, Cathedral Church of St. Marie  
Diocesan Secretary  
The Right Reverend Jack Nicholls, The 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

**Others**

Chamber of Commerce  
CIU  
Sheffield Drug, Alcohol Action Team  
Sheffield Licence Watch  
South East Sheffield Citizens Advice Bureau  
Institute of Licensing  
South Yorkshire Ambulance Service  
The Navigation Authority  
Weights and Measures Authority  
Yorkshire Forward  
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  
Sheffield First Partnership  
The Law Society  
Primary Care Trusts  
Scouts Association  
Chairman of BETA  
Betfair  
TSE International Ltd



# Appendix 'B'

# Consultation Comments Received

No.	Name	Organisation / Details	Overview of comments	Type of comment	Have comments been included?
1	Phil Lowther	Director of Compliance The A & S Leisure Group	<p>1 To bring the statement into the present tense.</p> <p>2 To include summaries of the mandatory and default conditions for the various gambling sectors.</p> <p>3 To include brief summaries of 'primary purpose' for each gambling sector.</p>	Amendments and proposed additions	<p>1. Yes - The revised policy has already been amended to this</p> <p>2. No - Reference is made to both type of conditions throughout the policy and full details can be found in the Regulations.</p> <p>3. Reference to primary purpose has been added at 7.1.8 which covers all gambling sectors.</p>
2	Victoria Beauchamp	Rivelin Primary and Nursery School	1 To make clearer when the returns following a raffle is required to be submitted to the Licensing Authority.	Proposed additions	1. Yes – This has been included in our revised policy at section 5.9.11.
3	Julie Hague	Sheffield Safeguarding Children Board (Responsible Authority)	Updated information regarding issues of children and vulnerable persons throughout the document.	Amendments and proposed additions	Yes



**SHEFFIELD CITY COUNCIL**

**GAMBLING ACT 2005**

**STATEMENT OF PRINCIPLES**

**- DRAFT CONSULTATION DOCUMENT -**

**Licensing Service  
Place Portfolio  
Business Strategy and Regulation  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD**

**Telephone Number: 0114 203 7752  
Fax Number: 0114 273 4073**

**Or visit our website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)  
Or email us at: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)**

**Opening Times**

**Monday to Friday**

**09:00 to 17:00**

**SHEFFIELD CITY COUNCIL**

**GAMBLING ACT 2005**

**STATEMENT OF PRINCIPLES**

## Contents

	Page
<b>Foreword</b>	<b>6</b>
<b>Introduction/Message</b>	<b>6</b>
<b>1.0 Part 1 – Overview</b>	<b>7</b>
1.1 Key definitions	7
1.2 Scope of Licensing Policy	7-8
1.3 Summary of matters dealt with in this statement	8-9
1.4 The Sheffield Area	9-11
1.5 Consultation	11
1.6 Declaration	11
1.7 The Councils legal obligations	12
1.8 Monitoring and Review of this statement	12
<b>2.0 Part 2 - General Principles</b>	<b>13</b>
2.1 A summary of process	13
2.2 Promotion of the licensing objectives	13-14
2.3 The Functions of the Licensing Authority	14-15
2.4 Responsible Authorities	15-16
2.5 Interested party	16-17
2.6 Representations	17-18
2.7 Exchange of information	18-19
2.8 Integrating strategies	19-20
2.9 Duplication	21
<b>3.0 Part 3 - Licensing Objectives</b>	<b>22</b>
3.1 Objective 1 - Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.	22-23
3.2 Objective 2 – Ensuring that gambling is conducted in a fair and open way	23
3.3 Objective 3 – Protecting children and other vulnerable persons from being harmed or exploited by gambling	23-24
<b>4.0 Part 4 - Premises licences</b>	<b>25</b>
4.1 General principles	25
4.2 Definition of premises	25-26
4.3 Premises ready for Gambling	26-27
4.4 Types of premises licences and provisional statements	27

4.5	Provisional Statements	27-28
4.6	Adult Gaming Centres	28-29
4.7	Licensed Family Entertainment Centres	29-30
4.8	Casinos	30-31
4.9	Bingo Premises	31-32
4.10	Betting Premises	32-33
4.11	Tracks	33-36
<b>5.0</b>	<b>Part 5 - Permits, Notices and Lottery Registrations</b>	<b>37</b>
5.1	Gaming Machines - General	37
5.2	Unlicensed Family Entertainment Centre Gaming Machine Permits	37-38
5.3	Alcohol Licensed Premises Gaming Machine Permits	38-40
5.4	Prize Gaming Permits	40-41
5.5	Club Gaming Permits and Club Machine Permits	41-42
5.6	Temporary Use Notices	42
5.7	Occasional Use Notices	43
5.8	Travelling Fairs	43
5.9	Registration of Small Society Lotteries	43-45
5.10	Vessels and Vehicles	45
<b>6.0</b>	<b>Part 6 - Equality, Hearings and Conditions</b>	<b>46</b>
6.1	Equality	46
6.2	Disabled People	46
6.3	Racial Equality	46
6.4	Sex Equality	46
6.5	Equalities Act 2010	46-47
6.6	Equality Impact Assessment (EIA)	47
6.7	Delegation of Functions	47
6.8	Rights of an Applicant	47
6.9	Hearings before the Licensing Committee	47-48
6.10	Imposing conditions on a licence	48
6.11	Appeals against Licensing Authority decisions	49
6.12	Ongoing responsibilities of licensed premises	49-51
<b>7.0</b>	<b>Part 7 - Applications, Reviews, and Enforcement</b>	<b>52</b>
7.1	Applications	52
7.2	Fees	53
7.3	Reviews	53-54
7.4	Enforcement	54-55
7.5	Departure from Policy	56
<b>8.0</b>	<b>Part 8 - Useful Information and Contact Details</b>	<b>57</b>
8.1	Responsible Authorities	57-59
8.2	Other useful contacts	59-62
<b>9.0</b>	<b>Appendix</b>	<b>63</b>
9.1	Glossary of terms	63-69

9.2	Map of Sheffield boundary	70
9.3	List of Consultees	71
9.4	Scheme of Delegation (table)	72

# **THE THREE LICENSING OBJECTIVES**

## **UNDERPINNING THE GAMBLING ACT 2005**

**Are**

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

It should be noted that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

## **Foreword**

**\*CEO & Leader \***

## **Introduction/Message**

**\*Chair of LC and Head of Licensing \***



## **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’** refers to Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### **1.2 Scope of Licensing Policy**

- 1.2.1 This Policy is the Council’s Statement of Principles that the Licensing Authority is required to prepare under Section 349(1) of the Gambling Act 2005. This requires that the Licensing Authority shall, before each successive period of three years, prepare a Statement of Principles that they propose to apply in exercising their functions under the Gambling Act and publish the Statement.
- 1.2.2 The Statement must be reviewed from time to time and where it is considered necessary in the light of a review, revised and that revision published before it is given effect. The preparation or revision of the Statement of Principles is subject to a requirement to consult certain persons and the Secretary of State may make regulations about the form of Statements, the procedure to be followed in relation to the preparation, review or revision of the Statements and their publication.
- 1.2.3 The Secretary of State has made regulations, which impose minimum statutory requirements on all Licensing Authorities when preparing, reviewing, revising and publishing their Statements of Principles. Subject to compliance with those minimum requirements, the form of the Statement of Principles is a matter for the Licensing Authority itself.
- 1.2.4 The Council recognises the policy objective on imposing minimum requirements which was one of providing transparency, and to some extent, consistency, for persons wishing to apply for a licence or permission under the Gambling Act 2005, whilst minimising the imposition of unnecessary financial or administrative burdens

on Licensing Authorities and the industry and enabling local circumstances to be reflected in licensing policy statements.

- 1.2.5 These minimum statutory requirements are set out in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, which state that subject to compliance with Regulations 4, 5 and 6, the form of the statement or any revision is to be for the Licensing Authority to determine.
- 1.2.6 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. Although each and every application will be dealt with separately and on its 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.
- 1.2.7 This Statement of Principles (Policy) covers all the items set out in Section 2.3, Licensing Authority Functions. It should be noted that any application for a licence, permit, statement, notice or registration will be dealt with on its own individual merits and by reference to the Licensing Objectives, the Gambling Act 2005, the guidance issued by the Gambling Commission and any associated Codes of Practice.
- 1.2.8 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.
- 1.2.9 The aim of this Policy is to promote 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.
- 1.2.10 This document should be read in conjunction with the Gambling Act 2005, the guidance issued by the Gambling Commission and the three Licensing Objectives.

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

- 1.3.1 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.
- 1.3.2 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.
- 1.3.3 Part 1, Section 1.5 states whom the Authority has consulted in preparing this Statement of Principles and required under Regulation 4.

