

## LICENSING COMMITTEE

**Venue: Town Hall, Moorgate  
Street, Rotherham. S60  
2TH**

**Date: Monday, 27 January 2020**

**Time: 10.30 a.m.**

### A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for Absence.
4. Declarations of Interest.
5. Licensing Act 2003: Statement of Licensing Policy 2020-2025 (herewith) (Pages 1 - 105)
6. Gambling Act 2005 Statement of Licensing Policy Consultation (herewith) (Pages 106 - 161)

**Committee Name and Date of Committee Meeting**

Licensing Committee – 27 January 2020

**Report Title**

Licensing Act 2003: Statement of Licensing Policy 2020-2025

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Alan Pogorzelec, Licensing Manager

[alan.pogorzelec@rotherham.gov.uk](mailto:alan.pogorzelec@rotherham.gov.uk)

Ben Mitchell, National Management Trainee

[ben.mitchell@rotherham.gov.uk](mailto:ben.mitchell@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The Council's Statement of Licensing Policy was last published in 2011, and was therefore due for review and republication in 2016; however this review did not take place due to the Council's focus on taxi and private hire licensing.

The Council carried out a first stage of consultation between June and October 2019 which developed a revised policy. In December 2019, Cabinet approved the second stage of consultation on the revised Statement of Licensing Policy. The consultation is now active and this report gives the opportunity for Licensing Committee to formally respond to the consultation.

**Recommendations**

1. That Licensing Committee note the proposed changes to the Licensing Act 2003: Statement of Licensing Policy and that the Chair of the Committee provides a formal response to the consultation on behalf of the committee.

**List of Appendices Included**

- Appendix 1 Rotherham Metropolitan Borough Council Licensing Act 2003 DRAFT Statement of Licensing Policy
- Appendix A: Pool of Model Conditions
- Appendix B: Mandatory Conditions
- Appendix C: Immigration Documentation
- Appendix D: Guidance Notes for Applicants
- Appendix E: Useful Contacts

**Background Papers**

1. Guidance issued under Section 182 of the Licensing Act 2003 (<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)
2. The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies An evidence review, Public Health England, 2016:
3. Woodhouse J., Alcohol licensing: cumulative impact assessments, House of Commons Library, Briefing Paper, Number 07269, 16 April 2019

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet – 23 December 2019

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Licensing Act 2003: Statement of Licensing Policy 2020-2025**

### **1. Background**

1.1 As the licensing authority under the Licensing Act 2003 (the Act) the Council is responsible for licensing:

- the sale and supply of alcohol;
- regulated entertainment such as live and recorded music, performances of theatre, dance, cinema and indoor sports;
- the sale of hot food and drink between 11 pm and 5 am.

1.2 Under Section 5 of the Act, a licensing authority must prepare a Licensing Act 2003 Statement of Licensing Policy (a 'Statement of Licensing Policy') which effectively sets out the principles it proposes to apply in exercising functions under the Act. This Statement of Policy must be published at least every five years.

1.3 The Statement of Licensing Policy contains a number of key objectives including:

- Providing applicants with a clear, consistent basis for submitting applications and notices in the Borough;
- Providing a clear, consistent basis for determining licensing applications in the Borough;
- Ensuring the relevant views of those affected by licensed premises are taken into consideration;
- Ensuring that local area issues are taken into account by licensed premises; and
- Supporting the wider strategies of the Council and the approach to licensed activities and premises across the Borough.

1.4 The Council's Statement of Licensing Policy was last published in 2011, and was therefore due for review and republication in 2016. However this review did not take place due to the Council's focus on taxi and private hire licensing.

1.5 The Council is now in a position to review the Statement of Licensing Policy, and this report is brought before Licensing Board to consider the draft policy and respond to the formal consultation. A draft copy of the proposed Statement of Licensing Policy and accompanying appendices is attached to this report at Appendix 1.

### **2. Key Issues**

2.1 The licensed entertainment and hospitality industry is a major provider of full time, part time and casual employment and it makes a significant contribution to the local economy. It fulfils an important social and community role, providing facilities for both residents and businesses, and provides vital support for related sectors such as retail and tourism.

- 2.2 The Statement of Licensing Policy seeks to strike a balance between the need to encourage a vibrant, dynamic and responsible entertainment industry as part of the regeneration of the Borough, and the need to ensure that concerns relating to health, safeguarding and public disorder are effectively addressed. The policies in this statement aim to contribute to making the Borough as a whole, and its town centre in particular, pleasant, safe and prosperous places in which to live, work, learn and relax. The Council want to work with partners and the licensing trade to provide a safe and diverse night time economy for all to enjoy.
- 2.3 The Council's Statement of Licensing Policy, whilst focused directly upon the Licensing Objectives, contributes significantly to a range of priorities and strategies, particularly those related to crime and disorder and health and well-being.

The four Licensing Objectives are:

- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance and;
  - the protection of children from harm.
- 2.4 The sale and supply of alcohol in particular is key; not only to issues of crime and disorder, but also to mitigate critical public health concerns. The relationship between alcohol, health, social harms and crime is well documented. Critically, the development of the Policy will explicitly take account of the wider crime and public health agendas. The Council's Statement of Licensing Policy has a role to play in delivering a licensing approach that seeks to address these concerns and to focus on the prevention of harm at the earliest stages.
- 2.5 The way that licensable activities are managed on site can often influence the wider issues that arise through the sale and supply of alcohol or the provision of late night refreshments. The Statement of Licensing Policy can therefore direct how establishments are managed and operated, including setting standards for training around key priorities through to requirements for security staff and their training and accreditation.
- 2.6 It is recognised that the night time economy of Rotherham is changing and developing in new areas. It is important that the impact of this is fully understood, both in terms of the positive impact on local amenity and economy, and potential negative effects in relation to health, social harm and crime. Residents and businesses are therefore well placed to provide a view on the impact of licensable activities within their local areas. This is particularly so where the night time economy has expanded outside of the town centre. It is therefore important that residents have a say on issues related to their communities.
- 2.7 Highlighted below are some of the proposed key changes within the revised Statement of Licensing Policy:

## 2.8 Cumulative Impact Assessment

In support of the Statement of Licensing Policy, the Council is able to identify areas within the Borough where the further granting of licences or variations to licences could impact on the Council's obligations in respect of the Licensing Objectives. This would be through a 'Cumulative Impact Assessment' (CIA).

Following the CIA, consideration of a Cumulative Impact Zone can be made which could:

*"...limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems typically include crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area."*

Section 3 of the Statement of Licensing Policy is proposed to include a Cumulative Impact Assessment, following consultation (see section 3 below).

## 2.9 Greater Use of Public Health Data

Additionally, the Council propose to make greater use of Public Health data to inform licensing decisions, which further supports the role of Cumulative Impact on tackling localised issues related to the harms caused by alcohol. This assessment would utilise the newly developed Public Health Alcohol Toolkit, to support Licensing decision making. The toolkit enables Licensing Officers to assess the prevalence of alcohol related problems in local areas, and to advise Licensing Committee as to the potential health impacts of a licensing decision on a local area.

2.10 Section 10 of the Statement of Licensing Policy sets out the proposed position, and will be finalised following public consultation.

## 2.11 Other Mandatory Conditions

The Council have also proposed the inclusion of a number of other conditions, following public consultation, including:

- Identification of sensitive locations, where the granting of further licenses or variations might have a negative impact on licensing objectives (sections 4 and 8 of the proposed Policy);
- Consideration of whether the restriction of sales of certain items, for example single cans of alcohol in certain areas, might benefit reductions of harms associated with consumption of excessive alcohol, including anti-social behaviour (outlined in Appendix A of the Policy – "Pool of Model Conditions");
- Training of licence holders, door supervisors, and other workers, and potential accreditation of door supervisors to Security Industry Authority (SIA) standards or equivalent (outlined in Appendix A of the Policy – "Pool of Model Conditions") ;
- Requirements for safeguarding measures relevant to licence holders and workers including criminal checks and appropriate training (outlined in Appendix A of the Policy – "Pool of Model Conditions").

3. **Options considered and recommended proposal**

3.1 The Council is now undertaking the second stage of consultation, which reviews a drafted policy. As well as statutory consultees, Licensing Committee members are an important consultee and should feed into the wider process. There are two options available for Licensing Committee as to how the Committee is involved in consultation:

3.2 **Option 1:** The Committee can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. The Chair of the Committee would then submit a formal, written response to the consultation which is representative of the committee. This is the recommended option.

3.3 **Option 2:** The Committee can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. Officers would then facilitate written responses from each member of the committee which would form a part of the consultation process.

4. **Consultation on proposal**

4.1 The first stage of consultation was completed between August and October 2019.

4.2 A total of 70 responses were received in the consultation period, with several key themes emerging including:

- Respondents were mainly interested in licensed premises concerning alcohol and the large majority of respondents focused on issues relating to licensed bars, pubs and clubs.
- 88.6% of respondents agreed or strongly agreed that the Council has a role in protecting residents from potential issues and harms associated with the consumption of alcohol.
- 95% of respondents agreed that the Council specifically should be taking steps to tackle problem drinking.
- 63.9% of respondents believed that there were issues with excessive drinking in the area where they lived. When analysing written responses about specific areas, Wickersley was most commonly referred to (33), followed by the Town Centre (19). These were by far the most common areas mentioned, with the next area being Eastwood (4).
- When asked about actions required to tackle issues and harms related to alcohol, a range of agencies were mentioned including: Licensing Service (12); Police (11); Planning (5); NHS (4).

4.3 As well as responses to the consultation, the Council undertook six drop-in sessions across the borough to allow residents to share their experiences of licensed premises.

4.4 Approximately fifty residents attended the session in Wickersley and identified a series of concerns regarding the density of licensed premises within the village,

as well specific issues relating to a number of individual premises and their licence conditions. The other sessions across the borough had low attendance and no issues that would suggest specific local concerns were raised.

- 4.5 Before determining its final policy, the licensing authority must now consult the persons listed in Section 5(3) of the 2003 Act. These are:
- The chief officer of police for the area
  - The fire and rescue authority for the area
  - The local authority's Director of Public Health
  - Persons / bodies representative of local premises licence holders
  - Persons / bodies representative of local club premises certificate holders
  - Persons / bodies representative of local personal licence holders
  - Persons / bodies representative of businesses and residents in its area

The Council will engage with the persons listed above in different ways. Officers from other responsible authorities will be contacted and asked to consider the draft policy, whilst all licensed premises will receive written confirmation of the consultation and information regarding how they engage in the consultation process. The Council will further engage businesses and residents through the website, social media and press releases.

- 4.6 The views of all these persons or bodies should be given appropriate weight when the policy is determined. It is recognised that in some areas it may be difficult to identify persons or bodies that represent all parts of industry affected by the provisions of the 2003 Act, but licensing authorities must make reasonable efforts to do so. Licensing authorities should note that the terms of the 2003 Act do not prevent them consulting other bodies or persons.
- 4.7 In addition, responses to the consultation will be sought from the wider public to ensure that the Council's approach is fully informed at a local level.
- 4.8 The Council believe that the Licensing Committee, as the committee responsible for considering and determining applications under the Licensing Act 2003, should be fully involved in the consultation process.
- 4.9 The consultation is anticipated to be open for a further period of eight weeks, following the initial twelve week consultation which has been completed, allowing twenty weeks of consultation for the policy overall. The consultation will take the form of an online consultation, with written requests for responses directed to those stakeholders that the Council is statutorily required to consult with. Further to this, structured sessions will be organised in Wickersley, where a CIZ is recommended, to co-produce the most appropriate zone with residents prior to adoption by Council. A full timetable can be found in Section 5.4.
- 4.10 The consultation will be complimented with communication and marketing methods including the Council's website, neighbourhood working, intranet, social media and ward member briefings.
- 4.11 The responses received will be fully considered and will be used to inform the



final Statement of Licensing Policy and Cumulative Impact Assessment.

**5. Timetable and Accountability for Implementing this Decision**

- 5.1 It is expected that the consultation will begin on 2<sup>nd</sup> January 2020.
- 5.2 The work to complete the Cumulative Impact Assessment has commenced and will be informed by the findings of the consultation together with joint working with colleagues in Public Health.
- 5.3 It is expected that a final Policy, and the supporting Cumulative Impact Assessment, will be presented to Cabinet in March 2020 for consideration. If the Statement of Licensing Policy is recommended by Cabinet for adoption, Council must then pass a resolution stating this decision.
- 5.4 The current timetable for the implementation of this policy is as follows:

Monday 23 <sup>rd</sup> December	Cabinet approved formal consultation
Thursday 2 <sup>nd</sup> January	Consultation opened
Thursday 27 <sup>th</sup> February	Consultation closes
Monday 16 <sup>th</sup> March	Final policy is presented at Cabinet for adoption
Wednesday 18 <sup>th</sup> March	Final policy is presented at Council for adoption.

**6. Financial and Procurement Advice and Implications**

- 6.1 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process and the proposed Cumulative Impact Assessment forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.
- 6.2 Fee levels are set at a level to provide full cost recovery of all licensing functions including the preparation and publication of a statement of licensing policy, in accordance with the statutory requirements.
- 6.3 There are no procurement implications introduced as a result of this report.

**7. Legal Advice and Implications**

- 7.1 Section 5(1) of the Licensing Act 2003 requires a licensing authority to determine its Licensing Policy with respect to the exercise of its licensing functions and to publish this before the beginning of each five year period.
- 7.2 Section 5(3) of the Act lists those persons that must be consulted by a licensing authority in relation to a proposed statement of licensing principles.
- 7.3 The Council should also have regard to the statutory guidance issued under Section 182 of the Act and in particular, Part 14, relating to Statement of Licensing Policy. Subject to statutory requirements, the extent of the consultation process is a matter for each local authority. All local authorities should however always give consideration to a full consultation, as a limited consultation may open the authority up to challenge. The extent of the

consultation process will require consideration of a previous consultation and the length of time since that consultation.

