



**SHEFFIELD CITY COUNCIL**

# **GAMBLING ACT 2005**

# **STATEMENT OF PRINCIPLES**

**2013 - 2016**

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# 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.**

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

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

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

The Council recognises how important this sector of the entertainment industry is within the city and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly with problems of gambling related crime and disorder.

This document sets out Sheffield City Council's Statement of Principles (Policy), which will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the general approach to gambling in the City which also supports the Council's four priorities:

- Standing up for Sheffield
- Supporting and protecting communities
- Focusing on jobs
- Business friendly

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

# Foreword





# 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 4th largest City in the UK. A map of Sheffield City Council's area is attached at section 9.2.
- 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.

## **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.

1.5.4 The Licensing Authority following the closing date for comments on the 25th June 2012 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 the 5th December 2012 and was published via the Council's website and sent out to appropriate persons on the 4th January 2013. 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 interests 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 subject to any amendments.







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

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;
  - o Noise Pollution; and
  - o 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 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 OF 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, vulnerable adult centres (e.g. a centre for gambling addicts), and community buildings
- 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 a FEC premises directly from any of the following:
  - o a casino;
  - o an adult gaming centre; or
  - o a betting premises, other than a track.
- Children and young persons are permitted to enter a 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:
  - o a casino;
  - o an adult gaming centre; and
  - o 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 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 Commission's 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 gain 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 owner 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 principle office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:
- for charitable purposes;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
  - below the permitted maximum financial limits; or
  - for any other non-commercial purpose other than for private gain.

- 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.
- 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 five 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  
Staniforth Road  
Sheffield, S9 3HD

Tel: 0114 203 7752  
Fax: 0114 273 4073  
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  
Email: [nrubetting&gaming@hmrc.gov.uk](mailto:nrubetting&gaming@hmrc.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 regarding 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](mailto:communityassemblycentral@sheffield.gov.uk)

### **South**

Tel: 0114 205 3281  
[communityassemblysouth@sheffield.gov.uk](mailto:communityassemblysouth@sheffield.gov.uk)

### **South East**

Tel: 0114 273 6929  
[communityassemblysoutheast@sheffield.gov.uk](mailto:communityassemblysoutheast@sheffield.gov.uk)

### **South West**

Tel: 0114 203 7212  
[communityassemblysouthwest@sheffield.gov.uk](mailto: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 no 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 a provisional 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**

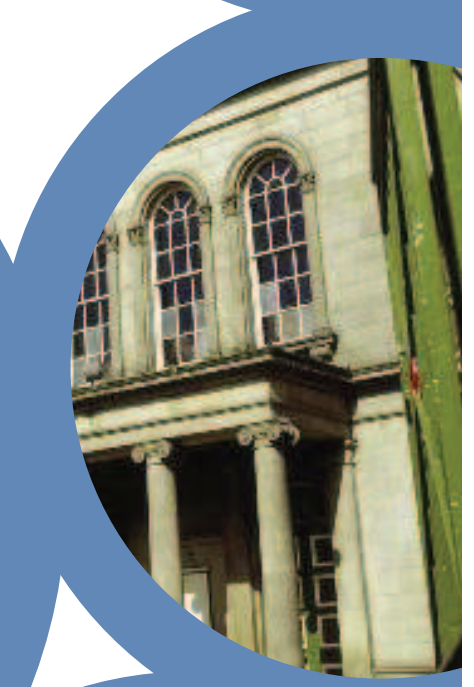
Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

### **Vulnerable Person**

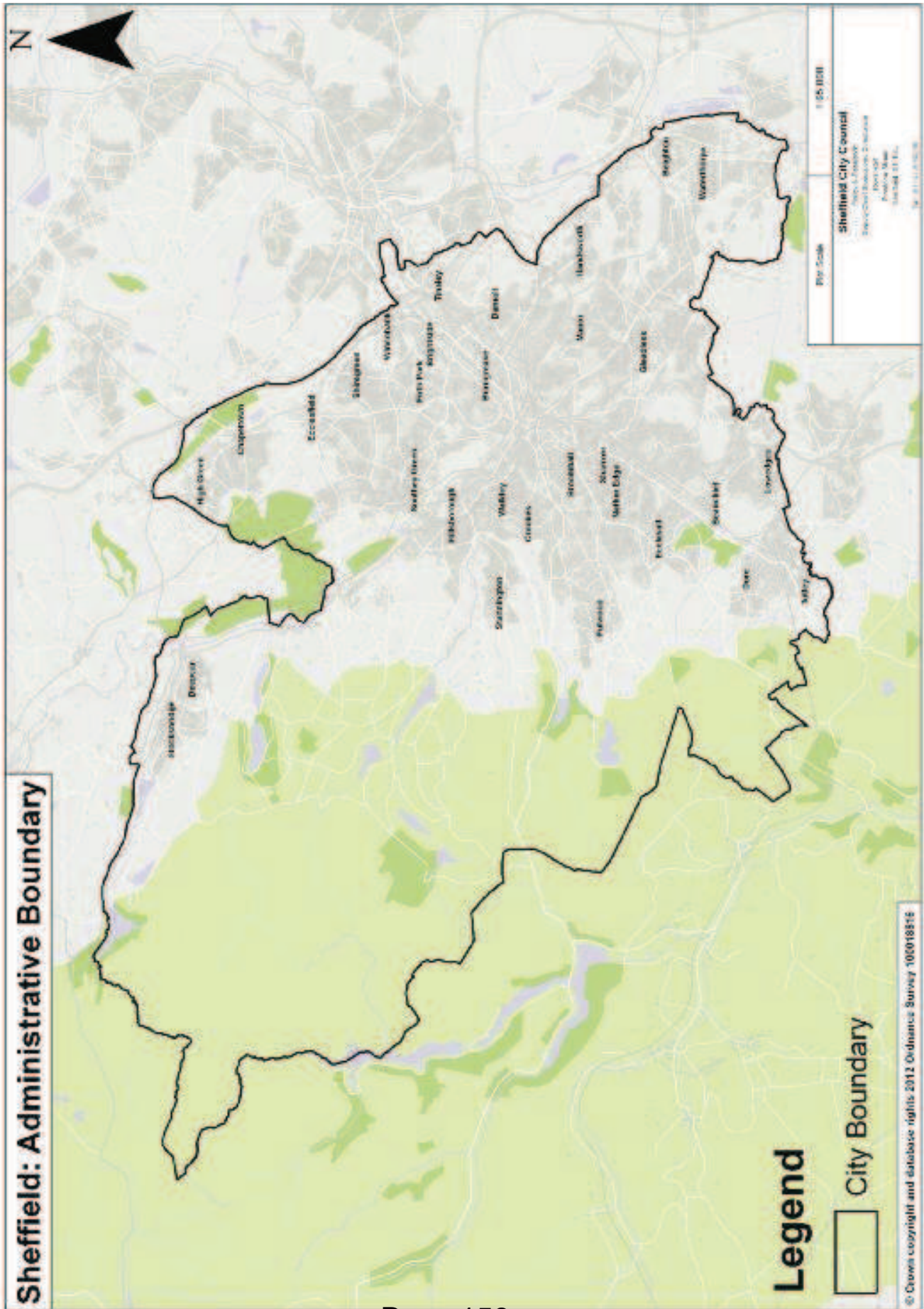
As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who 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.







**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  
 Poppleston 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

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

This document can be supplied in alternative formats,  
please contact 0114 203 7752

Sheffield City Council  
Licensing Service  
Tel: 0114 203 7752  
[www.sheffield.gov.uk](http://www.sheffield.gov.uk)



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