- 1.3.4 The remainder of Part 1 details the Council's legal obligations and the monitoring and review of this Statement.
- 1.3.5 Part 2, Section 2.4 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.
- 1.3.6 Part 2, Section 2.5 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.
- 1.3.7 Part 2, Section 2.7 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.
- 1.3.8 The remaining sections of Part 2 details of the functions of the Licensing Authority and how the Authority will deal with the Gambling Act whilst adopting a multi disciplinary approach to the integration of local and national strategies and avoiding duplication.
- 1.3.9 Part 3 of this Statement details the licensing objectives in more detail.
- 1.3.10 Parts 4 and 5 detail the authorisations available under the Gambling Act 2005 which include our local standards relevant to the specific types authorisation.
- 1.3.11 Part 6 details the Authority's legal obligations in regards to equality and the different types of legislation which affect the Council as a whole and in regards to the Gambling Act 2005.
- 1.3.12 Part 7 details information regarding applications, fees and reviews under the Act. Part 7, Section 7.4 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.
- 1.3.13 Part 8 contains useful contact information including the Responsible Authorities and details of our Ward Councillors.
- 1.4 The Sheffield Area**
- 1.4.1 Sheffield is situated in the County of South Yorkshire and has a population of 555,500 making Sheffield the 4<sup>th</sup> largest City in the UK. A map of Sheffield City Council's area is attached at section 9.2 (page 70).

- 1.4.2 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.
- 1.4.3 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.
- 1.4.4 Sheffield City Council's Corporate Plan 2011- 14 highlights our values:
- to be **fair**;
  - to **spend public money wisely** to get the best outcome;
  - to have a **long term view**;
  - to **prevent** problems;
  - **enabling** individuals and communities to have an influence;
  - to challenge individuals, communities and the City to be more **aspirational**; and
  - to be **working better together** in partnership.
- 1.4.5 As a Licensing Service we are committed to delivering the service in a way that supports and contributes not only to the Council's Corporate Plan but to the Council's four priorities:
- Standing up for Sheffield
  - Supporting and protecting communities
  - Focusing on jobs
  - Business friendly
- 1.4.6 In turn this contributes to the delivery of our 'Sheffield City Strategy – Sheffield 2020 – Where People Shape The Future' where our vision is to be a 'city of global significance, distinctive, successful, inclusive, vibrant and sustainable.' 'A great city, where people from across the world want to live, learn, work, invest and visit'.
- 1.4.7 Any developers and/or individuals that are looking to start a business in Sheffield that requires licensing are encouraged at the outset to consider the policies of all Council Services that are in place that may affect their business proposals. A good example of this is the many planning policies that are in place to assist you when considering investing in the City. Information about all these policies and many more can be found on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk).
- 1.4.8 Planning policies include the:
- Unitary Development Plan;
  - Supplementary Planning Guidance on City Centre Living; and
  - Interim Guidance on Night Time Uses
  - Sheffield Development Framework - Core Strategy
- 1.4.9 It is essential that applicants for premises licences are aware of and have regard to these policies and others when considering making an application.

- 1.4.10 The Council is committed to helping businesses, if you are starting up a new business or are an established business needing advice, free help is available from the Council's 'First Point for Business'.
- 1.4.11 First Point for Business is one point of contact with the Council for all your business needs. If you are setting up a new business, for example, you may need to speak to Licensing, Planning, Building Standards, and a number of other Council services.
- 1.4.12 The First Point for Business team is on hand to help you access Council services and specialist advice, so you get all the support you need. For further details please see section 8.2 (page 59).

## **1.5 Consultation**

- 1.5.1 Sheffield City Council as 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.
- 1.5.2 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.
- 1.5.3 A list of all those persons consulted is attached at section 9.3 (page 71).
- 1.5.4 The Licensing Authority following the closing date for comments on the (TBA) gave consideration to all of the comments made and gave each comment appropriate weight before deciding to accept or reject the comment made.
- 1.5.5 The Policy was approved at a meeting of the Full Council on (TBA) and was published via the Council's website and sent out to appropriate persons on the (TBA). Copies have also been placed in public libraries within Sheffield and at the Council's main offices and at the Licensing Service reception.
- 1.5.6 It should be noted that this Statement of Principles (Policy) does 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 individual merits and according to the statutory requirements of the Gambling Act 2005.

## **1.6 Declaration**

- 1.6.1 In producing this Statement of Principles (Policy), this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

## **1.7 The Council's legal obligations**

1.7.1 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;
- its duty to have due regard to the need to promote race equality (including the Equality Act 2010) and to the need to eliminate unlawful race discrimination and the statutory obligations in relation to disability age and gender.

1.7.2 The Gambling Act 2005 itself places an obligation on the Council to carry out its licensing functions with a view to promoting the three licensing objectives, namely:

- 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.

1.7.3 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.

## **1.8 Monitoring and Review of this statement**

1.8.1 The Licensing Authority is required by the Act to publish a Statement of the Principles which it proposes to apply when exercising its functions. 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.

1.8.2 This Statement of Principles will have effect from ## January 2013 to ## January 2016.

## **Part 2 - General Principles**

### **2.1 A summary of process**

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

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

2.1.2 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.

2.1.3 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**

2.2.1 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.

2.2.2 It should be noted that the Gambling Commission has stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

2.2.3 The Licensing Authority expects applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes

- CCTV
- Door Supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets and helpline number for organisations such as GamCare (see contact details at section 8.2) available for those addicted to gambling.

2.2.4 This list is not mandatory or exhaustive and is merely indicative of example measures.

2.2.5 Further information regarding the licensing objectives can be found at sections 3.1 to 3.3 of this Statement of Principles.

## **2.3 The Functions of the Licensing Authority**

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

- gaming means playing a game of chance for a prize
- betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not
- a lottery is 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

2.3.2 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 2.7 of this policy on “Exchange of Information”); and
- maintain registers of the permits and licences that are issued under these functions.

#### 2.3.3 For information:

- Spread betting is regulated by The Financial Services Authority.
- Remote Gambling is dealt with by the Gambling Commission via operating licences.
- The National Lottery is regulated by The National Lottery Commission.

## 2.4 Responsible Authorities

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

2.4.2 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.

2.4.3 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.

2.4.4 In the case of vessels, the following should also be included:

- the Environment Agency
- the British Waterways Board; and
- the Secretary of State. (Note: in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency.)

2.4.5 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.

2.4.6 The Licensing Authority has designated Sheffield Safeguarding Children's Board of Sheffield City Council for this purpose.

2.4.7 The contact details of all the Responsible Authorities are set out in section 8.1 and available on the Licensing Authority's website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

## **2.5 Interested Party**

2.5.1 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.

2.5.2 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)

2.5.3 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.

2.5.4 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.

2.5.5 The Licensing Authority will have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of 'Interested Parties'.

2.5.6 The Licensing Authority will 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.

2.5.7 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).

2.5.8 Interested Parties can be persons who are democratically elected such as Councillors and Members of Parliament (MP's). No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the Ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered as Interested Parties.

2.5.9 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.

2.5.10 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 section 8.1.

## **2.6 Representations**

2.6.1 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 the Statement.

2.6.2 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.

2.6.3 In addition the Licensing Authority expects representations to include the following:

**(i) the name, address and a contact number for the person making the representation.**

**(ii) 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.**

**(iii) the name and address of the premises in respect of which the representation is being made.**

**(iii) the licensing objective(s) relevant to the representation.**

**(iv) 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 Code's 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)**

**(v) details of the evidence supporting the opinion in (iv).**

2.6.4 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.

2.6.5 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.

2.6.6 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.

2.6.7 Ordinarily where representations are received the Authority will hold a hearing. However, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the authority's determination of the matter. It is for the Licensing Authority to determine whether a representation falls within these categories.

## **2.7 Exchange of information**

2.7.1 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.

2.7.2 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.

- 2.7.3 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 1998.
- 2.7.4 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.
- 2.7.5 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.

## **2.8 Integrating strategies**

2.8.1 The Licensing Authority in dealing with the Gambling Act 2005, will adopt a multi disciplinary approach to ensure proper integration of local and national strategies to promote the Licensing Objectives.

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

2.8.3 Relevant plans and strategies include:

- **Standing up for Sheffield – Corporate Plan 2011-2014**  
Our Corporate Plan sets out Sheffield's strategic direction and priorities which include; '*Standing up for Sheffield*', '*Supporting and Protecting Communities*', '*Focusing on Jobs*' and being '*Business Friendly*'. The plans sets out how we go on about achieving them whilst incorporating the Council's values.
- **City Strategy – 'The Sheffield City Strategy 2010-2020'**  
Sheffield First Partnership brings together the public, private, voluntary, community and faith sectors to work together to make Sheffield a successful city. In doing so a City Strategy – Sheffield 2020 was produced, this outlines a vision for Sheffield by the year 2020. Our Vision for 2020 is to be a city of global significance, distinctive, successful, inclusive, vibrant and sustainable.
- **Culture Strategy**  
Our culture strategy is a direct follow on from Sheffield's 2010 UK City of Culture bid. The strategy has three themes; *participation, excellence, and economic impact*. It stakes our claim to be a City of culture with creativity at the heart of everything we do.
- **Community Involvement Strategy**  
This strategy sets out why extending citizen and community involvement in the work of the Council and in the city generally is important to us. It also sets out

what the Council will do to lead such work, support local people and communities to be involved and encouraged to take action themselves, and how the Council will change and develop to continuously improve involvement and democracy in Sheffield.

- **Safer Communities Partnership**

The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will reflect local crime prevention strategies.

- **Economic Strategies**

The Sheffield Economic Master plan sets a broad agenda for the sustainable growth and improved performance of the Sheffield economy.