- 7.4 Section 5(4) of the Act requires an authority to keep the statement under review and to make such revisions to it, at such times, as it considers appropriate, again subject to the same consultation requirements. The authority must publish a statement of the revisions (to the policy) or the revised statement if revisions are made and approved.
- 7.5 In determining or revising its policy, a licensing authority must have regard to any cumulative impact assessments published by it under Section 5A of the Act. The licensing statement must summarise the cumulative impact assessment and set out how the authority has had regard to in determining or revising its policy.
- 7.6 Section 5A of the Act sets out the requirements relating to any cumulative impact assessment, which must be adhered to. In particular, before publishing any cumulative impact assessment, the licensing authority must consult with those set out under Section 5(3) of the Act and for the purposes of such consultation, the licensing authority must provide those persons with the following information:
- The reasons why it is considering publishing a cumulative impact assessment;
  - A general indication of the part or parts of its area which it is considering describing in the assessment;
  - Whether it considers that the assessment will relate to all types of licensed premise within an area, or to only premises of a particular kind.
- 7.7 Where the licensing authority publishes a cumulative impact assessment, it must be kept under review.
- 7.8 The Council should also have regard to the statutory guidance issued under Section 182 of the Act and in particular, Part 14, relating to Statement of Licensing Policy, which sets out the relevant requirements of any cumulative impact assessment in more detail.
- 7.9 The authority must have regard to all relevant legislation and ensure that consultation process is followed correctly, in order to minimise the risk of any legal challenge.
8. **Human Resources Advice and Implications**
- 8.1 There are no direct HR implications arising from this report.
9. **Implications for Children and Young People and Vulnerable Adults**
- 9.1 The protection of children from harm is one of the Licensing Objectives; however, a statement of licensing policy should not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them.

- 9.2 It may not be possible for licensing policy statements to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore the individual merits of each application should be considered in each case.
- 9.3 A statement of licensing policy should make clear the range of alternatives which may be considered for limiting the access of children where that is appropriate for the prevention of harm to children.
- 9.4 Statements of policy should also make clear that conditions which require children to be admitted in all circumstances cannot be imposed on licenses or certificates. Where the restriction of children is not appropriate, it remains a matter for the discretion of the individual licence holder, club or premises user.
- 9.5 The statement may include reference to model conditions that may be used to promote the protection of children from harm.

## 10. **Equalities and Human Rights Advice and Implications**

- 10.1 Section 149 of the Equality Act 2010 imposes a public sector equality duty (PSED). This duty requires the authority to eliminate discrimination, advance equality of opportunity and foster good relations when exercising any of its functions.
- 10.2 In order to promote inclusion and to prevent exclusion, the Policy reminds applicants of their responsibilities under the Equality Act 2010 to ensure that everyone is treated fairly, with dignity and with respect. The Equality Act 2010 specifically covers nine protected characteristics:
- Age;
  - Disability;
  - Gender Reassignment;
  - Marriage and Civil Partnership;
  - Pregnancy and Maternity;
  - Race (ethnic origin, nationality, skin colour);
  - Religion and Belief;
  - Sex/gender;
  - Sexual orientation; as well as
  - any other status as identified within the European Convention of Human rights and any other domestic or relevant UK or EU law.
- 10.3 An Equality Analysis screening assessment has been completed in accordance with the Council's Policy. Given that this report recommends going to consultation to consider changes to Policy, it is assessed that an Equality Analysis is not required at this stage as the changes to Policy are not as yet confirmed. However, once the consultation and Cumulative Impact Assessments are completed, the need for Equality Analysis will be revisited.
- 10.4 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is

unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could impact upon another person's Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

## 11. Implications for Partners

- 11.1 Consultation responses will be sought from a number of partners and stakeholders.
- 11.2 Analysis and contribution to the development of the Statement of Licensing Policy and the Cumulative Impact Assessment will be required from colleagues in Public Health.

## 12. Risks and Mitigation

- 12.1 Failure to publish a Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.
- 12.2 Failure to carry out the required consultation in accordance with the legislation and guidance is also likely to open the Council up to legal challenge.
- 12.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.
- 12.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed).

## 13. Accountable Officers

Paul Woodcock, Strategic Director Regeneration and Environment  
Tom Smith, Assistant Director Community Safety and Street Scene

*Report Author: Alan Pogorzelec, Licensing Manager  
alan.pogorzelec@rotherham.gov.uk*

*Ben Mitchell, National Management Trainee  
ben.mitchell@rotherham.gov.uk*

This report is published on the Council's [website](#).

Appendix 1 - Licensing Act 2003 RMBC Statement of Licensing Policy 2020-25

# **ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

## **Licensing Act 2003**

### **Statement of Licensing Policy 2020 - 2025**

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Appendix 2 Mandatory conditions	
Appendix 3 Right to work documentation	
Appendix 4 Guidance notes for applicants	
Appendix 5 Useful contacts	

## **1. Introduction**

### **1.1 Purpose**

1.1.1 This Statement of Licensing Policy explains how the licensing authority will carry out its role under the Licensing Act 2003, during the next five years. During this period the licensing authority will keep the policy under review and may make revisions to the document following consultation with the bodies outlined below.

1.1.2 It will also:

- be used as a guide by members of the Licensing Authority in their decision making;
- inform applicants about how applications will be viewed and how a licensed premises is likely to be able to operate within the area of the Licensing Authority, albeit that each application will be examined and considered on an individual basis;
- inform residents and businesses about how applications will be viewed and how their needs will be addressed;
- Be used to support decisions made by the Licensing Authority when these decisions are challenged in a court of law.

1.1.3 This Policy is normally in place for five years but will be kept under review during that five year period.

### **1.2 Consultation**

1.2.1 In developing this Statement, the Licensing Authority has consulted in accordance with section 5 of the Licensing Act 2003. This has included direct consultation with the following:

- South Yorkshire Police,
- South Yorkshire Fire and Rescue Service,
- The authority's Director of Public Health,
- Local responsible authorities identified under the Licensing Act 2003
- Persons / bodies representative of local premises licence holders,
- Persons / bodies representative of local club premises certificate holders,
- Persons / bodies representative of local personal licence holders,
- Persons / bodies representative of local business and residents,
- Local Town and Parish Councils,
- Local Ward Councillors,
- Local Members of Parliament,
- Members of the general public.

**THIS SECTION WILL BE COMPLETED FOLLOWING PUBLIC CONSULTATION**



1.2.2 The views and any comments made by the above individuals / organisation have been considered and taken into account in the development of this policy.

### 1.3 Licensable Activities

1.3.1 The licensable activities are:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- the provision of late night refreshment, limited to hot food or hot drink, between 23:00 – 05:00;
- the provision of regulated entertainment.

1.3.2 Regulated entertainment requires a licence when it is performed in front of an audience and includes the following:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment (indoors and outdoors);
- a performance of live music (not incidental music, i.e. a piano in a restaurant);
- any playing of recorded music;
- A performance of dance and similar types of musical or dance related entertainment.

1.3.3 There are a number of exemptions listed in Schedule 2 to the Act namely:

- Film exhibitions solely for the purpose of demonstrating any product, advertising goods or services or providing information, education or instruction or forming part of an exhibit for any museum or art gallery.
- Live or recorded music which is incidental to some other activity which is not a licensable activity.
- Receipt and playing of live television programmes.
- Entertainment or entertainment facilities for the purpose of or incidental to religious meetings or services, or at a place of public religious worship.
- Entertainment or entertainment facilities at a garden fete or similar which is not promoted with a view to private gain.
- Morris dancing or similar or live unamplified music which is an integral part of such a performance.

- Entertainment or entertainment facilities on board a vehicle which is moving.
- Hot food or drinks which contain alcohol, or are supplied free of charge, or are supplied by a registered charity or person authorised by a registered charity or supplied on a moving vehicle.
- Hot drinks supplied by a vending machine.

1.3.4 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for:
  - A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

1.3.5 Where de-regulated activities take place on licensed premises, any licence conditions relating to 'live' music or entertainment will be suspended but it is

possible to impose new, or reinstate existing, conditions following a review of a premises licence or club premises certificate.

- 1.3.6 When considering whether an activity constitutes 'the provision of Regulated Entertainment', each case will be treated on its own merits.
- 1.3.7 There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to contact the Licensing Authority to discuss whether a licence will be required.
- 1.3.8 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed above other than in accordance with a licence or other authorisation under the 2003 Act. If an unauthorised activity takes place then the Police and local authorities have powers to take action.

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## **2. Fundamental Principles**

### **2.1. Background**

- 2.1.1. This Statement of Licensing Policy is the key document relied upon when delivering the requirements of the Licensing Act 2003. However, all decisions relating to licences will be made on the merits of the individual case, having regard to this policy, including any Cumulative Impact Assessment in place, as part of the decision making process.
- 2.1.2. All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the licensing objectives. Each of the licensing objectives is of equal importance; therefore it is important that the applicant gives each of the four objectives paramount consideration.
- 2.1.3. Where appropriate, copies of the application paperwork must be provided to the agencies identified as responsible authorities under the Licensing Act 2003. Details of these agencies can be found in Appendix 5 to this policy.
- 2.1.4. Any Responsible Authority, or other person, is entitled to make a representation to the Licensing Authority in relation to applications for licenses. Any representation made by these persons must be 'relevant', meaning that the representation must relate to at least one of the licensing objectives and must not be considered frivolous, vexatious or repetitive.
- 2.1.5. It is for the Licensing Authority to determine whether a representation, other than those made by a Responsible Authority, is relevant. The Authority's discretion will be engaged in making this decision as to whether the representation is intending to cause annoyance without reasonable cause or displays a lack of sincerity. Representations can be made in support of, or opposition to, an application and may be made by an individual, body or business that has grounds to do so.
- 2.1.6. Where there are relevant representations against a license being issued, then a hearing before a licensing sub-committee will follow. After the hearing, the sub-committee must, having regard to the representations, take such steps as it considers necessary to promote the licensing objectives. These may include refusing the application, or adding to or modifying conditions proposed in the operating schedule.
- 2.1.7. In exercising its discretion, the licensing sub-committee will have regard to (amongst other things) this licensing policy. Therefore, in drawing up their operating schedule, applicants would be well advised to read this policy carefully. Where an operating schedule complies with this policy, it is generally less likely that an interested party or responsible authority will make representations about it. Therefore compliance with this policy is likely

to assist the applicant to avoid delay and expense of a contested hearing, and the risk of a refusal or the addition of unwanted licence conditions.

- 2.1.8. This is not to say that an application which complies with the policy will necessarily be granted or that an application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, necessary to promote the licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. For example, the licensing authority can only interfere with an operating schedule which does not comply with this policy, and where the steps proposed are not sufficient to meet the licensing objectives in the individual circumstances of the case.

## 2.2. **The Licensing Objectives and Responsible Authorities**

- 2.2.1. Where the licensing authority has discretion to deal with an application for a new licence, variation, transfer or review it will do so on the individual merits of the case and by reference to the four licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance and
- the protection of children from harm.

- 2.2.2. Where relevant representations have been made the licensing authority may have no alternative but to refuse an application or to attach further conditions unless adequate proposals for addressing these issues are included in the operating schedule. The licensing authority will, as far as possible, assist applicants on how best to adequately address these matters (if this is possible) or advise where further advice and information can be obtained. The licensing authority wishes to encourage applicants to submit fully completed applications in order to reduce unnecessary delays and costs associated with returning application forms or the attendance at hearings.

- 2.2.3. Various factors need to be considered when addressing licensing objectives and the weight attached to each objective will vary depending on the circumstances. Relevant factors will include the size, facilities, design or state of repair (where this may impact in public safety) of the proposed premises; the type and frequency of entertainment to be provided; the location of the premises and its proximity to such places as offices, schools, religious establishments and residential property; and access to public transport or off street parking (where this may be an issue), although this is not an exhaustive list. Applicants will only be expected to address issues that are in their direct control but encouraged to co-operate with official agencies

in establishing precautions for minimising any disturbance etc. caused by patrons away from licensed premises.

- 2.2.4. In most cases, where the responsible authorities and interested parties do not raise any representations about the application made to the licensing authority, the licensing authority will grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed by the Act.
- 2.2.5. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. However, the licensing authority is able to act in its capacity as a responsible authority when it considers it appropriate to make a representation. Such circumstances may include occasions where other responsible authorities have failed to take action and the licensing authority is aware of relevant grounds to make a representation.
- 2.2.6. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 2.2.7. Although not specifically identified as responsible authorities under the Licensing Act 2003, the licensing authority will circulate certain applications to local Town and Parish Councils and invite their comments where appropriate. Such applications will include applications for the grant or variation of licences for premises situated within the in the Town / Parish Council area. Furthermore, a weekly update will be sent to all Town and Parish Councils within the borough listing all active applications.
- 2.2.8. The licensing authority has produced a series of guidance notes that are designed to assist applicants in relation to the licensing objectives. The guidance notes are attached to this policy as Appendix 4.

### 2.3. **Balance**

- 2.3.1. The licensing authority will also seek to achieve a balance between leisure / entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.
- 2.3.2. This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits. Nor will it override the right of any person to make representations on an application or seek a review of a licence or where provision has been made for them to do so in the Licensing Act 2003.

2.4. **Relevancy**

- 2.4.1. Licensing is about the control of premises and places being used for licensable activities and the vicinity of those premises and places. The terms and conditions attached to various permissions are focused on relevant matters that are within the control of the holders of those permissions. This means those matters occurring at, and in the immediate vicinity of, the premises, and the direct impact they have on nearby residents and businesses.
- 2.4.2. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

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### 3. Cumulative Impact

3.1. In support of the Statement of Licensing Policy, the Council is able to identify areas within the Borough where the further granting of licences or variations to licences could impact on the Council's obligations in respect of the Licensing Objectives. This would be through a 'Cumulative Impact Assessment'.

3.2. Following the Cumulative Impact Assessment, consideration of a Cumulative Impact Policy can be made which might:

*"... limit the number or type of licence applications granted in areas where the number of licensed premises is causing problems. Such problems typically include crime and disorder or public nuisance caused by large numbers of drinkers being concentrated in one area."*

**THIS SECTION WILL BE COMPLETED FOLLOWING PUBLIC CONSULTATION AND CUMULATIVE IMPACT ASSESSMENT**

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#### 4. Licensing Hours

- 4.1. In making decisions that relate to the hours for which a premise is licensed, consideration will be given to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.
- 4.2. Each case will be decided on its individual merits.
- 4.3. It is recognised that longer licensing hours are important to help to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport.
- 4.4. In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business. Any decision not to allow sales of alcohol at particular times will be based on evidence of the need to prevent crime, disorder and public nuisance.
- 4.5. In making decisions in respect of licensing hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. This may lead to the imposition of stricter conditions on noise controls in areas having more sensitive residential accommodation such as residential care homes or sheltered housing schemes.
- 4.6. Fixed trading hours will not be set for particular geographical areas. It should be stressed that each case will be decided on its own merits based on whether the licensing objectives can be met.

## **5. Promotion of the Licensing Objectives**

- 5.1. The Licensing Authority is required to carry out its functions so as to promote the licensing objectives. This includes its role in:
- Granting or refusing applications for licences;
  - Reviewing licences;
  - Imposing conditions;
  - Deciding how to integrate with other strategies of the council.
- 5.2. Licence applications should be accompanied by an operating schedule that includes the steps that the licensee proposes to take to promote the licensing objectives. The Licensing Authority expects that the process of developing the operating schedule will include a thorough risk assessment with regard to the licensing objectives, which will assist in identifying those steps.
- 5.3. Applicants for licences are urged to discuss their proposals with the responsible authorities prior to submitting an application. This will enable them to seek advice on the production of their operating schedule and may avoid the need for a hearing in response to representations made by the authorities. The relevant authorities are:
- Prevention of Crime and Disorder – South Yorkshire Police, RMBC Trading Standards, Home Office Immigration Enforcement (on behalf of the Secretary of State).
  - Public Safety – South Yorkshire Police, South Yorkshire Fire and Rescue, the Council's Environmental Health Officers with responsibility for Health & Safety
  - Public Nuisance – the Council's Environmental Health Officers with responsibility for Pollution Control
  - Protection of Children from Harm – Children's Safeguarding Board, South Yorkshire Police, Trading Standards, and Public Health.
- 5.4. Further information is provided in the following sections of this policy on a variety of steps to promote the licensing objectives that the Licensing Authority will support. However, the Licensing Authority will not impose them indiscriminately. It is for the applicant to decide which of these are appropriate for inclusion in the operating schedule for the premises, based on the exact circumstances involved. The Licensing Authority will however take this policy into account when undertaking its functions under the 2003 Act.

## **6. The Prevention of Crime and Disorder**

- 6.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and do all it can to prevent crime and disorder throughout the borough. In so doing the licensing authority will have regard to the likely impact of licensing and related crime and disorder in the borough when considering the location, operation and management of all proposed licence applications, reviews and variations, when its discretion has been engaged.
- 6.2. An applicant will be expected to demonstrate in his Operating Schedule how he intends to promote the prevention of crime and disorder. The licensing authority will only expect applicants to take such action or precautions that are in their control, but would normally expect applicants to have taken appropriate advice from the Police before making their application. All applicants are therefore advised to seek advice and guidance from South Yorkshire Police and look to the Police as the main source of advice in relation to Crime and Disorder when addressing these issues. Applicants are also advised to take account of local planning and transport policies, tourism, neighbourhood working, cultural implications and crime prevention strategies. Details of where these policies can be viewed can be found in the Guidance to Applicants.
- 6.3. Crime prevention measures will where appropriate include suitable training of all bar staff and security personnel to prevent the use and supply of drugs and other illegal substances within the licensed premises and to ensure that incidents of crime and disorder in the premises are reduced to a minimum.
- 6.4. Applicants for personal licences will be expected to have both knowledge of the relevant licensing law and also the practical implications of how this relates to their responsibilities.
- 6.5. Applicants for premises licences will be expected to be fully aware of their legal responsibilities for ensuring adequate supervision and management of licensed activities at all times. They will also be expected to consider issues relating to 'designing out' potential problems. These may, where appropriate, include provision of appropriate lighting outside the premises, installation of CCTV cameras, non-shatter glass on windows etc.
- 6.6. All door staff working wither under contract for a security company or employed 'in-house' will be required to be registered under the Private Security Industry Act 2001 and regulated by the Security Industry Authority. Door staff are defined as those responsible for security, protection, screening the suitability of persons entering the premises or conflict management in places such as pubs, clubs and other licensed premises open to the public. Further information can be found at <http://www.the-sia.org.uk>.

- 6.7. Applicants are also expected to address the issue of how to anticipate and minimise any potential disorder that might be caused in the vicinity of their premises. Issues concerning liaison with local bus, taxi and private hire companies should be considered both as a means of preventing public nuisance and crime and disorder on departure and also as a way of promoting the safety of their own staff. The licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned when addressing the prevention of crime and disorder in their application. The licensing authority acknowledges that licensing law is not the primary mechanism for general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned, although it is a key aspect of such control.
- 6.8. The licensing authority expects that under normal circumstances the person responsible for any premises where alcohol is available for sale or supply and consumption on those premises will be a member of an appropriate licence watch or similar scheme which is approved by the licensing authority and South Yorkshire Police (where such a scheme exists). A full list of current schemes can be obtained from the Licensing or Police Authority on request. Such schemes are designed to discourage troublemakers from pubs and clubs throughout the borough by information sharing and are a useful body to represent licensees.
- 6.9. The licensing authority expects applicants to state within their Operating Schedule the occasions on which they determine the need to use toughened glass or polycarbonate glasses in their premises to limit sale and supply of bottled drinks to diners at tables. Examples of where the Licensing authority may encourage these measures can be found in Appendix 1 - Model Conditions.
- 6.10. The licensing authority expects applicants to provide secure storage for used/discarded drinks bottles to prevent their use as offensive weapons.
- 6.11. The licensing authority expects a risk assessment to be carried out in relation to dance floors to ensure a safe environment. The risk assessment should normally consider adequate supervision of dancers, a safe location for the DJ or band and use of special effects and lighting.
- 6.12. To further assist in the promotion of the crime prevention objective, further conditions may be attached to a premises licence. Such conditions will normally arise out of the applicant's operating schedule and/or be drawn from the licensing authority's model pool of conditions as may be appropriate for the particular premises.
- 6.13. A significant part of Rotherham town centre is the subject of a Public Spaces Protection Order (PSPO). This is an area where there is a power for the

Police to request someone to refrain from drinking to address nuisance or annoyance. Failure to comply with this request is a criminal offence. To support this, the Licensing Authority considers it appropriate for Rotherham town centre premises to adopt a policy of prohibiting open containers of alcohol being taken from the premises. This approach will also prevent the use of these containers as offensive weapons.

- 6.14. The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes the responsible consumption of alcohol. Irresponsible promotions are against the law and the Policy imposes a mandatory condition that staff must not carry out, arrange or participate in any irresponsible promotions.
- 6.15. Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act. The incidence of drunken people present at premises may provide an indication that the marketing and sale of alcohol at the premises is not being approached in a responsible way.
- 6.16. There are a wide range of other steps which may be appropriate in particular circumstances including:
- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
  - Requiring drinking vessels to be plastic or toughened glass
  - Requiring the provision of retail radio's to connect premises supervisors in town centres to the police
  - Appropriate measures to prevent overcrowding in parts of the premises
  - The provision of staff to control admission and to control customers inside the premises.
  - The adoption of an age determination policy such as Challenge 25 to prevent underage sales
- 6.17. The Council also recommend licence holders put in place measures to reduce gender-based violence, intimidation and harassment for all staff and customers. This may include 'Ask for Angela' and/or specific training for staff.

## 7. Public Safety

- 7.1. The licensing authority recognises that different types of premises will present differing issues of public safety. For example, the safety considerations of public houses, nightclubs, restaurants, hotels (with entertainment), theatres and cinemas will raise issues peculiar to them. However, there are also many common themes. The licensing authority will work with South Yorkshire Fire and Rescue and other agencies to secure consistency and a standardised method of carrying out risk assessments which may be used where appropriate.
- 7.2. However, the prime responsibility for securing the safety and wellbeing of their customers and staff is placed on those providing entertainment, refreshment or events. Operating schedules are therefore expected to identify both the risks and precautions that will need to be taken to minimise or eliminate these. Guidance notes to assist applicants can be found in the appendices to this Policy.
- 7.3. Any conditions the licensing authority may need to attach to licences to address safety issues will seek to secure the most cost effective solution without prejudicing public safety, taking account of the nature of the premises and the scale or type of entertainment to be provided.
- 7.4. The licensing authority recognises that there are five key areas to address in ensuring the environment for a dance event is safe:
- Prevention of overcrowding
  - Air conditioning and ventilation
  - Availability of drinking water
  - Further measures to combat overheating
  - Overall safety
- 7.5. Applicants who intend to promote dance events are expected to give details of how they intend to address each of the following areas:
- Prevention of overcrowding
  - Air conditioning and ventilation
  - Availability of drinking water
  - Further measures to combat overheating
  - Overall safety
- 7.6. Further information and advice on dance events can be obtained from the publication "Safer Nightlife". This guide can be viewed at:  
[http://newip.safernightlife.org/pdfs/digital\\_library/uk\\_safer\\_nightlife\\_guideline.pdf](http://newip.safernightlife.org/pdfs/digital_library/uk_safer_nightlife_guideline.pdf)

- 7.7. Applicants are also expected to address positively the need to secure reasonable access and safety for people with disabilities who wish to visit their premises. In this regard licensees are reminded of their obligations under equalities legislation.
- 7.8. Specific types of adjustments licensees should consider in order to comply with their obligations under equalities legislation, depending on the type of premises concerned include:
- Making adjustments to the premises such as improving access routes and ensuring that they are free of clutter or redecorating part of their premises to provide better to contrast to someone with a visual impairment;
  - Providing appropriate or additional training for staff who may come into contact with customers to help them provide services for people with different types of disabilities;
  - Acquiring or using modified equipment, for example a telephone with text display for use by deaf customers; and
  - Making service literature and instructions more accessible for example providing a Braille version for blind customers and ensuring service, reception and payment points are designed to facilitate ease of use by all;
  - Accessible sanitary provisions
- 7.9. Where relevant representations have been received the licensing authority may require evidence that items in respect of the building structure included in Appendix G have been considered by a suitably qualified person. In order to avoid relevant representations, applicants may consider the provision of relevant safety certificates such as Electrical Safety Certificates, Gas Certificates, Fire Safety Certification, appropriate Risk Assessments and/or policy documentation including safe capacities appropriate for the type of premise and its usage.
- 7.10. The licensing authority encourages adequate numbers of appropriately trained first aid staff to be on the premises. Where first aiders are employed they must be qualified to a standard recognised by a voluntary service organisation such as St Johns Ambulance, if they are to treat members of the public. Arrangements must be in place for ongoing first aid training and adequate medical supplies to be available.
- 7.11. Where its discretion is engaged the licensing authority may attach conditions to licences to promote the Public Safety Objective. These conditions will be based on the applicant's operating schedule and/or drawn from the model pool of conditions relating to this objective.



## **8. The Prevention of Public Nuisance**

- 8.1. The licensing authority will have regard to the likely effect of the exercise of its licensing function on, and all it can do to prevent public nuisance.
- 8.2. The licensing authority accepts that different people may have differing levels of tolerance to the unavoidable ordinary activity involved in the provision of entertainment or refreshment. The licensing authority also acknowledges the role that a vibrant and varied entertainment scene can have in promoting tourism, leisure opportunities, and on the local economy.
- 8.3. The licensing authority will however, look carefully at the impact of licensed premises and events with regards to potential noise and disturbance to nearby local residents or businesses. It is also recognised that the later the entertainment takes place, the greater will be the need to take steps to ensure that activities do not cause unreasonable disturbance.
- 8.4. Applicants are therefore expected to consider such factors as noise insulation, noise attenuation measures, the positioning of amplification equipment etc. Advice on such issues can be obtained from the licensing authority's Community Protection Officers. The licensing authority considers that prevention is better than the cure and it may be possible to design measures for minimising disturbance and therefore complaints about noise pollution.
- 8.5. Applicants will also be expected to address the issue of encouraging orderly conduct of customers leaving their premises. Properly trained door and other staff can assist in this and may be required by condition of licence. Appropriate announcements or reminder notices may also be of assistance. The establishment of good working relationships with transport operators can also often assist in encouraging clientele to leave their premises in an orderly manner.
- 8.6. The licensing authority strongly recommends that operators establish good communication links with the Police to ensure that where difficult situations develop inside premises and are likely to cause disturbances outside, that preventative action can be taken before the problem arises.
- 8.7. Where its discretion is engaged the licensing authority will seek to balance the rights of local residents and others with those wishing to provide entertainment or other activities. Conditions will be attached and, where necessary, tailored to address public nuisance issues that may arise in particular premises.
- 8.8. In determining licence applications where relevant representations have been received, the licensing authority will consider the adequacy of measures proposed to deal with the potential for undue disturbance, public nuisance and / or anti-social behaviour having regard to all the circumstances of the application (including the combinations of licensable

activities). The licensing authority will particularly consider the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping both from the premises and from external sources under the control of the licensee. Such noise sources may include:

- Amplified and non-amplified levels;
- Singing and speech;
- Disposal to waste and bottle bins;
- Plant and machinery;
- Food preparation, the cleaning of premises and equipment;

8.9. Measures to combat such noise / vibration sources may include the installation / adoption of soundproofing, air conditioning, to allow windows to be kept closed, sound limitation devices, cooling down periods with reduced music levels at the end of the night and adopting hours of operation appropriate to the activities in question and the location.

8.10. The licensing authority will expect applicants and licence holders to have due regard to the following:

- The use of gardens, play areas, car parks, access roads, other open-air areas and temporary structures.
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving or leaving the premises, including the consideration of the cumulative effect of this might have in areas with other licensed premises nearby. This will be of greater importance between 11 pm and 7 am than at other times of the day.
- The steps taken or proposed by the applicant to prevent queuing (either by pedestrian or vehicles). If some queuing is inevitable then they should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises;
- The steps taken or proposed by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes;
- The arrangements for liaising with providers of public transport during the proposed hours of opening (including taxis and private hire vehicle operators);
- Whether the licensed taxi or private hire vehicles serving patrons are likely to disturb local residents and the measures proposed by the applicant to prevent disturbance from this source;
- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;

- The suitability of delivery and collection areas and the times, frequency and method of operation, to the extent that these facilities are in the control of the licensee;
- The location of external lighting (including security lighting that is installed inappropriately) and the siting and operation of internal or external illuminated displays or illuminated advertising;
- Whether the premises would lead to increased refuse storage or disposal problems, including additional litter (e.g. fly posters, illegal placards, food waste and food packaging, cans, bottles, advertising 'flyers') in the vicinity of the premises and the measures proposed by the applicant to control this;
- The steps taken to prevent the release of odours passing to neighbouring premises.

- 8.11. Where the considerations apply to late-night refreshment premises, they shall only be taken to apply to their operation between the hours of 11 pm and 5 am when a premises licence would be required.
- 8.12. Applicants are advised to seek guidance from a suitably competent noise consultant.
- 8.13. Where its discretion is engaged the licensing authority may attach conditions to licences to prevent public nuisance. These conditions will be based on the applicant's operating schedule and drawn from the model pool of conditions relating to this objective.