- **Racial Equality**

The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Policy will be monitored and amendments will be made as necessary.

- **Human Rights**

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-

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

2.8.4 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.

2.8.5 To ensure proper integration with the Council's Planning functions, the Licensing Committee can provide reports, when appropriate to the Council's Planning Committee on the situation regarding licensed premises in the area under the Gambling Act 2005.

2.8.6 Sheffield's overall vision is to be *'a city of global significance, distinctive, successful, inclusive, vibrant and sustainable. A great city, where people from across the world want to live, learn, work, invest and visit'*.

## **2.9 Duplication**

- 2.9.1 The Licensing Authority will so far as possible avoid duplication with other regulatory regimes.
- 2.9.2 The grant of a licence does not imply the approval of other legislative requirements.

## **Part 3 - Licensing Objectives**

### **3.1 Objective 1**

***'Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.'***

- 3.1.1 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 3.1.2 Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the 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.
- 3.1.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with crime, the Licensing Authority will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. If representations are made or the Authority considers it necessary to impose or exclude a condition on the licence then a hearing will be held and specific conditions may then be imposed. This could include, but is not limited to, a requirement for door supervisors.
- 3.1.4 Under the Crime & Disorder Act 1998 Sheffield City Council, as the Licensing Authority, must have regard to the likely effect of the exercise of its licensing function and do all it can to prevent crime and disorder within Sheffield.
- 3.1.5 In doing so the Licensing Authority in considering licence applications will particularly take into account the following having regard to the likely impact of licensing and related crime and disorder:
- location of the premises;
  - the design and layout of the premises;
  - the training given to staff in crime prevention measure appropriate to those premises;
  - 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;
  - where premises are subject to age restrictions, the procedures in place to conduct age verification checks; and
  - the likelihood of any violence, public nuisance, public order or other crimes and policing problems if the licence was granted.
- 3.1.6 All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective.
- 3.1.7 It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local Planning and Transport Policies, Tourism, Cultural and Crime Prevention Strategies. Information relating to



crime reduction is available at the South Yorkshire Police website [www.southyorks.police.uk](http://www.southyorks.police.uk).

- 3.1.8 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.
- 3.1.9 Examples of measures that the Licensing Authority may expect applicants to consider and address include:
- provision, standard and quality of CCTV;
  - the use and number of door supervisors that are registered with the Security Industry Authority, where required;
  - training to be given to staff in crime prevention and drugs awareness measures; and
  - measures to be taken to prevent the use and supply of illegal substances.
- 3.1.10 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.

### **3.2 Objective 2**

#### ***‘Ensuring that gambling is conducted in a fair and open way’***

- 3.2.1 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.
- 3.2.2 Licensing Authorities must consider factors relevant to any one or more of the three licensing objectives.
- 3.2.3 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 4.11.

### **3.3 Objective 3**

#### ***‘Protecting children and other vulnerable persons from being harmed or exploited by gambling’***

- 3.3.1 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.

- 3.3.2 This Licensing Authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling, and should be prevented from entering those gambling premises which are adult only environments. This also includes the restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.
- 3.3.3 The Licensing Authority will therefore consider, as suggested in the Gambling Commissions Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 3.3.4 All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective, including a description of any existing safeguarding measures.
- 3.3.5 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.
- 3.3.6 Examples of measures that the Licensing Authority may expect applicants to consider and address for the protection of children and other vulnerable persons, include:
- a risk assessment to be undertaken with reference to the Sheffield Safeguarding Children Board Risk Assessment Guidance available at [www.sheffield.gov.uk/childprotection](http://www.sheffield.gov.uk/childprotection). 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.;
  - 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 others. 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, the provision of self-help information (literature or self-barring arrangements) and interventions with parents/carers who fail to behave responsibly at the premises;
  - signage to be displayed in areas where children are admitted stating that adults must supervise their children at all times;
  - areas for adult gambling activities should be segregated by physical barriers and the point of entrance should be physically supervised and signage displayed to prevent access to children;
  - signage displayed on age restricted games;
  - self-help notices and literature should be viable and accessible to customers;

- staff to be trained to recognise 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); and
- establish links with the Sheffield Safeguarding 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.

3.3.7 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.”

3.3.8 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.

## **Part 4 - Premises licences**

### **4.1 General principles**

4.1.1 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 4 and 5 of this statement addresses the local standards applicable to the various types of authorisation.

4.1.2 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).

### **4.2 Definition of a 'Premises'**

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

4.2.2 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.

4.2.3 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.

4.2.4 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.

4.2.5 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".

4.2.6 The Licensing Authority takes particular note of the Gambling Commissions Guidance to Licensing Authorities which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- the third licensing objective 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;
- 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; and
- customers should be able to participate in the activity named on the premises licence.

4.2.7 The Guidance also gives a list of factors for the Licensing Authority to consider:

- 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?

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

### **4.3 Premises ready for Gambling**

4.3.1 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.

4.3.2 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).

4.3.3 In deciding whether a premises licence can be granted where there are 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.

4.3.4 Applicants should note that the Licensing Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

#### **4.4 Types Premises Licences and Provisional Statements**

4.4.1 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 (i.e. one which operates machines with a £35 maximum prize)

4.4.2 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. 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.

#### **4.5 Provisional Statements**

4.5.1 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.

4.5.2 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.

4.5.3 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.

4.5.4 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.

4.5.5 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.

4.5.6 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.

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

#### **4.6 Adult Gaming Centres (AGC's)**

4.6.1 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.

4.6.2 Section 172(1) of the Act permits the following on AGC's:

- up to four category B machines; and
- unlimited category C and D machines.

4.6.3 The Category B machines are limited to B3 and B4.

4.6.4 Factors for consideration by the Licensing Authority when determining the application for an Adult Gaming Centre will include:

- the location; and
- the ability of operators to minimise illegal access to the premises by under 18's

4.6.5 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.

4.6.6 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.

4.6.7 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.

4.6.8 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.

4.6.9 This list is neither mandatory nor exhaustive and is merely indicative of example measures.

#### 4.6.10 **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.

### 4.7 **Licensed Family Entertainment Centres**

4.7.1 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 5.2 of this Statement)

4.7.2 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.

4.7.3 In determining the suitability of the location, consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children; and
- whether the premises have a town centre or edge of town centre location.



4.7.4 The Authority will again have specific regard to the third licensing objective (the need to protect children and vulnerable persons from harm or being exploited by gambling) and will expect the applicant to satisfy the Authority in this respect (i.e. that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas).

4.7.5 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. 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

4.7.6 This list is neither mandatory nor exhaustive and is merely indicative of example measures.

#### 4.7.7 **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.

## 4.8 **Casinos**

4.8.1 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.

4.8.2 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.

4.8.3 Sheffield City Council has a number of casinos licensed in its area. The Gambling Commission's code of practice deals with matters including access to casino premises by children and young persons, the giving of credit and the ban on gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.

4.8.4 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.

4.8.5 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.

#### 4.8.6 **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.

#### 4.8.7 **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.

### 4.9 **Bingo Premises**

4.9.1 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.

4.9.2 Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority.

4.9.3 The Gambling Commission has issued guidance about the need for Licensing Authorities to take into account the suitability and layout of bingo premises. Therefore 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. 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.

4.9.4 The Licensing Authority will need to be satisfied that bingo can be played in any bingo premises for which a premises licence is issued. 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 areas.

4.9.5 The Authority also notes the Guidance regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

#### 4.9.6 **Access**

- No customers must 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
- A limited number of gaming machines may also be made available at bingo licensed premises. If children and young persons are allowed to enter premises licensed for bingo it is important that they do not participate in gambling, other than on category D machines. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

#### 4.10 **Betting Premises**

4.10.1 The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.

4.10.2 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

4.10.3 Factors for consideration by the Licensing Authority when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of machines and;

- the provision for licence holders to ensure appropriate age limits are adhered to.

4.10.4 This is not an exhaustive list and each application will be judged on its merits. Any effective measures offered by the applicant to support the licensing objectives will be taken into account.

4.10.5 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.

#### 4.10.6 **Access**

- Access must be from a street (as defined under the Gambling Commissions guidance) or from another 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.

### 4.11 **Tracks**

4.11.1 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”*.

4.11.2 Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. 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.

4.11.3 Track operators are not required to hold an operators 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.

4.11.4 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.

4.11.5 The Licensing Authority will therefore 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.

4.11.6 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:

- 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.

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

#### 4.11.8 **Access**

- No customer should 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, to ensure children do not have access to the category C machines.

#### ***Gaming Machines used on Tracks***

4.11.9 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, to supervision of the machines and preventing children from playing them.

4.11.10 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.

#### ***Betting Premises on Tracks***

4.11.11 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.

- 4.11.12 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.
- 4.11.13 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.

### ***Betting machines on Tracks***

- 4.11.14 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 young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. 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.
- 4.11.15 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, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

### ***Applications and plans for Tracks***

- 4.11.16 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.
- 4.11.17 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.

4.11.18 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.

***Conditions on rules being displayed***

4.11.19 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.