## **9. The Protection of Children from Harm**

### **9.1. General**

- 9.1.1. The Licensing Authority will carry out its responsibilities so as to promote the licensing objective of protection of children from harm. In doing so it will take into account representations made by the Children's Safeguarding Board on each application.
- 9.1.2. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham's Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.
- 9.1.3. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look correct. This can be done through making contact with the police, or the Authority's Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.
- 9.1.4. Licences will be sought from a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night takeaways, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The Licensing Authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 9.1.5. The Authority have regard to the ambition for Rotherham to be a child-friendly borough, creating a great place to grow up in; where children, young people and their families have fun and enjoy living, learning and working. The licensing policy is just one tool which can be used to influence this and can ensure that all licensed activities within the borough sufficiently take the needs of young people into account.
- 9.1.6. The Licensing Authority will not seek to limit the access of children to licensed premises unless it is necessary to protect children from harm.
- 9.1.7. The following areas would give rise to particular concern in respect of children:
- Where entertainment or services of an adult or sexual nature are commonly provided;

- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
- Where there has been an association with drug taking or dealing.
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines or of bingo).

9.1.8. Conditions will not be imposed that require the admission of children. This will remain a matter for the discretion of the licensee.

9.1.9. The range of options available to limit the access of children to licensed premises that may be imposed by the Licensing Authority include:

- Limitations on the hours where children may be present;
- Age limitations (below 18);
- Limitations or exclusions when certain activities are taking place;
- Limitations on the parts of premises to which children might be given access;
- Requirements for an accompanying adult;
- In exceptional cases, exclusion of people under the age of 18 from the premises when any licensable activities are taking place.

## 9.2. **Children and Cinemas**

9.2.1. Licensees will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view un-certificated films.

## 9.3. **Children and Public Entertainment**

9.3.1. The Licensing Authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licensee will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises. The licensee should take into account the number of children to be present, the type of entertainment, the age of the children, the characteristics of the premises and any other relevant factor.

## 9.4. **Proof of Age Cards**

9.4.1. The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any

person where there is any doubt as to whether they are over 18. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

- 9.4.2. The Licensing Authority supports the 'Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.' It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

#### 9.5. **Staffing Levels**

- 9.5.1. Where any regulated entertainment is taking place, when that entertainment is provided wholly or mainly for children, the number of attendants to assist persons entering or leaving the premises (excluding the licensee and/or the premises supervisor) must be stated in the operating schedule and must be of a level to ensure the safety of those attending the premises. Numbers of attendants required is stated in the Guidance as 1 per area occupied by the children + 1 per exit. In addition the licensing authority would normally expect a minimum ratio of 1 attendant to 30 children or part thereof.
- 9.5.2. The licensing authority may attach conditions to licences to protect children from harm, where its discretion has been engaged. These conditions will be based on the applicant's operating scheme and / or drawn from the model pool of conditions relating to this objective.

#### 9.6. **Staff Training**

- 9.6.1. The licensing authority is particularly mindful of the prevalence of Child Sexual Exploitation and the grooming of children. There are apparent links between these activities and licensed premises.
- 9.6.2. As a result, the licensing authority would expect all staff working or present in licensed premises to be aware of the basic principles of child protection and to be able to identify and appropriately respond to any risks to children on or around licensed premises. There is an expectation that licence holders / applicants will make their staff available for appropriate training where this is required, and co-operate with any voluntary schemes promoted by the local authority to safeguard children and vulnerable adults.

**10. Public Health Considerations**

- 10.1. The Licensing Authority recognises harms associated with public health, particularly relating to public safety and protection of children from harm.
- 10.2. Harms associated with excessive alcohol consumption, obesity and poor diet can impact on individuals, families and wider society, and it is imperative to an effective Statement of Licensing Policy that public health considerations are at the core of the approach taken.
- 10.3. It is essential that relevant Public Health advice, data and agendas, are considered as part of licensing applications to ensure that these are informed and relevant to the local and national picture.
- 10.4. The Licensing Authority will have regard to the impacts of licensing decisions on Public Health and will actively use Public Health data when making licensing decisions, such as the Public Health Alcohol Toolkit.

**THIS SECTION WILL BE FURTHER DEVELOPED FOLLOWING PUBLIC CONSULTATION**

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## **11. Special Events in the Open Air or in Temporary Structures**

- 11.1. The success of open air events, or those in temporary structures, depends on the quality, levels of safety, and consideration for the rights of people who live or work in the vicinity as well as the standard of facilities for those coming to enjoy the event.
- 11.2. It is essential that a comprehensive event management plan is developed well in advance of any planned event. General guidance on planning such events is available to organisers from the various agencies, and it may be appropriate for the event to be considered by the Rotherham Event Safety Advisory Group (RESAG). The licensing authority would expect the applicant / licence holder to fully engage with RESAG and take into account advice / guidance that is provided by the group.
- 11.3. In particular, the following issues should normally be addressed:
- A detailed risk assessment identifying all inherent risks concerned with the event and the precautions that will be put in place to address these.
  - A contingency plan to deal with any emergency situations that may arise during the event.
  - A central location for all safety and insurance certificates and other documents relevant to the promotion of the event and equipment used, so that they can be readily produced if required by an authorised officer.
  - Ticketing arrangements and estimation of maximum number of visitors to the event. Appropriate levels of trained stewards and security staff will also be considered.
  - Detailed planning of sanitary conveniences, first aid provision, temporary structures, temporary road closures, parking arrangements and any banners or signs to be used.
  - At an early stage there should be liaison and discussion with local residents on how to minimise disturbance and disruption to them.
  - Positive proposals for ensuring the access, safety and comfort of people with disabilities who may wish to enjoy the event.
  - Arrangements for reuniting children who may have become separated from their guardians.
  - Properly trained security staff should be used who have been trained and registered in accordance with the Securities Industries Act.
  - Ensure first aid and or medical provision meet minimum requirements laid down in the HSE Guide to Health and Safety and welfare at music and similar events.
- 11.4. Applicants for premises licences are expected to state in their Operating Schedule the precise nature of all entertainment proposed to take place, and to have carried out risk assessments for each entertainment type.



## **12. Integrating strategies**

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

### **12.1. Public Health**

- 12.1.1. The Licensing Authority recognises the key role that Public Health delivers in respect of Licensing Objectives and in particular those relating to public safety and protection of children from harm in relation to issues relating to alcohol.
- 12.1.2. Public Health has a critical role in providing advice and data in respect of Licensing Objectives, providing essential information upon which to ensure that considerations of harms are enshrined within the approach the Council takes to licensable activities.
- 12.1.3. In considering decisions and the delivery of the Statement of Licensing Policy, the Licensing Authority will consider Public Health objectives, advice and data.

### **12.2. Safer Rotherham Partnership**

- 12.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.
- 12.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:
  - Reducing the opportunities for crime to occur
  - Tackling disorder and anti-social behaviour
  - Reducing the fear of crime
  - Combating the use of drugs

### **12.3. Planning**

- 12.3.1. Applications under the Licensing Act 2003 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.

12.3.2. The planning and licensing regimes involve consideration of different matters. For example, licensing takes into account the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

12.3.3. Whereas planning considers a range of issues such as:

- Public nuisance
- Loss of privacy
- Highway safety
- Design
- Nature conservation
- Adequacy of parking
- Amenity
- Layout & Density
- Sustainability

12.3.4. Where a planning condition restricts usage of a premise to certain hours, and if these hours differ from those permitted on a premises licence, then the premise owner must comply with the more restrictive of the two sets of hours.

#### 12.4. **Culture and Tourism**

12.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.

12.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer alongside adopting both the Town Centre Masterplan and the Local Plan.

12.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

12.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.

12.4.5. This licensing policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

12.4.6. In order to maintain this balance the Licensing Authority will:

- monitor the impact of licensing on the provision of regulated cultural activities and entertainment, such as live music, theatre, dance and festivals
- create a dialogue with the cultural sector about the impact of the licensing policy and work with our partners to balance different interests
- seek to ensure that conditions attached to licences do not deter live music, festivals, theatre, sporting events etc. by imposing unnecessary restrictions
- seek to ensure that conditions attached to licences do not deter new or small scale groups/ activities in communities by imposing conditions which will lead to a cost disproportionate to the size of the event
- Seek to create an environment which minimises nuisance and anti-social behaviour connected to cultural activity and events but without undermining our commitment to increase access to cultural participation as a fundamental human right.

## 12.5. **Building Control**

12.5.1. The Building Regulation process is a separate system to the licensing regime but complementary in terms of some shared objectives.

12.5.2. Where a licence is applied for, or exists, and any Building Regulated work is carried out, either as a material alteration, change of use or new build to a licensed premises, the owner / licensee should ensure that before opening to the public, Building Regulations consent has been granted in full and that completion certificates have been issued.

12.5.3. Two separate and distinct certificates are issued on a commercial or work place premises. The first confirms compliance with Building Regulations in general and the second confirms compliance in terms of fire precautions, including means of escape in case of fire. A copy of this second certificate is sent to the Fire Service, which triggers their responsibilities under the Work Place Regulations and enforcement of risk assessments.

## 12.6. Promotion of Equality

- 12.6.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups.
- 12.6.2. The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general.
- 12.6.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:
- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
  - The licensing objective of protecting children from harm will be promoted.
  - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
  - Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
  - Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
  - Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.
- 12.6.4. The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

## 12.7. Disabled Access

- 12.7.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

## 12.8. Transport

- 12.8.1. Rotherham's Transport Strategy is set out in the South Yorkshire Local Transport Plan (SYLTP).
- 12.8.2. The SYLTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.
- 12.8.3. A high level of bus services is provided commercially between the hours of 7am and 7pm Monday to Saturday. Lower levels of services are provided up to 11pm and on Sundays, and the transport plan will continue to seek ways of improving the provision of bus services at these times and later at night to assist in getting people away from the Town Centre quickly, safely and efficiently.
- 12.8.4. Licensed vehicles provide a useful role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24 hour ranks and ones which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

**13. Duplication**

- 13.1. The authority will avoid duplication with other regulatory regimes (e.g. the Health and Safety at Work Act) insofar as attaching conditions to premises licences and club premises certificates.
- 13.2. Conditions will only be attached where they are necessary for the promotion of the licensing objectives. If matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 13.3. As has been referred to elsewhere in this policy, licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.
- 13.4. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in Rotherham.

## **14. Standardised Conditions**

14.1. The Licensing Authority will only attach to premises licences, and club premises certificates, those conditions that are tailored to the individual style and characteristics of the premises and the events concerned, and where they are necessary for the achievement of one or more of the four licensing objectives.

### **14.2. Model Conditions**

14.2.1. To aid administration a pool of model conditions is attached to this statement (but not form part of it). The authority may draw appropriate and proportionate conditions from this pool to cover particular circumstances. This is not intended to be an exhaustive list and other specific conditions may be appropriate.

14.2.2. The model conditions will be informed through consultation. There are elements of the model conditions, which are indicated, that will be entirely dependent upon the findings of the consultation.

14.2.3. The pool of model conditions is attached as Appendix 1.

### **14.3. Mandatory Conditions**

14.3.1. A number of conditions are mandatory and are required to be applied to licences.

14.3.2. Mandatory conditions are provided by the 2003 Act, amended by the (Mandatory Licensing Conditions) (Amendment) Order 2014 and should be included in every Licence and/or Club Premises Certificate.

14.3.3. The Mandatory Conditions are attached to this Policy at Appendix 2. These need to be adhered to and complied with by the Premises Licence Holder.

14.3.4. For premises with ON sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.5. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy
- Irresponsible promotions
- No drinking games (encouraging people to drink too much or within specific time limits).

- Free access to drinking water
- Measures of alcoholic drink
- Exhibition of films
- Door Supervision

14.3.6. For premises with OFF sales the Mandatory Conditions will include the following requirements:

- The need for a Designated Premises Supervisor to be registered on the Licence.
- Alcohol needs to be sold or authorised by a Personal Licence Holder.

14.3.7. Mandatory Conditions also refer to:

- Permitted price of alcohol
- Age verification Policy

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**15. Entitlement to work in the UK**

- 15.1. Section 36 of and Schedule 4 to the Immigration Act 2016 (the 2016 Act) amended the 2003 Act and introduces immigration safeguards in respect of licensing applications made in England or Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.
- 15.2. The statutory prevention of crime objective in the 2003 Act includes the prevention of immigration crime and the prevention of illegal working in licensed premises. Licensing authorities should work with the Home Office (Immigration Enforcement) as well as the police, in respect of these matters.
- 15.3. The Home Secretary (in practice Home Office Immigration Enforcement) is added to the list of responsible authorities in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences), and in some limited circumstances personal licence applications, and permits Home Office (Immigration Enforcement) to make appropriate representations and objections to the grant of a licence.
- 15.4. Individuals applying for a personal licence and / or a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only.
- 15.5. Applicants must provide copies of Identification documents to verify their entitlement to right to work within the UK. The documents, which may be relied on in support of an application demonstrating an entitlement to work in the UK, are the same for the personal licence (see section 13) shown in Appendix 3.
- 15.6. Individuals applying for a personal licence must be entitled to work in the UK. The Immigration Act 2016 amended the Licensing Act 2003, with effect from April 6 2017. Applications made on or after this date by someone who is not entitled to work in the UK must be rejected.
- 15.7. Licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from doing work relating to the carrying on of a licensable activity.
- 15.8. In order to carry out this duty licensing authorities must be satisfied that an applicant has the right to work in the UK. They require applicants to submit an identification document, to show that they have permission to be in the

UK and to undertake work in a licensable activity. Acceptable documents are listed in Appendix C to this policy.

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## **16. Personal Licences**

- 16.1. The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to have prescribed training and not have relevant convictions that would indicate their unsuitability.
- 16.2. The Policing and Crime Act 2017 gives licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017.
- 16.3. When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months. This applies to convictions received and civil immigration penalties which a person has been required to pay at any time before or after the licence was granted, as long as the conviction was received after 6 April 2017, or the requirement to pay the civil penalty arose after 6 April 2017.
- 16.4. Every sale of alcohol at licensed premises is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a daily basis, and to be available on the premises throughout most of the day to deal with circumstances requiring their expertise and authority.
- 16.5. When applying for a personal licence, the Licensing Authority would expect applicants to produce an up to date Disclosure Barring Service certificate. All applicants would also be expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent foreign offence.
- 16.6. In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## **17. Temporary Event Notices (TENs)**

- 17.1. Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the chief officer of police and Environmental Health services for the area no less than ten working days before the event. The chief officer of police or Environmental Health services may object to the event if satisfied that that any of the four licensing objectives would be undermined.
- 17.2. "Late" TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice.
- 17.3. Late TENS can be given at any time as long as the limits specified, within guidance issued under section 182 of the Licensing Act 2003, are not exceeded. Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless electronically given to the licensing authority, must also be sent by the premises user to the police and Environmental Health Services. A late TEN given less than five days before the date of the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 17.4. The Licensing Authority considers that it is important that the police and Environmental Health services have sufficient time to properly evaluate the likely impact of a temporary event. Where insufficient notice of the event is given this may lead to objections being made that may have been unnecessary if a fuller evaluation had been possible. Equally, if notice of an event is given too far in advance it may be difficult to evaluate because of future uncertainty.
- 17.5. The Licensing Authority would therefore suggest as best practice that a temporary event notice is served between one and two months ahead of the event taking place.

## **18. Enforcement**

- 18.1. The Licensing Authority will carry out its responsibilities for enforcement so as to promote each of the four licensing objectives.
- 18.2. The Licensing Authority will develop and review enforcement protocols in agreement with the police.
- 18.3. Enforcement activities will be targeted in terms of risk and so as best to promote the licensing objectives. In addition account will be taken of the general enforcement policy of the licensing authority, which aims to ensure that enforcement is open, fair, reasonable and proportionate.
- 18.4. Enforcement activities will include operations designed to:
  - Ensure compliance with conditions attached to licences, operating schedules, requirements specified in the this Statement of Policy, and the requirements of the Licensing Act itself;
  - Protect public safety;
  - Prevent nuisance;
  - Prevent crime and disorder;
  - Protect children from harm;
  - Identify unlicensed activities;
  - Respond to complaints and representations from relevant individuals and responsible authorities;
  - Prevent the sale of alcohol to minors
  - Prevent the sale of alcohol to people who are drunk
  - Identify the keeping of smuggled goods
  - Prevent drug misuse

**19. Live Music, Dancing, Theatre, Circuses and Street Arts**

- 19.1. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 19.2. The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits.

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## **20. Wholesale of alcohol**

- 20.1. Since 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses.
- 20.2. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesalerregistration-scheme-awrs>

## **21. Delegation of Functions**

- 21.1. The following matters will be determined by either the Licensing Committee or one of its sub-committees:
- Application for a personal licence where there are relevant unspent convictions;
  - The review of a premises licence or club premises certificate;
  - Decision to object when the local authority is the consultee and not the relevant authority considering the application;
  - Determination of a police objection to a temporary event notice.
- 21.2. The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:
- Application for a personal licence;
  - Application for a premises licence or club premises certificate;
  - Application for a provisional statement;
  - Application for variation to a premises licence or club premises certificate;
  - Application to vary a designated premises supervisor
  - Application for transfer of a premises licence
  - Application for interim authority
  - Determination of a temporary event notice.
- 21.3. The Licensing Manager will determine all other matters.
- 21.4. Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process. There is clear guidance as to what constitutes a "minor variation" contained on the Government's website.
- 21.5. Councillors are now considered as "interested parties" and can make representations on any application as such, even if they do not live in the vicinity, or may represent persons living or working in the vicinity of the premises in question.



**22. Period of Validity & Review**

- 22.1. This statement of licensing policy will come into force on [to be determined] 2019 and be valid until 2024. The policy will then be reviewed and reissued for a period of 5 years.
- 22.2. The policy will be kept under review during the period of validity and if necessary amendments made.
- 22.3. Before a new policy is adopted or amendments made to the existing one the Licensing Authority will undertake consultation in accordance with Section 5 of the Licensing Act 2003.

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## **Pool of Model Conditions**

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**Rotherham MBC Licensing Act 2003 Policy 2019 – 2024**  
**APPENDIX A - LA2003 Policy 2019\_24 - Pool of Model Conditions**

**Introduction:**

When deciding to grant or vary a premises licence under the Licensing Act 2003, the Licensing Authority may do so subject to conditions which it considers are appropriate in promoting the licensing objectives.

Conditions should be individual to a premise and tailored to meet the individual circumstances of the premise, area and other contextual factors. Standardised conditions often do not reflect the individual aspects of applications and should be avoided.

Conditions which are appropriate to promote the licensing objectives should emerge from the application process and form part of the operating schedule of the premise. The Pool of Model Conditions has been produced to assist applicants to consider and promote the licensing objectives, within the context of their application.

Rotherham consists of a variety of neighbourhoods and communities and the Council encourage applicants to use model conditions, or alternative measures, to ensure that the Licensing Objectives are being promoted, whilst minimising any impact that could be caused by a licensed premise. Applicants should have an understanding of the area where their application is based and should tailor their application to consider any issues that are apparent in that area; model conditions are just one way to do this.

The Pool of Model Conditions is also available to assist any Responsible Authority, and other person, who may consider making a representation to the applicant. These conditions should form a consistent approach in proposing conditions on a premises licence.

The Pool of Model Conditions is not an exhaustive list and it does not restrict applicants, responsible authorities or other persons from proposing alternative conditions. It also does not restrict any reasonable condition on a licence being imposed where it considers it appropriate for the promotion of the licensing objectives.

Whilst it is not a Licensing Objective, Public Health is also considered to be a key issue within Rotherham when determining licensing matters and the Council consider it good practice for Public Health to be taken into account when applications are being made. Applicants are encouraged to take into account any relevant data regarding Public Health and amend their application accordingly.

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APPENDIX A - LA2003 Policy 2019\_24 - Pool of Model Conditions

**CONDITIONS RELATING TO PREVENTION OF CRIME AND DISORDER**

It should be noted that certain matters are offences under the Licensing Act 2003. For example it is an offence to be party to the following:-

- Selling or supplying alcohol to a person who is drunk
- Knowingly allow disorderly conduct on licensed premises
- Being the holder of a premises licence or a designated premises supervisor to knowingly keep or to allow to be kept on licensed premises any good that have been imported without payment of duty or which have otherwise been unlawfully imported
- Sale of alcohol to under 18's
- Allowing the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

**Conditions dealing with these matters are therefore not necessary and will not be attached to licences. Applicants should note that the absence of such conditions on any licence does not authorise the commission of such acts as a defence to such offences.**

General

Communication between premises

Communication devices, connecting premises licence holders, designated premises supervisor's, managers of premises and clubs to local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Such devices could provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble makers or individuals suspected of criminal behaviour that are about in a particular area. Licence holders, door supervisors, managers, designated premises supervisors and clubs can warn each other of the presence in an area of such people where these systems are used.

Where a condition requiring the text/radio pager which links the police is attached to a licence it will include the following:-

- The text/pager equipment is kept in working order at all times;
- The pager link is activated, made available to and monitored by a designated premises supervisor or by a responsible member of staff at all times that the premises are open to the public;
- Any police instructions/directions are complied with whenever given; and
- All instances of crime and disorder are reported via the text/radio [ager link by the DPS or responsible member of staff agreed to an agreed police contact point.

**Rotherham MBC Licensing Act 2003 Policy 2019 – 2024**  
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In relevant circumstances conditions may be imposed requiring the use and maintenance of such systems.

Door Supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- Preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- Keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- Searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- Maintaining orderly queuing outside of venues prone to such queuing.

Where door supervisors conducting security activities are required as a condition of licence, they are required to be registered with the Security Industry Authority, and conditions will also be imposed dealing with the number of such supervisors, the displaying of name badges, the carrying of proof of registration, where and at what times door staff should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches).

Door supervisors also have a role to play in ensuring public safety.

Training of licence holders, door supervisors, and other workers

The Council requires that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.

The Council consider it good practice for license holders, door supervisors and other staff to take part in a variety of training sessions, which could include but is not limited to:

- Safeguarding Children
- Safeguarding Vulnerable Adults
- Crowd Safety
- Counter-terrorism

Licensed premises will be required to document any training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

Single Can Sales

Single Can Sales can contribute to the harms relating to alcohol misuse, and particularly contribute to the harm caused to children and young people. Conditions

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may therefore be necessary to prevent sales of single cans of alcoholic drinks in areas where risk of harm is identified to be high.

Bottle bans

Bottle may be used as weapons inflicting more serious harm during incidents of disorder. Conditions may therefore be necessary to prevent sales of drinks in their bottles for consumption on the premises. However, the Council notes evidence that many women consider that drinking from bottles to be safer as it is easier for them to prevent the possible spiking of drinks with drugs in bottles the openings of which may be readily covered. These issues will therefore need to be carefully balanced when specifying such conditions.

Plastic containers and Toughened Glass

Glasses containing drinks may be used as weapons during incidents of disorder and can cause serious injuries. Consideration should therefore be given to conditions requiring either the use of plastic containers or toughened glass, that inflict less severe injuries. The location and style of the venue and the activities carried on there will be particularly considered in assessing whether such a condition is necessary. For example, the use of glass containers on the terraces of outdoor sports grounds may obviously be of concern, but similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.

The use of plastic or paper drinks containers may also be relevant as measures to promote public safety.

CCTV

The presence of closed circuit television cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Where such conditions are necessary there will also requirement to maintain cameras in working order, and to retain recordings for an appropriate period time. The approval of the police will be required as to the type and positioning of the equipment to be used.

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises that would be entirely lawful. However, consideration may be given to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and opened bottles). This may be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

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Restrictions on taking open containers from the premises may also be a relevant necessary measure to prevent public nuisance.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in the premises after they have been purchased from the bar. An example would be a sports ground where it may be necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions will not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be complied with.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance.

Capacity limits

Although most commonly considered as a condition of a licence on public safety grounds, consideration may also be given to conditions that set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence, Where such a condition is considered necessary, consideration may also be given to appropriate door supervisors needed to ensure that the numbers are appropriately controlled.

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Proof of Age Cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of “proof of age” before such sales are made. Such a condition may also make provision for the production of other proof, such as photo-driving licences, student cards and passports to be acceptable.

The wording of any condition requires careful thought. For example many premises have adopted the “Challenge 21” or “Challenge 25” or other similar initiatives. Under Challenge 21/Challenge 25 those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21/25 and who is attempting to buy alcohol.

Proof of age may also be relevant and necessary to protect children from harm.

Crime prevention notices

It may be necessary at some premises for notices to be displayed that warn customers of the prevalence of crime that may target them. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed, which advise customers not to leave bags unattended because of concerns about terrorism. Consideration may also be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Standard conditions will not be attached to premises licence or club premises certificates which promote fixed prices for alcoholic drinks. Conditions tailored to the individual circumstances of particular premises, which address irresponsible drinks promotions, may be considered where it is considered this is necessary for the promotion of the licensing objectives.

Irresponsible promotions are addressed through mandatory licensing conditions. The licensing authority however will be objective when considering whether a promotion is responsible or irresponsible within the context of the licensing objectives.

Signage

It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.



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Furthermore, signage promoting the responsible consumption of alcohol is encouraged to be added across the venue. For example, Drink Aware publicity material would be encouraged across a venue to promote responsible drinking habits.

Large Capacity Venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Drinking Establishments (HVVDs) are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and little or no seating for patrons.

Where necessary and appropriate conditions can be attached to licences for these premises which require adherence to:

- A prescribed capacity
- An appropriate ratio of tables and chairs to customers based on the capacity; and
- The presence of security staff holding the appropriate SIA licence or exemption to control entry for the purpose of compliance with the capacity limit.

**CONDITIONS RELATING TO PUBLIC SAFETY**

General

The following options will be considered as measures that, if necessary, would promote public safety. It should be recognised however that special issues might arise in connection with outdoor and large-scale events.

Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions of the licence or certificate will also depend on local knowledge of the character and vicinity of the premises.

In addition, to considering the points made in this Annex, those preparing operating schedules or club operating schedules, and responsible authorities should consider:

- Model National and Standard Conditions for Place of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0717624536
- Managing Crowds Safely (HSE 2000) ISBN 9780717618347
- Guide to Safety at Sports Grounds (The Stationery Office, 2008) (“The Green Guide 5<sup>th</sup> Edition”) ISBN 978 0 11 702074 0
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network, copies of which may be obtained through <http://www.streetartsnetwork.org.uk/>
- Fire Safety Risk Assessment – Small and Medium Places of Assembly ISBN 978185112820-4
- Fire Safety Risk Assessment – Large Places of Assembly ISBN 978185112821-1
- The Fire Safety (Regulatory Reform) Order 2005
- The following British Standards should also be considered:
  - BS 9999 : 2008
  - BS 5839 : Part 1 : 2002 (Fire Detection/Fire Alarms)
  - BS 5266 : Part 1 : 2005 (Emergency Lighting)

### Disabled People

Consideration will also be given to conditions that ensure that:

- When disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency: and
- Disabled people and all employed staff on the premises are made aware of those arrangements.

### Escape routes

It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:

- All exits doors are easily opened without the use of a key, card, code or similar means;
- Doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
- Any security fastenings are removed prior to the premises being open to the public;
- All fire doors are maintained effectively self-closing and shall not be held open;
- Fire resisting doors to ducts, service shafts, and cupboards shall be kept locked shut; and
- The edges of the treads of steps and stairways are maintained so as to be conspicuous.

### Safety checks

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Safety checks are carried out before the admission of the public; and

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- Details of such checks are kept in a Log Book.

Curtains, hangings, decorations and upholstery

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- Hangings, curtains and temporary decorations are maintained in a flame-retardant condition;
- Any upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990;
- Curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment; and
- Temporary decorations are not used without the prior written consent of the licensing authority.

Accommodation limits

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
- The licence holder, a club official, manager or designated premises supervisor are aware of the number of people on the premises and required to inform any authorised person on request.

Fire action notices

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of fire

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

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- The fire brigade service must be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book.

Loss of water

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The local Fire Control Centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for emergency vehicles

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Access for emergency vehicles is kept clear and free from obstruction.

First Aid

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Adequate and appropriate supply of first aid equipment and materials is available on the premises.
- If necessary, at least one suitably trained first aider shall be on duty when the public are present; and if more than one suitably trained first aider that their respective duties are clearly defined.

Lighting

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- In the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present.
- Fire safety signs are adequately illuminated.
- Emergency lighting is not to be altered without the written consent of the licensing authority

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- Emergency lighting batteries are fully charged before the admission of the public, members or guests.
- In the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary electrical installations

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- Temporary electrical wiring and distribution systems are not provided without notification to the licensing authority at least ten working days before the commencement of the work.
- Temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909.
- Temporary electrical wiring and distribution systems are inspected and certified by a competent qualified person before they are put to use.