## **Part 5 - Permits, Notices and Lottery Registrations**

### **5.1 Gaming machines - General**

- 5.1.1 Permits are generally required for the use of gaming machines on premises which do not require a premises licence under this Act. 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.
- 5.1.2 In exercising its duties in relation to these functions the Licensing Authority is not under a duty to aim to permit the use of premises for gambling and need not in all cases have regard to the licensing objectives.
- 5.1.3 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events. Legislation prescribes the number and category of gaming machines that are permitted in each type of licensed gambling premises. Subject to the provisions of the Act however, gaming machines can also be made available in a variety of other premises, including:
- family entertainment centres;
  - clubs;
  - pubs and other alcohol licensed premises; and
  - travelling fairs
- 5.1.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be deemed a gaming machine.
- 5.1.5 The Authority encourages permit and premises licence holders to apply relevant codes of practice which may be introduced by the amusement industry from time to time, to their operations.

### **5.2 Unlicensed Family Entertainment Centre Gaming Machine Permits**

- 5.2.1 Where premises do not hold a premises licence but wish to provide gaming machines, the occupier or user may apply to the Licensing Authority for an unlicensed FEC Gaming Machine Permit.
- 5.2.2 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).
- 5.2.3 An application for a permit may only be granted if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. The application process for such permits is for the Licensing Authority to determine as below.



## **Statement of Principles (Schedule 10 paragraph 7 of the Act)**

- 5.2.4 The Council has a prescribed form which it requires applicants to use; this is available from the Licensing Service or at our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.2.5 Applicants are required to obtain an enhanced disclosure from the Criminal Records Bureau 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.
- 5.2.6 As well as the Police, Sheffield Safeguarding Children’s Board will also be consulted on the application.
- 5.2.7 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.
- 5.2.8 The Licensing Authority will expect applicants 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 (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;
  - the location of premises (in relation to schools etc.);
  - that a member of staff is designated with lead responsibility for safeguarding children and 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 can be inspected before it opens;
  - 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.
- 5.2.9 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 of 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.
- 5.2.10 The Licensing Authority may grant or refuse the permit but cannot attach conditions to this type of permit.

### **5.3 Alcohol Licensed Premises Gaming Machine Permits**

- 5.3.1 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. However 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 do so means that the gambling is unauthorised and the premises user or any person who makes the machine available for use commits an offence. A suitable form of notification is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.3.2 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 .
- 5.3.3 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.
- 5.3.4 If a premises wishes to have more than two machines they would be required to apply for a 'licensed premises gaming machine permit'.
- 5.3.5 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.
- 5.3.6 Measures which will help satisfy the Authority of the applicant's commitment that there will be no under 18 access may include that the adult machines will be in sight of the bar and that suitable notices and signage will be on display.
- 5.3.7 Premises are encouraged to put into effect procedures intended to prevent underage gambling. This should include procedures for:
- checking the age of apparently underage customers; 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.
- 5.3.8 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.

- 5.3.9 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence or a Family Entertainment Centre (either licensed or unlicensed) dependent upon the classification of the machines intended to be used.
- 5.3.10 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.
- 5.3.11 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **5.4 Prize Gaming Permits**

- 5.4.1 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.
- 5.4.2 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.
- 5.4.3 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.
- 5.4.4 The application process for such permits is for the Licensing Authority to determine, requirements are set in the principles below.

#### **Statement of Principles (Schedule 14 paragraph 8 of the Act)**

- 5.4.5 The Licensing Authority has a prescribed form which it requires applicants to use which is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

5.4.6 The Licensing Authority will expect the applicant to set out the types of gaming that he or she is 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 (in relations to schools etc);
- 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 can be inspected before it opens;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

5.4.7 Applicants are required to obtain an enhanced disclosure from the Criminal Records Bureau 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.

## **5.5 Club Gaming Permits & Club Machine Permits**

5.5.1 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.

5.5.2 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.

5.5.3 Club machine permits allow the provision of gaming machines where the licence holder does not wish to operate equal chance gaming or games of chance.

5.5.4 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

5.5.5 In both cases the gaming machines are limited to any three of category B, C, or D Machines (Nb, Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs).

5.5.6 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.

5.5.7 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.

5.5.8 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

## **5.6 Temporary Use Notices**

5.6.1 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.

5.6.2 The maximum period by which a "set of premises" may be the subject of a Temporary Use Notice is 21 days within a period of 12 months.

5.6.3 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.

5.6.4 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.

5.6.5 The Licensing Authority can only grant a temporary use notice to a person or company holding a relevant operating licence i.e. a non-remote casino operating licence.

5.6.6 In order to do so the operator must serve a temporary use notice (or notices) on the Licensing Authority, the Commission and the Police. These are the only bodies who may object to such a notice. In such circumstances a hearing may be held and the Licensing Authority may prevent the notice from taking effect or limit the activities or impose conditions.

## **5.7 Occasional Use Notices**

5.7.1 Betting on unlicensed tracks may also be authorised for up to 8 days in a calendar year by the service of an Occasional Use Notices by the occupier of the track or the person responsible for the administration of the event.

5.7.2 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.

## **5.8 Travelling Fairs**

5.8.1 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.

5.8.2 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.

5.8.3 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.

5.8.4 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.

## **5.9 Registration of Small Society Lotteries**

5.9.1 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.

5.9.2 A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an ‘exempt’ lottery as defined by the Act. One of those exemptions is in respect of what are termed “small society lotteries”.

- 5.9.3 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.
- 5.9.4 If a small society lottery breaches these limits it will be in breach of the Act and will be liable to prosecution. Guidance for persons wishing to operate a small society lottery is available from the Licensing Service or at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.9.5 Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located. A society with its principal office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:
- for charitable purposes;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
  - below the permitted maximum financial limits; or
  - for any other non-commercial purpose other than for private gain.
- 5.9.6 Application forms are available from the Licensing Service or from our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).
- 5.9.7 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.
- 5.9.8 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. 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.
- 5.9.9 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](http://www.sheffield.gov.uk).

- 5.9.10 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.
- 5.9.11 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.
- 5.9.12 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.
- 5.9.13 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.

## **5.10 Vessels and Vehicles**

- 5.10.1 The Act allows pleasure boats to apply for a premises licence. As with multi-purpose buildings the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. The Act applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. In relation to vessels that may be moored or berthed in more than one Authority's administrative area this Authority will make arrangements as necessary with those other Authorities that are involved to agree who will receive and determine the application.
- 5.10.2 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity and are dealt with by the Gambling Commission.



## **Part 6 - Equality, Hearings, Conditions and Appeals**

### **6.1 Equality**

6.1.1 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.

### **6.2 Disabled People**

6.2.1 The Licensing Authority will at all times have due regard to the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 (the duty on Public Authorities to promote disability equality) or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

6.2.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

### **6.3 Racial Equality**

6.3.1 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000 or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different black and minority ethnic groups.

6.3.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

### **6.4 Sex Equality**

6.4.1 The Licensing Authority will at all time have due regard to the Sex Discrimination Act 1975 and the Gender Equality Act 2006 (the duty on Public Authorities to promote Gender Equality) or any subsequent and similar legislation including the Equality Act 2010 and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

6.4.2 Applicants / licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

### **6.5 Equalities Act 2010**

6.5.1 The Licensing Authority will at all times have regard to the Equality Act 2010, including the protected characteristics or age, sex, race, religion or belief, disability, sexual orientation, pregnancy and maternity, marriage and civil partnership and gender re-assignment.

6.5.2 Applicants/licensees and businesses are reminded that this is a statutory requirement and we strongly recommend everyone works towards compliance with this legislation.

## **6.6 Equality Impact Assessment (EIA)**

6.6.1 EIAs are a way of systematically and thoroughly 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 indirectly discriminate against certain groups, even if this is not an intention.

6.6.2 As a Council we have a legal duty to carry out an assessment of our policies, projects and functions in relation to all of the protected characteristics listed in section 6.5 under the Equality Act 2010. We also have a legal duty to make our impact assessments available to the public upon request.

6.6.3 An EIA will not necessarily provide all the answers, but it will ensure that equality is considered as a core part of project planning, rather than after the policy or project has been implemented.

## **6.7 Delegation of Functions**

6.7.1 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.

6.7.2 The Licensing Committee has delegated certain decisions and functions to a number of sub-committees. This will provide an efficient and cost effective service for all parties involved in the licensing function.

6.7.3 The grant of non-contentious applications has been further delegated to officers.

6.7.4 The table at section 9.4 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

## **6.8 Rights of the Applicant**

6.8.1 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.

## **6.9 Hearings before the Licensing Committee**

6.9.1 Where Interested Parties or Responsible Authorities raise concerns about the suitability of premises to provide gambling, a hearing may be held. Hearings will be heard before the Licensing Committee constituted of locally elected councillors. In Sheffield the Licensing Committee is responsible for hearing Gambling Act applications.

6.9.2 A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from Interested Parties and Responsible

Authorities. Ward Councillors will not sit on a Sub-Committee involving an application within their ward.

- 6.9.3 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. A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Council.
- 6.9.4 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.
- 6.9.5 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.
- 6.9.6 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)).
- 6.9.7 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. The Gambling Commission advises that Licensing Authorities 'should rely on reasons that demonstrate the licensing objectives are not being met'. Each case will be decided upon its own individual merits. Additionally, the Licensing Authority will not have regard to any demand issues for the premises.

## **6.10 Imposing conditions on a licence**

- 6.10.1 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.
- 6.10.2 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.

- 6.10.3 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.
- 6.10.4 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.
- 6.10.5 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.
- 6.10.6 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.
- 6.10.7 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.
- 6.10.8 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.
- 6.10.9 Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

## **6.11 Appeals against Licensing Authority decisions**

- 6.11.1 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.

## **6.12 Ongoing responsibilities of licensed premises**

- 6.12.1 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.

6.12.2 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) Causes and consequences of problem gambling;
- 3) Identifying and communicating with vulnerable persons; primary intervention and escalation;
- 4) Dealing with problem gamblers; exclusion (mandatory and voluntary) and escalating for advice / treatment;
- 5) Refusal of entry (alcohol and drugs);
- 6) Age verification procedures and need to return stakes / withdraw winnings if underage persons found gambling;
- 7) Importance and enforcement of time / spend limits;
- 8) The conditions of the licence;
- 9) Maintaining an incident log;
- 10) Offences under the Gambling Act;
- 11) Categories of gaming machines and the stakes and odds associated with each machine;
- 12) Types of gaming and the stakes and odds associated with each;
- 13) Staff exclusions from gambling at the premises where they are employed and reasons for restriction;
- 14) Ability to signpost customers to support services with respect of problem gambling, financial management, debt advice etc;
- 15) Safe cash-handling / payment of winnings;
- 16) Identify forged ID and bar those using forged ID from the premises;
- 17) Knowledge of a problem gambling helpline number (for their own use as well as that of customers); and
- 18) 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.

6.12.3 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.

### ***Self-exclusion scheme***

6.12.4 We 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. 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 unless a counselling session has first been held and re-admittance agreed.

## **Part 7 - Applications, Reviews and Enforcement**

### **7.1 Applications**

7.1.1 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.

7.1.2 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.

7.1.3 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.

7.1.4 Forms and notices relevant to activities within the Licensing Authority's remit are available from the Licensing Service at the address given in at section 8.1.

7.1.5 Licences will only be issued in accordance with the Act. Premises licences are transferable to someone else holding a valid Operating Licence. The Act provides that Licensing Authorities may attach conditions to Premises Licences. Guidance has been issued by the Commission that suggests what conditions might be considered in relation to each type of Licence.

7.1.6 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.

7.1.7 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 out in law. 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.

7.1.8 Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises.

7.1.9 In relation to an application to split existing licensed premises thereby creating multiple sites, the Licensing Authority will expect 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.

## **7.2 Fees**

7.2.1 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 from time to time to ensure that the fees cover the costs of administering the Act.

7.2.2 A list of current fees can be obtained from our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) or from the Licensing Service, contact details can be found at section 8.1.

## **7.3 Reviews**

7.3.1 Requests for a review of a premises licence can be made by 'Interested Parties' or 'Responsible Authorities'; however, it is for the Licensing Authority to decide whether the review is to be carried out.

7.3.2 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.

7.3.3 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;
- 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.

7.3.4 The Licensing Authority can also initiate a review of a licence, on the basis of any reason which it thinks is appropriate.

7.3.5 The Act provides that Licensing Authorities may initiate a review of either a particular class of premises licence or a particular premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be



appropriate. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.

- 7.3.6 Once a valid application for a review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 7.3.7 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 7.3.8 A review hearing will be held before the Council's Sub-Committee and the review will be determined once the representations have been considered and the licence holder has been given the opportunity to respond.
- 7.3.9 The onus will be on the Responsible Authority/Interested Party initiating the review to provide evidence in support of the matters for concern.
- 7.3.10 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles and Codes of Practice.
- 7.3.11 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. In determining what action, if any, should be taken, the Licensing Authority will have regard to the principles set out in section 153 of the Act as well as any relevant representations.
- 7.3.12 Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:
- the licence holder,
  - the applicant for review (if any),
  - the Gambling Commission,
  - any person who made representations,
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs.

## **7.4 Enforcement**

- 7.4.1 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.
- 7.4.2 The Licensing Authorities principles are that:

- 7.4.3 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.
- 7.4.4 Enforcement will be carried out in accordance with the Gambling Commissions Guidance, to endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4.5 The Licensing Authority will, as recommended by the Gambling Commission, adopt a risk based inspection programme, based on:
- the licensing objectives;
  - relevant Codes of Practice;
  - guidance issued by the Gambling Commission; and
  - the principles set out in this Statement of Principles (policy).
- 7.4.6 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises.
- 7.4.7 The Gambling Commission is the enforcement body for the operating and personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.
- 7.4.8 The Licensing Authority will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the City.
- 7.4.9 The Licensing Authority 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.
- 7.4.10 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.

7.4.11 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.

## **7.5 Departure from Policy**

7.5.1 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).

7.5.2 Any advice about this Policy and general advice about the Gambling Act 2005 can be obtained from the Licensing Service, see contact details at section 8.1.

7.5.3 **Please Note:** The Licensing Service will be unable to give legal advice on the Gambling Act 2005. Applicants etc. should obtain any such advice from their own Solicitor or Legal Advisor.

## **Part 8 - Useful Information and Contact Details**

### **8.1 RESPONSIBLE AUTHORITIES:**

#### **The Licensing Authority**

Licensing Service  
Sheffield City Council  
Business Strategy & Regulation  
Block C, Staniforth Road Depot  
Sheffield, S9 3HD

Tel: 0114 203 7752  
Fax: 0114 273 5410  
Email: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)

You can also visit our reception service at Staniforth Road Depot where you can discuss your query with one of our Licensing Officers. The Licensing Service is open Monday to Friday 9:00am to 5:00pm.

#### **Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham, B2 4BP

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

#### **South Yorkshire Police**

The Licensing Team  
1st Floor  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield, S9 2AD

Tel: 0114 252 3617  
Email: [Sheffield.Liquor-Licensing@southyorks.pnn.police.uk](mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk)  
Website: [www.southyorks.police.uk](http://www.southyorks.police.uk)

#### **South Yorkshire Fire & Rescue**

Sheffield Fire Safety Office (Licensing)  
197 Eyre Street  
Sheffield, S1 3FG

Tel: 0114 2727202  
Website: [www.syfire.gov.uk](http://www.syfire.gov.uk)

## **The Planning Authority**

Head of Planning Services  
Licensing Applications  
Sheffield City Council  
Howden House  
1 Union Street  
Sheffield, S1 2SH

Tel: 0114 273 4215  
Email: [planningdc@sheffield.gov.uk](mailto:planningdc@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning)

## **Health Protection Service (Health & Safety)**

The Information Officer  
Sheffield City Council  
2 –10 Carbrook Hall Road  
Sheffield, S9 2DB

Tel: 0114 273 4616  
Email: [healthprotection@sheffield.gov.uk](mailto:healthprotection@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

## **Environmental Protection Service (Noise Nuisance)**

The Information Officer  
Sheffield City Council  
2 –10 Carbrook Hall Road  
Sheffield, S9 2DB

Tel: 0114 273 4658  
Email: [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

## **Sheffield Safeguarding Children Board**

Sheffield City Council  
Floor 2, Redvers House  
Union Street  
Sheffield, S1 2JQ

Tel: 0114 273 6753  
Email: [sscb@sheffield.gov.uk](mailto:sscb@sheffield.gov.uk)  
Website: [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

## **HM Revenue & Customs**

National Registration Unit (Betting & Gaming)  
Portcullis House

21 India Street  
Glasgow, G2 4PZ

Tel: 0141 555 3339  
Website: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

### **In relation to gambling on a vessel –**

#### **The Navigation Authority**

Association of Inland Navigation Authorities  
Fearn's Wharf  
Neptune Street  
Leeds, LS9 8PB

Tel: 0113 243 3125  
Website: [www.aina.org.uk](http://www.aina.org.uk)

#### **The British Waterways Board**

British Waterways  
Yorkshire Office  
Fearn's Wharf  
Neptune Street  
Leeds, LS9 8PB

Tel: 0113 281 6800  
Website: [www.britishwaterways.co.uk](http://www.britishwaterways.co.uk)

## **8.2 OTHER USEFUL CONTACTS:**

### **First Point for Business**

Information is available for anyone considering setting up a new business or would like help or advice of an existing business.

If you are starting up a new business or are an established business needing advice, you can access help from the Council's First Point for Business.

Anyone can use First Point for Business – from companies to social enterprise to self-employed people.

First Point for Business is your one point of contact with the Council for all your business needs. If you are setting up a new business, for example, you may need to speak to Licensing, Planning, Building Standards, Business Rates and a number of other Council services.

The First Point for Business team is on hand to help you access Council services and specialist advice, so you get all the support you need. If you need practical

business support such as start up advice, business planning, marketing or workforce training and skills they will put you in touch with the right people.

First Point for Business work on your behalf. You will deal with a Key Account Advisor who will identify your needs and help you get the right information and advice.

If they cannot give you all the answers straight away, then they will do the leg work and get back to you.

The Key Account Advisors will also help you to find out about the advice and support you could receive from outside the Council.