Ventilation

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

- The premises are effectively ventilated and verified as such by the licensing authority.
- Where the ventilation system is designed to maintain positive air pressure within part of the premises, that pressure is maintained whenever the public, member or guests are present in that part of the premises.
- Ventilation ducting is kept clean.
- Air filters are periodically cleaned and replaced to maintain a satisfactory air supply.

Indoor Sports Entertainments

In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that:

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- If necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature.
- Where a ring is involved, it is constructed and supported to the satisfaction of the licensing authority and any material used to form the skirt around the ring is flame-retardant.
- At any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 meters of the ring.
- At water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also *Managing Health and Safety in Swimming Pools* issued jointly by the Health and Safety Commission and Sport England)

### **Conditions Relating to Theatres and Cinemas**

In addition to the points made above, there are particular matters in the context of public safety and fire safety, which should be considered in connection with theatres and cinemas. The points, which follow, are examples of the types of specialised conditions that may be necessary for these premises.

### **Premises used for Closely Seated Audiences**

#### Attendants

- a) The number of attendants on each floor in a closely seated auditorium be required in accordance with the following formula:

Number of members of the audience present on a floor	Minimum number of attendants required to be present on that floor
1 – 100	One
101 – 250	Two
251 – 500	Three
201 – 750	Four
751 – 1000	Five
And one additional attendant for each additional 250 persons (or part thereof)	

- b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.

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- e) No article shall be attached to the back of any seat, which would reduce the clear width of gangways or cause a tripping hazard or obstruction.
- f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc

- a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.
- b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c) In no circumstances shall anyone be permitted to
  - i) sit in any gangway
  - ii) stand or sit in front of any exit; or
  - iii) stand or sit on any staircase including any landings

Drinks

Except as authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special effects

Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:

- Dry ice machines and cryogenic fog
- Smoke machines and fog generators
- Pyrotechnics, including fireworks
- Real flame
- Firearms
- Motor vehicles
- Strobe lighting
- Lasers (see HSE Guide Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products)
- Explosives and highly flammable substances



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In certain circumstances, it may be necessary to require that certain special effects may only be used with the prior consent of the licensing authority.

### Scenery

Any scenery should be maintained flame-retardant.

### Safety Curtain

Where a safety curtain is necessary, it should be arranged so as to protect the audience from the effects of fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium.

Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non combustible material or inherently or durably treated flame-retarded fabric.

### Ceilings

All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person every five years and a certificate concerning the condition of the ceilings forwarded to the licensing authority.

### Seating

Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than four or more than twelve.

## **Premises used for Film Exhibitions**

### Attendants – premises without a staff alerting system

Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

<b>Number of members of the audience present on the premises</b>	<b>Minimum number of attendants required to be on duty</b>
1 – 250	Two
<b>And one additional attendant for each additional 250 members of the audience present (or part thereof)</b>	
Where there are more than 150 members of an audience in any auditorium or any floor	At least one attendant shall be present in any auditorium or on any floor

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Attendants – with a staff alerting system

- a) Where premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of members of the audience present on the premises	Minimum number of attendants required to be on duty	Minimum number of staff on the premises who are available to assist in the event of an emergency
1 – 500	Two	One
501 – 1000	Three	Two
1001 – 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the premises	Five plus one for every 500 (or part thereof) persons over 2000 on the premises

- b) Staff shall not be considered as being available to assist in the event of an emergency if they are:
- i) the holder of the premises licence or the manager on duty at the premises; or
  - ii) a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response in an emergency situation; or
  - iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.
- c) Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
- d) The staff alerting system shall be maintained in working order.

Minimum Lighting

The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be regarded as satisfactory if it complies with the standards specified in BS CP 1007: Maintained Lighting for Cinemas.

Flammable films

No flammable films should be allowed on the premises without the consent of the licensing authority.

**CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE**

It should be noted that provisions of the Environmental Protection act 1990 and the Noises Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on permitted temporary activities that are causing noise nuisance resulting from noise emanating from the premises. These matters will be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules and responsible authorities are considering such applications the Council, as licensing authority is considering following the receipt of relevant representations from a responsible authority or interested party, the following options may be considered as necessary, would promote the prevention of public nuisance.

Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.

Necessary conditions for licences and certificates will also depend on local knowledge of the character and the vicinity of the premises.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests may be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003) to less than those applied for by the imposing of conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this will be balanced by the potential impact on disorder that could result from artificially early fixed closing times.

Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.

Restrictions may be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

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Noise and vibration

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by a requirement to keep doors and windows at the premises closed, or to use noise limiters on amplification equipment used at the premises.
- Prominent clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas being restricted or prohibited.
- The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. The need for any such condition will be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Litter

In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration may be given to conditions that ensure that:

- Litter is properly controlled through a waste management strategy agreed with the licensing authority, and that conditions to prevent unlawful advertising in relation to those premises are imposed.

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**CONDITIONS RELATING TO THE PROTECTION OF CHILDREN FROM HARM**

It should be noted that it is unlawful under the 2003 Act to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there.

In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are therefore unnecessary.

Requirements for safeguarding measures relevant to licence holders and workers

It is strongly recommended that persons employed on licensed premises, in particular those providing facilities and or entertainment for children and youths, receive appropriate training covering the safeguarding of children and other vulnerable groups and, if appropriate, have the necessary DBS checks.

Access for children to licensed premises – in general

Restrictions on the access of children under 18 to premises where licensable activities are being carried on will be considered where it is necessary to protect children from harm.

For any premises with known associations (having been presented with evidence at a hearing) with underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there will be a strong presumption against permitting any access at all for children less than 18 years.

Applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

For any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 10pm in the evening, there will be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time.

Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:

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- Explain their reasons; and
- Outline in detail the steps that they intend to take to protect children from harm on such premises.

In any other case, subject to the premises licence holder or club's discretion, the expectation would be for unrestricted access for children of any age to premises. Where an applicant intends to exclude children totally from the premises then this should be made clear on the operating schedule.

The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks

The Portman Group operates on behalf of the alcohol industry a Code of Practice on the naming, packaging and promotion of alcoholic drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Complaints about products under the code are considered by the Independent Complaints Panel and the Panels decisions are published on the Portman Groups website, in the trade press and in annual report. If products packaging or point of sale advertising is found to be in breach of the Code the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the naming, marketing and promotion of alcoholic products sold in licensed premises in a manner which may appeal to or attract minors.

Consideration may be given to attaching conditions to premises licences and club premises certificates that require compliance with the Portman Groups Retailer Alert Bulletins.

Age Restrictions – specific

Under the 2003 Act a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. It may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place. However, following representations made by responsible authorities and interested parties it may be necessary to consider a range of conditions that are tailored to the particular premises and their activities where these are necessary. The following will be expected to be considered:

- The times of during when age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Any conditions imposed would clarify the position.
- Types of event or activity in respect of which no age restrictions may be needed, for example;
  - Family entertainment; or
  - Non-alcohol events for young age groups such as under 18s dances

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- Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal, for example;
  - During “Happy Hours” or on drinks promotion nights
  - During activities outlined above.

Age Restrictions – cinemas

The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of section 20, (requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 or by the licensing authority itself), conditions restricting the admission of children to film exhibitions should include:

- A condition that where the licensing authority itself is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it. This is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restrictions then imposed.
- A condition that when films are classified, by either the film classification body as specified in the licence or the licensing authority, they should be classified in the following way;
  - U Universal – suitable for audiences aged four years and over
  - PG – Parental Guidance – some scenes may be unsuitable for young children
  - 12A – Passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
  - 15 – Passed only for viewing by persons aged 15 years and over
  - 18 – Passed only for viewing by persons aged 18 years and over.
- That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
- A condition that when a licensing authority has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:

“Where a programme includes a film recommended by the licensing authority as falling into the 12, 12A, 15 or 18 category no person appearing to be under the age of 12, under 12 and unaccompanied, 15 or 18 as appropriate shall be admitted to any part of the programme; and the licence holder shall display in

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a conspicuous position at each entrance to the premises a notice in the following terms –

PERSONS UNDER THE AGE OF [INSERT APPROPRIATE AGE]  
CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction.

This condition does not apply to members of staff under the relevant age provided that the prior written consent of the person's parents or legal guardian has first been obtained".

### Theatres

The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities.

The admission of children to the performance of a play is normally expected to be at the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).

In this circumstance consideration will be given to whether a condition should be attached to premises licences, which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of children present on the premises during any emergency.

### Entertainment especially for children

Where performances are presented especially for children in theatres, cinemas or other places of entertainment (e.g. children's disco) conditions are anticipated to be needed which require:

- An attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.

The licensing authority will, having regard to any representations made by the responsible authorities on the issue, also consider whether or not standing should be allowed. For example, there may be reduced risk for children in the stalls than at other levels or areas in the building.

### Children in performances



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There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18.

The Children (Performances) regulations 1968 as amended set out requirements for children performing in a show. Conditions will not duplicate those regulations. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the matters outlined below will be considered:

- Venue – the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance.
- Fire safety – all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.
- Special effects – it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children.
- Care of children – theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

## **Mandatory Conditions**

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**Mandatory Conditions applicable to all Premises Licences & Club Premises Certificates under the Licensing Act 2003**

**Supply of Alcohol**

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Exhibition of Films**

3. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
4. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
5. Where-
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
6. In this section “Children” - means persons aged under 18; and “Film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**Door Supervision**

7. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, that licence must include a condition that each such individual must:
  - (a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;
  - (b) Be entitled to carry out activity by virtue of section 4 of the Act.

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8. But nothing in subsection (1) requires such a condition to be imposed:

(a) In respect of premises within paragraph 8(3)(a) of Schedule 2 to the

Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films); or

(b) In respect of premises in relation to:

(i) Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) Any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

9. For the purposes of this section:

(a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act.

(b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Age Verification**

10. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

11. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

12. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

(a) a holographic mark, or

(b) an ultraviolet feature.

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**Permitted Price**

13. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

14. For the purpose of this condition set out in paragraph 1:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula

$$P = D + (D \times V)$$

Where:

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(b).

15. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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16. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Irresponsible Drink Promotions (applicable to ‘on’ & ‘off’ sales)**

17. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

18. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise).

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

19. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

### Alcoholic Drink Measures

20. The responsible person must ensure that:

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

**Immigration Act 2016: Entitlement**  
**to Work Identification**  
**Documentation**

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### **Immigration Act 2016- Entitlement to Work Identification Documentation**

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They can do this by providing with their application, copies or scanned copies of the documents listed below (which do not need to be certified). The documents that demonstrate an entitlement to work in the licensing regime are based on existing prescribed document lists for checks undertaken by employers. They are set out in the following regulations: The Immigration (Restrictions on Employment) Order 2007 and the Immigration (Restrictions on Employment) (Codes of Practice and Amendment) Order 2014.

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK. See note below about which sections of the passport must be provided.
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of an European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relating to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office, such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

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- Reasonable evidence that a person who is not a national of an European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
  - evidence of the applicant’s own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - a) working e.g. employment contract, wage slips, letter from the employer,
    - b) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - c) studying e.g. letter from the school, college or university and evidence of sufficient funds, or
    - d) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.**

If the document copied is a passport, a copy of the following pages should be provided:-

- any page containing the holder’s personal details including nationality;
- any page containing the holder’s photograph;
- any page containing the holder’s signature;
- any page containing the date of expiry; and
- any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## **LICENSING ACT 2003**

### **GUIDANCE FOR APPLICANTS**

Guidance notes on when a licence is needed and how to make an application are available from the Licensing Office on request.

**PUBLIC SAFETY GUIDANCE NOTE**

Applicants are required to satisfy the Council that appropriate measures have been taken to ensure the safety of the public whilst on the premises. Details of the steps taken to achieve this objective must be contained within the operating schedule submitted with the application for a premises licence.

Public safety issues to be considered in drawing up operating schedules will vary according to the types of activities to be held on the premises but will generally include the following matters:

- Fire safety issues including:
- Means of escape in case of fire
- Travel distances
- Alarms
- Detection capabilities
- Emergency lighting
- Fire suppressing systems
- First aid/fire fighting equipment
- Enclosure of escape routes
- Fire doors
- Exit signage
- Facilities for disabled evacuation
- Layouts for temporary seating
- Access and facilities for fire fighting
- Fire resisting enclosures to high risk rooms
- Operation of fire safety systems within the premises
- Surface spread of flames ratings to walls and ceilings
- Fire retardant treatments for drapes, furnishings and decorations etc
- General fire precautions

Management arrangements including:

- Personal emergency and evacuation plans and disabled evacuation
- Evacuation procedures
- Entry/egress control
- Staff training
- Equipment testing and records
- General housekeeping
- Incident logs
- Checking availability of exit routes and final exit doors prior to occupation of the building

General structural safety including:

- Stability of external and internal walls
- Condition of floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings and any other structural elements.

Fire resistance of the same

Safety of fixed appliances:

- Guarding to fires in public places

- Boiler flues and combustion air

Safety of stairs, ramps etc:

- Guarding to stairs, landings, ramps and changes in level
- Robustness of guarding to areas subject to crowd loading
- Condition of stairs and ramps
- Headroom to stairs, ramps and escape routes
- Steepness of stairs – rise and going of treads
- Clear indication of floor surfaces
- General condition of floor surfaces (e.g. trip hazards, non slip surfaces)
- Provision of safety glazing in critical locations

Access and facilities for disabled people, elderly/infirm, parents with children:

- Provision of reasonable access
- Provision of reasonable facilities
- Adequate signage, lighting contrasts
- Provision of communication

Certification by a suitably qualified person may be required in respect of any of the above items.

## HEALTH AND SAFETY GUIDANCE

### Licensing Applications

*Applicants are required by law to protect the health and safety of their employees and anyone on their premises. The following information has been produced to help you to fulfil your duties. Leaflets providing further detailed guidance are enclosed. A list of useful further reference guides is provided overleaf.*

- As an employer or self-employed person you are responsible for carrying out a risk assessment. This involves identifying any hazards in your workplace that may affect anyone (e.g. members of the public, visitors and employees) and taking suitable precautions to prevent them causing harm. The enclosed leaflet gives guidance on the five steps to carrying out a suitable risk assessment.

Where you have five or more employees, you are required to record the findings of your risk assessment.