You are welcome to visit in person at the First Point for Business office in the Town Hall, just contact them for an appointment or simply drop in.

### **First Point for Business**

Town Hall  
Pinstone Street  
Sheffield, S1 2HH

Tel: 0114 224 5000

Email: [firstpointforbusiness@sheffield.gov.uk](mailto:firstpointforbusiness@sheffield.gov.uk)

There is also wireless broadband in the First Point for Business office, so you can use your own laptop if needed.

### **GamCare**

GamCare provides support, information and advice to anyone suffering through a gambling problem.

Contact details for Gamcare are as follows:

#### **GamCare**

2nd Floor  
7-11 St John's Hill  
London, SW11 1TR

Tel: 020 7801 7000

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Website: [www.gamcare.org.uk](http://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.

Contact details are as follows:

**Gamble Aware**

c/o The GREaT Foundation  
35 Piccadilly  
London  
W1J 0DW

Tel: 020 7287 1994  
Fax: 020 7734 4561  
Email: [info@thegreatfoundation.org.uk](mailto:info@thegreatfoundation.org.uk)

**LOCAL WARD COUNCILLORS**

Details of your ward Councillor can be found on our website at [www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors) or by telephoning 0114 273 4096.

**COMMUNITY ASSEMBLY TEAMS**

To find your local Community Assembly see [www.sheffield.gov.uk/in-your-area/community-assemblies](http://www.sheffield.gov.uk/in-your-area/community-assemblies).

**For General enquiries:**

Community Services  
Sheffield City Council  
Town Hall  
Sheffield  
S1 2HH

Tel: 0114 273 6849  
Email: [communityassemblies@sheffield.gov.uk](mailto:communityassemblies@sheffield.gov.uk)

Other telephone / fax numbers and email addresses for local Community Assembly Teams are below:

**Northern**

Tel: 0114 203 7153 Fax: 0114 203 7708  
[communityassemblynorthern@sheffield.gov.uk](mailto:communityassemblynorthern@sheffield.gov.uk)

**North East**

Tel: 0114 203 7562 Fax: 0114 256 1452  
[communityassemblynortheast@sheffield.gov.uk](mailto:communityassemblynortheast@sheffield.gov.uk)

**East**

Tel: 0114 273 5708  
[communityassemblyeast@sheffield.gov.uk](mailto:communityassemblyeast@sheffield.gov.uk)

**Central**

Tel: 0114 273 6849 Fax: 0114 273 6878



communityassemblycentral@sheffield.gov.uk

**South**

Tel: 0114 205 3281

communityassemblysouth@sheffield.gov.uk

**South East**

Tel: 0114 273 6929

communityassemblysoutheast@sheffield.gov.uk

**South West**

Tel: 0114 203 7212

communityassemblysouthwest@sheffield.gov.uk

## **Part 9 - Appendix**

### **9.1 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**

Provides that the holder of an adult gaming centre premises licence may make available for use up to four 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. 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.

#### **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 (a maximum of 4), C or D gaming machines available to their customers. 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.

**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.

### **Licensing Objectives**

The three licensing objectives are:

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

### **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

### **Remote Communication**

Communication using –

- The internet
- Telephone
- Television
- Radio, or
- Any other type of electronic or other technology as defined by Section 4(2) 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

In the case of vessels, the following should also be included:

- the Environment Agency
- the British Waterways Board; and
- the Secretary of State. (Note: in practice, the Secretary of State for Transport who acts through the Maritime and Coastguard Agency.)

### **SIA (Security Industry Authority)**

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

### **Small Lottery**

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

### **Small Society Lottery**

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

### **Statement of Licensing Principles**

Policy statement issued by the Licensing Authority which indicate those matters which will be taken into account when considering an application for a licence or permit.

### **Temporary Use Notice**

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

### **Tracks**

Tracks are sites, including horse racecourses and dog tracks, where races or other sporting events take place. There is no automatic entitlement to provide gaming machines but if the track operator holding the premises licence also holds a pool betting operators 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.



## 9.2 Map of Sheffield boundary

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### 9.3 List of Consultees

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## 9.4 Scheme of Delegation

Matter to be dealt with	Full Committee	Sub Committee	Officers
Three year licensing policy	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee setting (when appropriate)	<b>X</b>		
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		<b>X</b>	
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		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give counter notice to a temporary use notice		<b>X</b>	





## SHEFFIELD CITY COUNCIL Committee Report



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<b>Report of:</b>	Chief Licensing Officer and Head of Licensing
<hr/>	
<b>Date:</b>	26 <sup>th</sup> July 2012
<hr/>	
<b>Subject:</b>	Licensing Fees Review (Determination of Fees)
<hr/>	
<b>Author of Report:</b>	Stephen Lonnia - 2053798
<hr/>	
<b>Summary:</b>	A report to members to review and determine a schedule of fees for the licensing service.
<hr/>	
<b>Recommendations:</b>	That members consider all the information provided in the report and those included in any attachments before determining whether to increase and maintain the licence fee(s) as set out in the report and detailed in the attachments.
<hr/>	
<b>Background Papers:</b>	Attached
<hr/>	
<b>Category of Report:</b>	OPEN
<hr/>	

**REPORT OF THE CHIEF LICENSING OFFICER (HEAD OF LICENSING)  
TO THE LICENSING COMMITTEE**

**No: 59/12**

**Licensing Fees Review (Determination of Fees)**

**1.0 PURPOSE AND OUTCOMES**

1.1 The purpose of this report is for members to consider an increase in application fees etc. for the following licensing systems:

- Private Hire & Hackney Carriage Drivers and Vehicles etc;
- Animal Health (pets shops, animal boarding establishments, dangerous wild animals, riding establishments and breeders of dogs);
- Street Trading (football, static, mobile, schools, and short term consents);
- Motor Salvage Operators etc.

1.2 To consider and establish the fees for the following systems where we propose no increase at this moment in time:

- Sex Establishment Licensing (sex shops and sexual entertainment venues);
- Gambling Act 2005 (casino, bingo, betting and track premises etc.);
- Approved Marriage Premises ( secular and religious)

1.3 To note the fee(s) that is statutory and are prescribed by the Secretary of State and can not be changed by the Local Authority. These include;

- Licensing Act 2003
- Gambling Act 2005 (certain fees)

1.4 To inform members of the systems that are administered by the licensing service, where the legislation states we are unable to charge a fee.

1.5 The outcomes of this report are to ensure that:-

- The Licensing Service recovers the reasonable costs for administering and enforcing the terms and conditions of certain licensing systems;
- That the Council fees and charges are set in accordance with the Councils Fair Charging principles set out in the Future Shape Policy Handbook and the Provision of Service Regulations 2009; and
- That all fees are determined on an annual basis. Whether they remain the same, increase or decrease.

## **2.0 FAIR CHARGING POLICY**

- 2.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.
- 2.2 Licence fees must also be set in accordance with the relevant legislation and the Provision of Services Regulations 2009.
- 2.3 We have set the proposed fees so that they do not prevent us from delivering on our priorities and also on the principle of the polluter pays where it is appropriate.
- 2.4 The Council intends to recover its reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above licensing systems. Each licensing system has its fee calculated separately to ensure we are only recovering the costs in relation to that individual system.
- 2.5 The Licensing Service has endeavoured to keep any increases as low as possible whilst ensuring we recover our reasonable costs.

## **3.0 THE LAW**

- 3.1 It is clear from R v Manchester City Council. Ex p. King, The Times, April 3, 1991 that the power to set fees does not permit the Council to raise revenue generally.
- 3.2 It has also been established in many cases such as R-v-The Greater London Council Ex Parte The Rank Organisation Limited it was stated "the level of fees was a matter of policy and as long as the total fee income did not exceed the cost of the licensing system the court should not and could not see to interfere".
- 3.3 The Provision of Services Regulations 2009 which came into force on 28 December 2009, Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities
- 3.4 With regards to private hire and hackney carriage licensing. A district council may charge fees in order to recover the reasonable costs incurred in operating the licensing function.
- 3.5 Any proposed variation to the fees for vehicles and operators must be advertised and objections received within 28 days of the advertisement considered. There is no requirement for drivers of other fees to be advertised or for objections to be considered.

- 3.6 Following the advertisement where no objections are received the new scale of fees comes in to effect on a specified date no less than 28 days after the advertisement appeared.
- 3.7 Should objections be received (that are not withdrawn) then those objections must be considered. After consideration of any objections by the Council the new scale of fees, whether modified or not, will come in to effect on a new date that is within two months of the original date.
- 3.8 Members should note that we can not recover enforcement costs from drivers licence applications. Any enforcement must be recovered through vehicle licence fees.
- 3.9 Members should note that it can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It can not make a surplus from fees and must not use fees to subsidise any other licensing system; to offset other budgets or raise income generally.

#### **4.0 THE COSTS OF LICENSING**

- 4.1 The cost of the Licensing Service has increased over the years mainly due to inflation and the cost of processing applications.
- 4.2 Licensing now operates as one service. However, it is divided in to four teams which work in specific areas (Alcohol & Entertainment, Taxis, Safety at Sports Grounds and Gambling / Street Trading etc.). Each team delivers that particular area/specialism of licensing, with staff moving across the four teams and undertake work throughout the service to give increased flexibility. The service has 24.3 full time equivalents (fte's), the allocation of staffing is split as follows;
- Chief Licensing Officer & Head of Licensing 1fte
  - alcohol team 8 fte's
  - gambling team 5.3 fte's
  - sports grounds team 1 fte
  - taxi team 9 fte's
- 4.3 The Licensing Service is permitted to recover the cost of certain enforcement activities (terms and conditions) via licence fees. This is only relevant to those systems that fall within the scope of the European Services Directive such as Sex Establishments and Street Trading etc.



## **5.0 PROPOSED INCREASES**

### **5.1 Private Hire & Hackney Carriage Drivers, Vehicles and Operators etc.**

- 5.1.1 The Licensing Service administers and enforces the licences for hackney carriage and private hire vehicles and drivers as well as private hire operators.
- 5.1.2 The fees in relation to these systems have not been increased now for several years. The last increase in this area was in 2007 some five years ago.
- 5.1.3 The proposed increases have been kept to a minimum and are necessary to ensure that we can maintain the right level of customer service and regulation in this area. The proposed increase(s) and the new fees are set out at **Appendix A**.
- 5.1.4 A full consultation will take place following this report if members accept the proposal to increase certain fees.

### **5.2 Animal Health**

- 5.2.1 The Licensing Service also administer and enforce licences for pet shops, animal boarding establishments, dangerous wild animals, riding establishments and breeders of dogs.
- 5.2.1 The fees in these areas were last increased following consultation in April 2010.
- 5.2.2 The Licensing Service works closely with Animal Control in relation to all animal health licensing systems and the fee covers both services to recover their reasonable costs.
- 5.2.3 The current proposal refers only to an increase to the proportion of the fee for the Licensing Service. There is no proposed increase to cover the costs of Animal Control.
- 5.2.4 Animal Health licences are generally issued for a twelve month period.
- 5.2.5 The proposed increase(s) and the new fees are set out in the table at **Appendix B**. Increase in fees to commence as of the 1<sup>st</sup> August 2012.

### **5.3 Football Street Trading**

- 5.3.1 The Licensing Service administer and enforce consents for street trading activities in the vicinity of Sheffield Wednesday and Sheffield United football grounds.
- 5.3.2 The fees were last increased following consultation in 2010.
- 5.3.3 The Licensing Service regularly undertake scheduled enforcement activity at Sheffield Wednesday and Sheffield United football grounds before, during and after home fixtures. We carry out approximately 10 football street trading exercises each season.

5.3.4 The nature of these consents also requires the section to undertake unscheduled enforcement activities following complaints about those trading. The fee ensures the recovery of the reasonable costs of this system.

5.3.5 Football Street Trading Consents allow traders to trade outside the football stadiums in a given location for a single season between August and May (10 months).

5.3.6 Consents are issued for hot food and for memorabilia sellers.

5.3.7 The proposed increase(s) and the new fees are set out in the table at **Appendix C**. Increase in fees to commence as of the 1<sup>st</sup> August 2012

#### **5.4 Short Term Street Trading**

5.4.1 Occasionally, the Licensing Service receive applications for short term street trading consents. These could be for a single day, weeks or months and for anywhere within the City.

5.4.2 This includes such as the roast chestnut seller on Fargate in December and individual traders that attend events etc.

5.4.3 The fee for this type of consent has not increased since the introduction of the new street trading scheme in Sheffield in 2002.

5.4.4 The proposed increase(s) and the new fees are set out in the table at **Appendix C**. Increase in fees to commence as of the 1<sup>st</sup> August 2012

#### **5.5 Mobile Street Trading**

5.5.1 These consents are generally issued to ice cream traders for vehicles to travel around the city selling ice cream. However, we do also issue consents to fruit and veg traders and other types of trading.

5.5.2 The fees for mobile consents have not increased since 2010.

5.5.3 We will be undertaking a further review of the policy and fees for mobile fruit and veg traders shortly. This report will be placed before committee in September.

5.5.4 The proposed increase and the new fee are set out in the table at **Appendix C**. Increase in fees to commence as of the 1<sup>st</sup> August 2012

#### **5.6 Schools Street Trading**

5.6.1 This is the smallest of the street trading systems, but it can be one of the more problematic for obvious reasons of child safety. The school consents are only to trade in ice cream at certain hours of the day.

5.6.2 The fees for school consents have not increased since 2010.

5.6.3 The proposed increase and new fee are set out in the table at **Appendix C**. Increase in fees to commence as of the 1<sup>st</sup> August 2012

## **5.7 Static Street Trading**

5.7.1 Static street trading consents are the sites where traders park permanently to trade from that one site only.

5.7.2 We have approximately 46 static street trading consents that are charged various fees dependant upon the location, number of days trading, hours of trading and what the consent allows them to trade.

5.7.3 The fees for these consents have not increased since 2010 and the proposed increase has been kept to a minimum.

5.7.4 The proposed increase and new fees are set out in the table at **Appendix D**. Increase in fees to commence as of the 1<sup>st</sup> November 2012

## **5.8 Motor Salvage Operators**

5.8.1 The motor salvage operators system has been in place now since the introduction of the legislation in 2001/2002.

5.8.2 The fees for this system have been reviewed annually. However, members should note that the Local Government Association (LGA) and the primary legislation suggest that fees should be set within the region of £40 to £70.

5.8.3 Members will be aware that we set our fees slightly higher than that recommended. The fee has not increased since 2002, but due to an increase in workloads in this area we are proposing a minor increase this year.

5.8.4 The proposed increase and new fee are set out in the table at **Appendix E**. Increase in fees to commence as of the 1<sup>st</sup> August 2012

## **6.0 NO INCREASE PROPOSED**

6.1 The Licensing Service has undertaken an extensive review of fees with Corporate Finance. There are many fees that we are proposing no increase as we are satisfied that in these areas the fees already in place recover the reasonable costs of administering that system.

6.2 The areas in which we are proposing no increase are Sex Establishments and Sexual Entertainment Venues; Gambling Act 2005 and Approved Marriage Premises.

6.3 Members will note that fees are reviewed every year. The fees for sex established were considered in 2011 following changes made in 2010. With regards to sexual

entertainment venues the fees were determined alongside the policy and have only just come in to effect recently. See **Appendix F**

6.4 Gambling Act fees were set in 2005 when the new legislation came in to force. The fees have been reviewed on an annual basis and it has been determined to keep them the same. We are starting to undertake more work in this area of licensing and fees may be subject to a slight increase in 2013 if our costs increase. See **Appendix G**

6.5 Approved Marriage Premises (Religious and Secular) underwent a full review earlier this year following an amendment to the legislation. Therefore there is no need to make any changes to fees in this area. See **Appendix H**

## **7.0 STATUTORY FEES**

7.1 The Licensing Service also administers several systems where the fee is determined by the Secretary of State through regulation. This includes all the fees under the Licensing Act 2003 and some fees under the Gambling Act 2005.

7.2 The Licensing Authority has no powers to change these fees. See **Appendix J**

## **8.0 NON FEE PAYING**

8.1 The last few systems the service administers are ones which in accordance with the legislation the Licensing Authority are unable to charge a fee. These systems include duties that are placed upon us by statute and must be undertaken.

8.2 These systems include Safety at Sports Grounds, Charitable Collections (Street and House to House), Hypnotism, Commons Registration etc.

## **9.0 CONSULTATION**

9.1 Letters have been sent to the relevant trades informing them of the proposed increases on Wednesday 18<sup>th</sup> July 2012. The letter also asked for comments and invited them to attend today's meeting

9.2 Members should note that for the vast majority of licensing systems there are no requirements to consult regarding fees. This is a legal requirement for taxi fees and details are set out in paragraphs 3.4 to 3.8 above.

9.3 Further consultation can be undertaken if members feel it would be beneficial.

## **10.0 FINANCIAL IMPLICATIONS**

10.1 There are financial implications for the Council arising from this report. Should Members agree the increase in licence fees as detailed in the report above, the Council will recover its reasonable costs of the Licensing Service in relation to administering and enforcing the above licensing systems.

- 10.2 The Licensing Service has taken into account the current financial climate and has endeavoured to keep the increases to a reasonable level as a larger increase may have a negative impact on a number of small businesses that hold licences.
- 10.3 The increase in fees is to required to enable the Licensing Service to continue to provide the current high level of service and to prevent a repeat of lasts years overspend.

#### **11.0 RECOMMENDATIONS**

- 11.1 That members consider all the information provided in the report and that included in any attachments before determining whether to increase the licence fee as set out in the report and detailed in the attachments.
- 11.2 That members agree the fee increase(s) proposed, agree the proposal to keep all remaining fees as they are and authorise the Chief Licensing Officer and Head of Service to begin the formal consultation with the taxi trade associations.

#### **12.0 OPTIONS OPEN TO THE BOARD**

- 12.1 To authorise the Chief Licensing Officer and Head of Service to increase the fees as detailed above and keep the remaining fees as they are currently.
- 12.2 To authorise the Chief Licensing Officer and Head of Service to increase the fees or maintain them as they are with amendments to the above.
- 12.3 To defer the decision to increase the fees for further consideration.