You must consider all hazards in your risk assessment, including those affecting public safety. The following are examples of issues that should be considered as part of your risk assessment if they are applicable to your premises/work activities:

- Adequate guarding to stairs, landings, ramps and changes in level
- The provision of handrails to staircases
- Non-slip coverings to floors, stairs and ramps
- Floor coverings, stairs, external grounds and ramps in good condition
- Adequate headroom to stairs, ramps and escape routes
- Steepness of stairs
- Clear indication in changes in floor level and changes in floor coverings
- Provision of safety glazing where appropriate
- Safety and maintenance of electrical installations and appliances
- Guarding to fires in public places
- First aid and accidents

FACT: Slips and trips are one of the most common causes of injuries in work places and you must do all you can to prevent them (see enclosed leaflet).

- If you will be holding events at your premises, a risk assessment must be carried out for each event. The Health and Safety Executive produces a guidance document on Event Safety (see references).
- If you have five employees or more you are required by law to produce a written health and safety policy statement. The organisation and arrangements for carrying out the policy should be included in the statement and it must be brought to the attention of all employees. A guidance leaflet is enclosed.

**Useful Free Information leaflets**

An introduction to Health and Safety (INDG259)

Take a fresh look at Health and Safety (INDG385)

1 Steps to Risk Assessment (INDG163)

Managing Health and Safety – 5 Steps to Success (INDG275)

Starting your business – Guidance on preparing Health and Safety Policy Document for small firms (INDG324)

Electrical Safety and You (INDG231)

Electrical Safety for Entertainers (INDG247)

Gas Appliances – Get them checked – Keep them safe (INDG238)

Preventing Slips and Trips at Work (INDG225(rev1))

Getting to grips with manual handling (INDG143(rev2))

Other Useful Guidance: The following publications can be obtained from HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA (Tel: 01787 881165).

The Event Safety Guide (HSG95) ISBN: 0 7176 2453 60

Working Together on Firework Displays (HSG123) ISBN: 0 7176 2478 1

Giving your own Firework Display (HSG124) ISBN: 0 7176 0836 0

Managing Crowds Safely (HSG154) ISBN: 0 7176 1834 X

Electrical Safety at Places of Entertainment (GS50) ISBN: 0 7176 1387 9

The Radiation Safety of Lasers used for Display Purposes (HSG95) ISBN: 0 7176 0691 0

Essentials of Health and Safety at Work ISBN: 0 7176 0716 X

Guidance on writing a Health and Safety Policy for the Licensed Trade is available from Federation of Licensed Victuallers Associations, Brighouse, 01484 710534



**GUIDANCE NOTE FOR APPLICANTS IN RELATION TO NOISE FROM LICENSED PREMISES**

These notes should be read in conjunction with Rotherham Council's Licensing Policy.

What is noise? Noise is, quite simply, unwanted sound. What is music to one person may be noise to another. Music and sound being played and generated in your premises may be enjoyed by your customers but is unlikely to be enjoyed by your neighbours.

Why do I need to be concerned about noise? Because the prevention of public nuisance is one of the objectives of the Licensing Policy and the minimisation of noise transmission from any licensed premises is fundamental to this objective.

Do I need the services of a Noise Consultant? Under normal circumstances no, however where noise control has been a problem in the past or is likely to be, and the solution to the problem is not easily resolved, you may require expert help and advice. Officers for the Community Protection Team will be able to undertake a comprehensive assessment of the problem. In situations where substantial changes or new build is being undertaken, it is recommended that a consultant be employed at the design stage.

The following issues should be considered when making an application for a licence.

The type of structure in which the entertainment is performed. If, for example, amplified music from either a live band or recorded music played by a DJ or karaoke is proposed, then it will be more intrusive to neighbours if residential properties or other noise sensitive properties, are attached or in close proximity. Sound is transmitted both through the air and via the structure of buildings, so if buildings are attached to your premise then noise may be transmitted by both these paths. If you occupy a public house in a row of terraced properties and wish to play amplified music it is highly likely your neighbours will be affected by the noise and consideration will have to be given to reducing the noise level, location of the speakers, and restriction of the hours of entertainment. Whereas if you occupy a public house which is detached and has no properties in the immediate vicinity you may not have to impose as many restrictions.

Doors and windows. Open doors and windows can be a particular problem in warmer weather when they are opened for ventilation. Windows may have to be kept closed when entertainment is taking place and an alternative form of ventilation such as air conditioning may have to be considered. Alarms may be fitted to windows to warn of customers opening windows. Secondary glazing may have to be installed, particularly if windows face noise sensitive property. Premises which have conservatories can be problematic where amplified music is played and consideration may have to be given to the provision of patio doors to the access to reduce noise emission. External doors may have to be provided with a lobby and a second set of doors to minimise noise emissions.

Extractor fan outlets and air bricks. Any holes in the fabric of the building can transmit noise and consideration needs to be given to the location of ventilation ducts and air grates in relation to noise sensitive properties. Silencers may have to be fitted to the outlets of ventilation ducts and acoustic louvers may have to be fitted to air grates.

Location and orientation of speakers. Speakers should be located away from party walls and orientated away from neighbouring properties. Where noise is transmitted to the structure, the speakers could be placed on a foam mat, or if they are suspended, hanging the speakers on spring hangers.

Level of the music. Music being played too loud is the most common reason for complaint with regard to entertainment. If the music is reduced to a level, which cannot be heard in

adjacent premises, then it will not be a problem. Sound limiting devices can be installed in premises to prevent the sound level within premises to prevent the sound level within premises exceeding a pre-determined level.

Restricting the hours of entertainment. There may be some events, which give rise to noise levels which can be heard in adjacent properties. These are likely to be the one off events, held infrequently and in outdoor locations, such as pop concerts. In these circumstances, as well as reducing the noise level to an acceptable level, restricting the hours of entertainment will be necessary.

Outdoor sources of noise. The hours of use of outdoor children's play areas, garden areas, balcony areas which are adjacent noise sensitive properties, may have to be restricted in the evening, to prevent undue disturbance. Use of such areas after 21.00 is not recommended.

#### Useful documents

Good Practice Guide on Control of Noise from Pubs and Clubs – Institute of Acoustics 2003.

Code of Practice on Environmental Noise at Concerts – Noise Council 1995.

**PROTECTION OF CHILDREN FROM HARM**

Example Risk Factors and Potential Control Measures Table

Risk Factors	Potential Control Measures
1.	Any entertainment or services (regulated or otherwise) that are/include that of an adult or sexual nature.
<ul style="list-style-type: none"> <li>• People under 18 not admitted or taking part in the entertainment/services (including staff if under 18).</li> <li>• Action to be taken if a person under 18 is discovered on the premises, which help ensure their protection from harm.</li> <li>• Measures for ensuring non-admission such as door supervision, age checks (including staff).</li> <li>• Sufficient screening of the relevant entertainment/services from view of those under 18 (including staff) e.g. smoked windows, doors closed.</li> <li>• Clear signage that entertainment/services are occurring which are not suitable for under 18s.</li> <li>• Specify type of entertainment that will be provided (e.g. Lap Dancing Clubs)</li> </ul>	
2.	Entertainment or services include strong and offensive language.
<ul style="list-style-type: none"> <li>• People under 18 not admitted (including staff).</li> <li>• People under 18 not within hearing distance. Soundproofing may be required.</li> <li>• Measure for ensuring non-admission such as door supervision, age checks (including staff).</li> <li>• Clear signage that entertainment/services are occurring which are not suitable for under 18s.</li> </ul>	
3.	Convictions for underage sales of alcohol
<ul style="list-style-type: none"> <li>• People under 18 not admitted (including staff).</li> <li>• Evidence of suitable staff training and age identification scheme in place and followed.</li> <li>• Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.</li> </ul>	
4.	Known reputation for underage drinking.
<ul style="list-style-type: none"> <li>• People under 18 not admitted</li> </ul>	

## APPENDIX D – Guidance Notes for Applicants

		<p>(including staff).</p> <ul style="list-style-type: none"> <li>• Evidence of suitable staff training and age identification scheme in place and followed.</li> <li>• Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.</li> </ul>
5.	Known association with drug taking or dealing.	<ul style="list-style-type: none"> <li>• People under 18 not admitted (including staff).</li> <li>• Evidence of measures taken to prevent drug taking and dealing.</li> </ul>
6.	Strong element of gambling on the premises.	<ul style="list-style-type: none"> <li>• People under 18 not admitted (including staff).</li> <li>• Measures to screen the gambling activity off from children.</li> </ul>
7.	Children and performances	<ul style="list-style-type: none"> <li>• Suitability and number of supervisors including care of children as they move from stage to dressing room etc. and to ensure that all children can be accounted for in case of an evacuation or emergency.</li> <li>• Suitability of the venue, for example, to ensure it can accommodate safely the numbers of children intended.</li> <li>• Fire safety, for example, that all chaperones and crew receive instruction on the fire procedures applicable to the venue prior to the arrival of the children.</li> <li>• Special effects, as some may be inappropriate and may trigger adverse reactions in children, particularly e.g. flashing lights, dry ice, smoke, etc.</li> <li>• Note: See The Children (Performances) Regulations 1968 as amended, but do not duplicate provisions.</li> </ul>
8.	Entertainment aimed at children	<ul style="list-style-type: none"> <li>• Suitability and number of supervisors (see Statutory Guidance Annex F and also Appendix D of this document).</li> <li>• Measures to ensure that seating/standing arrangements for children are suitable.</li> </ul>
9.	Concerns regarding admitting children to films that have been classified as beyond suitability for children's age.	<ul style="list-style-type: none"> <li>• Staff training and age identification procedures.</li> <li>• Signage to explain that children will not be admitted to film showings</li> </ul>

## APPENDIX D – Guidance Notes for Applicants

		which are not suitable for their age group, and that adults should not purchase tickets on children's behalf in this respect (see Appendix D of this document).
10.	Previous known concerns about danger to children at the premises.	<ul style="list-style-type: none"> <li>Measures to counter these specific dangers.</li> <li>State whether there have been any previous concerns about danger to children on your premises and specify these concerns.</li> <li>What action have you taken to counteract them.</li> </ul>
11.	Child-orientated premises located close to adult-orientated premises.	<ul style="list-style-type: none"> <li>Identification of any risks and control measures in place.</li> </ul>
12.	History of lack of suitability of age-identification procedures used on the premises.	<ul style="list-style-type: none"> <li>People under 18 not admitted.</li> <li>Evidence of suitable staff training and age identification scheme in place and followed.</li> <li>Signs provided informing customers that sales will not be made to under 18s and that age identification may be required.</li> </ul>
13.	Potential concerns regarding proposed staff customer and/or staff: children ratios.	<ul style="list-style-type: none"> <li>Measure to address these concerns</li> </ul>
14.	Potential concerns regarding qualifications of staff employed to look after children.	<ul style="list-style-type: none"> <li>Requirement for Criminal Records Bureau (CRB) checks for staff employed to look after children.</li> <li>Evidence of suitable training/experience.</li> </ul>
15.	Risk of children visiting the premises unaccompanied.	<ul style="list-style-type: none"> <li>Evidence of training and procedures to deal with such situations where they are deemed to be of potential harm to children.</li> </ul>
16.	Living accommodation for children on the premises.	<ul style="list-style-type: none"> <li>Assessment of potential risks and control measures in place.</li> </ul>
17.	Likelihood of premises attracting extremes of age groups.	<ul style="list-style-type: none"> <li>Assessment of potential risks and control measures in place.</li> </ul>
18.	Close proximity of premises to 'child sensitive' properties.	<ul style="list-style-type: none"> <li>Assessment of potential risks and control measures in place.</li> </ul>
19.	Lack of appropriate welfare facilities for children on premises (e.g. First Aid, toilets)	<ul style="list-style-type: none"> <li>Welfare facilities provided.</li> </ul>
<b>Risk Factors</b>		<b>Potential Control Measures</b>
20.	There is a risk of physical, moral or psychological harm to children.	<ul style="list-style-type: none"> <li>Assessment of potential risks and control measures in place.</li> </ul>
21.	Children under 18 employed on premises where there is evidence of binge/underage drinking, drug dealing/taking, significant gambling or entertainment/services of an adult/sexual nature provided.	<ul style="list-style-type: none"> <li>Restriction of that employment</li> <li>Persons under 18 not admitted.</li> </ul>
22.	Concerns regarding child abuse on premises.	<ul style="list-style-type: none"> <li>Staff are familiar with reporting concerns to line manager who in turn should (if appropriate) contact The Children's Social Care Access</li> </ul>

		Team on 01709 823987.
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**USEFUL CONTACTS****General Contact for Licensing matters and address for all applications:**

Rotherham MBC – Licensing Service  
Community Safety and Street Scene  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Email: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk)

Website: [www.rotherham.gov.uk](http://www.rotherham.gov.uk)

**Responsible Authorities**

Please ensure you send a full & complete copy of all your forms and documents, including any premises licence already held, to all the Responsible Authorities when you make any type of application.

If you fail to submit a correct application to the Responsible Authority they may consider the application to be incorrectly served and the application may not be accepted. In this case the process including the payment of all fees may need to be re-started.

**South Yorkshire Police**

Police Licensing Department  
Force Headquarters  
Carbrook House  
5, Carbrook Hall Road  
Sheffield  
S9 2EH

Telephone : 0114 252 3948 or 0114 252 3617

Fax: 0114 252 3688

Email: [rotherham\\_licensing@southyorks.pnn.police.uk](mailto:rotherham_licensing@southyorks.pnn.police.uk)

**South Yorkshire Fire and Rescue**

Business Fire Safety  
Barnsley Fire Station  
Broadway  
Barnsley  
S70 6RA

Email: [Tfs.cs@syfire.gov.uk](mailto:Tfs.cs@syfire.gov.uk)

**Health and Safety**

The Principal Officer for Food Health and Safety  
Rotherham MBC Neighbourhood Standards  
Floor 3 Wing A  
Riverside House  
Main Street  
Rotherham  
S61 1AE  
Email: [food.health&safety@rotherham.gov.uk](mailto:food.health&safety@rotherham.gov.uk)

**Planning**

The Principal Planning Officer  
Rotherham MBC Planning  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Email: [DevelopmentControl@rotherham.gov.uk](mailto:DevelopmentControl@rotherham.gov.uk)

**Environmental Health**

Community Protection  
Rotherham MBC  
Riverside House  
Floor 2 Wing B  
Main Street  
Rotherham  
S60 1AE

Email: [Env.Health@rotherham.gov.uk](mailto:Env.Health@rotherham.gov.uk)

**Child Protection**

The Operations Manager  
Rotherham Safeguarding Children Board  
Rotherham MBC Child Protection Unit  
2<sup>nd</sup> Floor Wing A  
Riverside House  
Main Street  
Rotherham  
S61 1AE

Email: [childprotection@rotherham.gov.uk](mailto:childprotection@rotherham.gov.uk)



**Weights and Measures**

Trading Standards Team  
Rotherham MBC Neighbourhood Standards  
Floor 2 Wing A  
Riverside House  
Main Street  
Rotherham  
S60 1AE  
Email: [trading.standards@rotherham.gov.uk](mailto:trading.standards@rotherham.gov.uk)

**Rotherham Public Health**

Director of Public Health  
Rotherham Metropolitan Borough Council  
Riverside House  
Main Street  
Rotherham  
South Yorkshire  
S60 1AE  
Telephone: 01709 255840  
Fax: 01709 255795  
Email: [publichealthadmin@rotherham.gov.uk](mailto:publichealthadmin@rotherham.gov.uk)

**Home Office**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Email: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

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**Committee Name and Date of Committee Meeting**

Licensing Committee – 27 January 2020

**Report Title**

Gambling Act 2005: Statement of Licensing Policy 2020-2023

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**

Alan Pogorzelec, Licensing Manager

[alan.pogorzelec@rotherham.gov.uk](mailto:alan.pogorzelec@rotherham.gov.uk)

Ben Mitchell, National Management Trainee

[ben.mitchell@rotherham.gov.uk](mailto:ben.mitchell@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of its licensing policy at least every three years.