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing  
Business Strategy & Regulation  
Place

July 2012

## APPENDIX A

### HACKNEY CARRIAGE VEHICLES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£210	£5	£215
Renewal	£155	£5	£160
Transfer	£20	£1	£21

### PRIVATE HIRE VEHICLES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£210	£5	£215
Renewal	£155	£5	£160
Transfer	£20	£1	£21

### HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Grant	£156:06	£5	£161:06
Renewal	£88:06	£5	£94:06

Note: The drivers figures above only includes administration (what is kept by licensing) it does not include the cost of CRB (£44) / DVLA (£7) checks or materials (£2:94).

### REPLACEMENT PLATES

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Replacement Plate	£20	£3	£23

## APPENDIX B

### ANIMAL HEALTH

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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<b>Pet Shops</b>			
New	£152	£4	£156
Renewal	£131	£3	£134

<b>Animal Boarding Est.</b>			
New	£200	£5	£205
Renewal	£179	£4	£183

<b>Dog Breeders</b>			
New	£147	£3	£150
Renewal	£147	£3	£150

<b>Riding Establishments</b>			
New	£205	£5	£210
Renewal	£175	£4	£179

<b>Dangerous Wild Animals</b>			
New	£178	£4	£182
Renewal	£155	£4	£159

## APPENDIX C

### STREET TRADING

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
Mobile	£230	£6	£236
Football (hot & cold food)	£493	£12	£505
Football (memorabilia)	£98	£2	£100
Schools	£36	£1	£37
<b>SHORT TERM CONSENT</b>			
1 Month Consent	£115	£3	£118
1 Week Consent	£73	£2	£75
1 Day Consent	£47	£1	£48



# APPENDIX D

## STREET TRADING – STATIC FEES

STATIC	CURRENT FEE	INCREASE	PROPOSED FEE
N/A	£6,000	NIL	N/A
N/A	£6,000	NIL	N/A
N/A	£3,232	£25	£3,257
N/A	£2,595	£25	£2,620
N/A	£1,994	NIL	N/A
N/A	£1,552	£23	£1,575
N/A	£1,352	£23	£1,375
N/A	£980	£20	£1,000
N/A	£908	£20	£928
N/A	£892	£20	£912
N/A	£892	£20	£912
N/A	£892	£20	£912
N/A	£892	£20	£912
N/A	£880	£18	£898
N/A	£880	£18	£898
N/A	£811	£18	£829
N/A	£811	£18	£829
N/A	£800	£18	£818
N/A	£800	£18	£818
N/A	£800	£18	£818
N/A	£800	£18	£818
N/A	£782	£15	£797
N/A	£760	£15	£775
N/A	£728	£15	£743
N/A	£720	£15	£735
N/A	£712	£15	£727
N/A	£712	£15	£727
N/A	£712	£15	£727
N/A	£600	£12	£612
N/A	£576	£12	£588
N/A	£576	£12	£588
N/A	£532	£10	£542
N/A	£532	£10	£542
N/A	£444	£10	£454
N/A	£334	£7	£341
N/A	£320	£7	£327
N/A	£268	£7	£275
N/A	£268	£7	£275
N/A	£268	£7	£275

N/A	£268	£7	£275
N/A	£224	£7	£231
N/A	£160	£5	£165
N/A	£120	£5	£125
N/A	£114	£5	£119
N/A	£100	£2	£102
N/A	£100	£2	£102
N/A	£80	£2	£82
N/A	£60	£2	£62

**APPENDIX E**

**MOTOR SALVAGE OPERATORS**

<b>SYSTEM</b>	<b>CURRENT FEE</b>	<b>INCREASE</b>	<b>PROPOSED FEE</b>
<b>Motor Salvage Operator</b>	<b>£75</b>	<b>£2</b>	<b>£77</b>

## APPENDIX F

### SEX ESTABLISHMENTS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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SEX SHOPS			
Grant	£5,200	N/A	N/A
Renewal	£4,400	N/A	N/A
Transfer	£2,000	N/A	N/A
Variation	£1,000	N/A	N/A

SEXUAL ENTERTAINMENT VENUE			
Grant	£1,335	N/A	N/A
Renewal	£1,000	N/A	N/A
Transfer	£500	N/A	N/A
Variation	£1,000	N/A	N/A

### SEX SHOP STAFF ASSISTANTS

Grant	£37	N/A	N/A
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APPENDIX G

GAMBLING ACT 2005  
Table Of Fees - Premises Licences

Premises Type	Application To Vary	Application To Transfer	Application For Re Instatement	Application For Provisional Statement	Licence Application (by provisional statement holders)
Casinos	958	874	874	N/A	N/A
Bingo	774	690	690	1274	910
Betting	682	598	598	1182	818
Tracks	866	782	782	1366	938
Family Entertainment Centre	590	506	506	906	542
Adult Gaming Centre	710	626	626	1182	818
Premises Type	Copy of Licence	Notification Of Change Of Details	New Application	Annual Fee	First Annual Fee
Casino	15	25	N/A	1567	1097
Bingo	15	25	1274	709	496
Betting	15	25	1182	283	198
Track	15	25	1366	795	556
Family Entertainment Centre	15	25	906	428	299
Adult Gaming Centre	15	25	1182	491	343

## APPENDIX H

### MARRIAGE AND CIVIL PARTNERSHIPS

SYSTEM	CURRENT FEE	INCREASE	PROPOSED FEE
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Grant	£970	N/A	N/A
Renewal	£970	N/A	N/A

**APPENDIX J**  
**STATUTORY FEES**

**GAMBLING ACT 2005**  
**LICENSED PREMISES GAMING MACHINES**

<b>Application Type</b>	<b>Fee</b>	<b>First Annual Fee</b>	<b>Annual Fee</b>	<b>Variation</b>	<b>Transfer</b>
Notification of 2 or less gaming machines	£50				
Licensed premises gaming machine permit	£100 (existing operator) £150 (in all other cases)	£50	£50	£100	£25

**CLUB GAMING / CLUB MACHINE PERMITS**

<b>Application Type</b>	<b>Application Fee</b>	<b>Renewal Fee</b>	<b>First Annual Fee</b>	<b>Annual Fee</b>	<b>Variation</b>
New and premises that do not hold a Club Premises Certificate	£200	£200	£50	£50	£100
Holders of Club Premises Certificates or existing Part 2 or Part 3 permit holders	£100	£100	£50	£50	£100

**APPENDIX J**

**LICENSING ACT 2003**

**FEEES FOR NEW APPLICATIONS**

**Premises Licences and Club Premises Certificates**

<b>RATEABLE VALUE</b>	<b>BAND</b>
No rateable value to £4,300	A
£4,301 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

<b>Rateable Value Bands</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D*</b>	<b>E*</b>
Application Fee	100	190	315	450*	635*

<b>BAND</b>	<b>D (x 2)</b>	<b>E (x 3)</b>
<b>FEE</b>	£900	£1905

**VARIATIONS**

**PREMISES LICENCES AND CLUB PREMISES CERTIFICATE VARIATION FEE**

<b>BAND</b>	<b>FEE</b>
A	£100
B	£190
C	£315
D*	£450*
E*	£635*

<b>BAND</b>	<b>D (x 2)</b>	<b>E (x 3)</b>
<b>FEE</b>	£900	£1905



### GRANT & VARIATION / ADDITIONAL FEE

Number	Additional Fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

### ANNUAL FEE

BAND	FEE
A	£70
B	£180
C	£295
* D	£320
* E	£350

BAND	FEE
D x 2	£640
E x 3	£1,050

## ANNUAL FEE / ADDITIONAL FEE

<b>Column 1 Number</b>	<b>Column 2 Additional Fee</b>
5,000 to 9,999	£500
10,000 to 14,999	£1,000
15,000 to 19,999	£2,000
20,000 to 29,999	£4,000
30,000 to 39,999	£8,000
40,000 to 49,999	£12,000
50,000 to 59,999	£16,000
60,000 to 69,999	£20,000
70,000 to 79,999	£24,000
80,000 to 89,999	£28,000
90,000 and over	£32,000

## APPENDIX J

### Licensing Act 2003 – Other Fees

<b>Application or Notice</b>	<b>Fee</b>
Section 25 (theft, loss, etc. of premises licence or summary)	£10.50
Section 29 (application of a provisional statement where premises being built etc.)	£315.00
Section 33 (Notification of change of name or address)	£10.50
Section 37 (application to vary licence to specify individual as premises supervisor)	£23.00
Section 42 (application for transfer of premises licence)	£23.00
Section 47 (interim authority notice following death etc. of licence holder)	£23.00
Section 79 (theft, loss etc. of certificate or Summary)	£10.50
Section 82 (notification of change of name or alteration of rules of club)	£10.50
Section 83 (1) or (2) (change of relevant registered address of club)	£10.50
Section 100 (Temporary event notice)	£21.00
Section 110 (theft, loss, etc. of temporary event notice)	£10.50
Section 117 (application for a grant or renewal of personal licence)	£37.00
Section 126 (theft, loss, etc of personal licence)	£10.50
Section 127 (duty to notify change of name or address)	£10.50
Section 178 (right of freeholder etc. to be notified of licensing matters)	£21.00
Section 41A (Application for minor variation of premises licence)	£89.00

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