The Council's Gambling Act Statement of Licensing Policy was last due for review and republication in 2016. However this review did not take place due to the Council's focus on taxi and private hire licensing.

In June 2019, Cabinet took the decision to undertake a two-stage consultation process. The first stage of the process has now been completed. This initial consultation focused on broad issues associated with the impact of gambling establishments on the Borough and in localities, and has helped to inform the development of a draft policy.

The Council has now published a revised Statement of Licensing Policy, and this report is presented to Licensing Committee for consideration and to give the opportunity for the Committee to formally respond to the consultation.

**Recommendations**

1. That Licensing Committee note the proposed changes to the Gambling Act 2005: Statement of Licensing Policy and that the Chair of Licensing Committee provides a formal written response to the consultation on behalf of the committee.

**List of Appendices Included**

- Appendix 1 Gambling Act 2005: Draft Statement of Licensing Policy 2020-2023  
Appendix A: Map of the Rotherham Borough  
Appendix B: Details of Consultees  
Appendix C: Delegation of Functions

**Background Papers**

- Gambling Act 2005 – Guidance to Licensing Authorities (5<sup>th</sup> edition) Available at: <https://www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx>
- Gambling-related harm as a public health Issue – Available at: <https://www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf>

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Cabinet – 23 December 2019

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## Gambling Act 2005: Statement of Licensing Policy 2020-2023

### 1. Background

1.1 The Gambling Act 2005 introduced a new licensing regime for gaming and betting administered through a combination of the Gambling Commission and local licensing authorities.

1.2 The Act regulates the following sectors:

- Arcades
- Betting
- Bingo
- Casinos
- Gambling software
- Gaming machines
- Lotteries
- Remote gambling

1.3 The Gambling Commission is responsible for licensing operators and individuals involved in providing the above activities. Licensing authorities are responsible for:

- Issuing gambling operators with premises licenses
- Issuing gambling operators with permits (which allow low stakes gambling in venues which are not primarily for gambling)
- Registering societies – allowing them to hold small lotteries
- Compliance and enforcement of the Gambling Act 2005 locally

1.4 Currently, through the Gambling Act, the Council license the following:

Bingo premises	2
Adult Gaming Centres	5
Betting premises	30
Family entertainment centre	1
Club gaming machine permits	4
Gaming machine permits in licensed premises	38
Games machine notifications in premises	184

1.5 In carrying out their functions under the Gambling Act 2005, particularly with regard to premises licenses and temporary use notices, all licensing authorities must aim to permit the use of premises for gambling in so far as they think it is:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with the guidance for licensing authorities issued by the Gambling Commission;

- Reasonably consistent with the licensing objectives;
  - In accordance with the authority's statement of licensing principles.
- 1.6 Licensing authorities are required to review and publish, every three years, a statement of the principles which they propose to apply when exercising their licensing functions.
- 1.7 The Gambling Act 2005 Statement of Licensing Policy (the Statement of Licensing Policy) was last published in 2011, and was therefore due for review and republication in 2014; however this review did not take place due to the Council's focus on taxi and private hire licensing.
- 1.8 The Council is now in a position to review the Statement of Licensing Policy, and this report is brought before Licensing Committee to consider the revised policy and formally respond to the consultation process. A draft copy of the revised Statement of Licensing Policy and accompanying appendices is attached to this report at Appendix 1.

## **2. Key Issues**

- 2.1 The Council is required to publish a Statement of Licensing Policy under the Gambling Act 2005. Each statement covers a three year period.
- 2.2 The Council accepts that:  
*'...gambling is a legitimate leisure activity that many people enjoy. It generates income, employment and tax revenue. Set against this, it also generates significant dis-benefits such as working days lost through disordered gambling, or the cost of treatment for ill-health caused by stress related to gambling debt' (Gambling-related harm as a public health Issue, Gambling Commission 2018).*
- 2.3 There is increasing awareness of the harms associated with problem gambling. In Rotherham, estimates suggest that between 1,700 and 3,716 individuals have problems with gambling. However, a further 6-10 people are directly affected by each problem gambler and their associated activity.
- 2.4 In addition, estimates suggest that between 10,321 and 12,386 individuals are at risk of problem gambling within Rotherham. This is therefore a significant issue of concern for the Borough.
- 2.5 This is not a problem which only affects adults; it can also affect children and young people. Recent research suggests that 1.7% of children between 11 and 16 are problem gamblers, with a further 2.2% at risk of problems associated to gambling.
- 2.6 Gambling can lead to serious social consequences for both the individual and their families. The Gambling Commission's new 'National Strategy to Reduce Gambling Harms', launched in April 2019, seeks to use prevention and education, alongside treatment and support, as the main priority areas for action.

- 2.7 One critical element is the need to move away from simply counting the number of problem gamblers, but instead understanding the actual harm experienced and how to protect against it.
- 2.8 The Council's role is to license local gambling establishments and set conditions within which operators need to operate to conduct their business lawfully. This responsibility provides an opportunity to influence the local sector and minimise where possible, the harm that might be caused by problem gambling. However, the Licensing Authority does not have the power to regulate remote or online gambling which is instead the responsibility of the Gambling Commission.
- 2.9 The draft policy includes a number of proposed changes including:
- The addition of clauses regarding the promotion of the licensing objectives;
  - The introduction of the requirement to assess data and proxy measures to inform the licensing of gambling establishments and conditions locally;
  - The introduction of additional information in relation to safeguarding of children and vulnerable adults;
  - Amendments to address and contact details.
- 2.10 Section E of the draft policy takes into account national guidance which has been published since 2016 by the Gambling Commission, the Local Government Association and Public Health England. This guidance provides the framework for a whole Council approach to the issues associated with problem gambling and subsequent individual and social harms.
- 2.11 As well as Licensing, other services within the Council have responsibilities in helping to reduce the impact of problem gambling. In particular, reducing the harm associated with gambling is a priority for Public Health, who are attempting to better understand how gambling impacts on communities and individuals within Rotherham.
- 2.12 A multi-agency Gambling Task and Finish Group led by Public Health is focused on treatment and support for people affected by problem gambling in Rotherham, whilst promoting support to residents who may need it. Initial training sessions for Council employees and partner organisations have focused on raising awareness of problem gambling. This included training to identify, advise and refer people who are experiencing harm due to gambling.
- The work being carried out by the Group is still ongoing and its scope will widen in the coming months to further target those who are at risk of problem gambling.
- 2.13 There is a substantial lack of data which reports on gambling impacts and a lack of national measures regarding the impact of gambling on individuals and communities. It is not currently possible through national datasets to identify particular areas of the country where problem gambling is more prevalent, or if there is a higher risk of problem gambling being prevalent. Therefore, data at

a more local scale would be extremely difficult to identify and is likely to not be appropriate or a valid sample size. In terms of more local data collected, the number of individuals recorded as having gambling related issues is very low. For example, only 30 people have presented at hospitals across Yorkshire and Humber with gambling related issues in the last year. Given this and the lack of available data nationally, this is likely to mean that any locally available data is significantly underestimating the scale of any problems.

- 2.14 Section E of the draft policy also details the procedure for creating a 'Local Area Risk Profile'. It is recommended that the Licensing Authority should have an up to date Local Area Risk Profile for the borough published and available. However, at present this does not form part of the draft Statement of Licensing Policy, given the challenges with data described above. Whilst at present there is little data available to develop a Local Area Risk Profile, the Council will reassess this position during the consultation process.
- 2.15 Further work will be undertaken with Public Health, prior to implementation of the Policy, to attempt to better understand the impacts of problem gambling locally and to develop proxy measures to support licensing decisions at a neighbourhood scale. The requirement for Licensing Committee to consider this data and proxy measures when making licensing decisions is proposed to be enshrined within the new Policy. This will ensure that Public Health concerns are addressed by the Policy, and that Licensing Committee will be able to introduce mitigating measures to protect residents from the associated harms of problem gambling.

### 3. **Options considered and recommended proposal**

- 3.1 The Council is now undertaking the second stage of consultation, which reviews a drafted policy. As well as statutory consultees, Licensing Committee members are an important consultee and should feed into the wider consultation process. There are two options available for Licensing Committee as to how the committee is involved in consultation:
- 3.2 **Option 1:** The Committee can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. The Chair of the Committee would then submit a formal, written response to the consultation which is representative of the committee. This is the recommended option.
- 3.3 **Option 2:** The Committee can discuss the draft policy within this meeting, where minutes of the meeting are taken and can be used to document the discussion that takes place. Officers would then facilitate written responses from each member of the committee which would form a part of the consultation process.

### 4. **Consultation on proposal**

- 4.1 The first stage of consultation was completed between August and October 2019.



- 4.2 A total of 70 responses were received in the consultation period, with several key themes emerging:
- The majority of respondents did not believe that excessive gambling was an issue in their area, or in other parts of the borough. Only 14.3% of responses agreed that excessive gambling was a problem in their area.
  - The majority of respondents were unsure of the problems associated with excessive gambling, or did not know if this was an issue in their area. 52.9% of respondents did not know if there were issues with excessive gambling in the area where they live, whilst 77.14% of respondents did not know if excessive gambling was an issue in other parts of the borough.
  - However, respondents agreed that gambling can lead to serious health and social problems, with 78.6% of respondents agreeing with this statement.
  - Furthermore, 80% of respondents agreed that the Council has a role in protecting residents from the harms associated with problem gambling.
  - Of those who provided written responses about areas where problem gambling occurred, the only area of Rotherham mentioned was the town centre. The majority of comments made related to online gambling and how this is difficult to control. Online gambling is not regulated by the Council.
- 4.3 As well as the responses to the consultation, the Council undertook six drop-in sessions across the borough to allow residents to share their experiences of licensed premises. These sessions focused on both the Licensing Act and Gambling Act. Across the sessions, the Council did not receive any responses suggesting that problem gambling was a specific local concern.
- 4.5 Before determining its final policy, Section 349 of the Gambling Act 2005 sets out a statutory requirement to consult with specific persons and groups, namely:
- The Chief Officer of Police
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling in the authority's area, including the following responsible authorities identified under the Act:
    - The Gambling Commission,
    - HM Revenue and Customs,
    - South Yorkshire Fire and Rescue,
  - Rotherham's Planning, Environmental Health and Children's Services
  - 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, including:
    - The individuals and organisations who hold Premises Licences issued by the Authority under the Act
    - The organisations who have applied for or hold gaming machine permits for multiple or high-profile premises within the Borough
    - Representative bodies within the gambling and leisure industry
    - All elected ward councillors and members of parliament

- 4.6 The second stage of consultation will not be limited to statutory consultees as there is still a need to further understand the local position which might vary between different locations. Consequently, a public consultation will be initiated to ensure that the Council is fully informed.
- 4.7 It is proposed that the consultation will include a range of communication tools including:
- Use social media to inform the public about this consultation and direct them to the questionnaire
  - On-line consultation
  - Consultation documents at Council reception areas
  - Press Releases
  - Direct correspondence to statutory consultees
  - Information provision to all ward members
  - Public Notice in the local press
- 4.8 The Council believes that the Licensing Committee, who are the Committee responsible for considering and determining applications under the Gambling Act 2005, should be fully involved as part of this approach.
- 4.9 The second stage of consultation will be live for a period of eight weeks, following which a final Statement of Licensing Policy will be drafted.
5. **Timetable and Accountability for Implementing this Decision**
- 5.1 The consultation began on 2<sup>nd</sup> January 2020 and will run until 27<sup>th</sup> February 2020.
- 5.2 It is expected at this stage that a final Policy, informed by consultation, will be presented to Cabinet in March 2020. If the Statement of Licensing Policy is recommended by Cabinet for adoption, Council must then pass a resolution stating this decision.
6. **Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**
- 6.1 The costs of undertaking its statutory duties as a licensing authority, of which this consultation process forms part, are contained within the Council's approved Licensing revenue budget, the costs of which are met by fees.
- 6.2 Fee levels are set at a level to provide full cost recovery of all licensing functions, including the preparation and publication of a statement of licensing policy.
- 6.3 There are no procurement implications introduced as a result of this report.
7. **Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 7.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council to prepare and publish triennially a statement of the principles it proposes to apply in exercising its function under the Act (a document commonly known as a Gambling Policy or Statement of Gambling Policy – hereafter referred to as the Policy). A licensing authority may review and revise their Gambling Policy within each three year cycle.
- 7.2 The form of the statement or any revision is a matter for the Council; however this is subject to Regulations 4 to 6 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England & Wales) Regulations 2006, which set out the requirements for the content and form of the Policy and the procedure to be followed in preparing and then publishing it. In accordance with these Regulations a minimum of 4 weeks is required between publication and the Policy coming into effect.
- 7.3 Prior to publishing its Policy, the Council must undertake the statutory consultation as provided by section 349(3) of the Act and any Regulations made under it. This requires that the Council consult with:
- The Chief Officer of Police;
  - One or more persons who represent the interests of gambling businesses in the Borough, and
  - One or more persons who represent the interests of persons who are likely to be affected by the exercise of the Council’s functions under the Gambling Act.
- 7.4 The legislation makes it clear that the consultation process should be widespread. The following principles of consultation were set out in a recent High Court case:
- A consultation had to be commenced at a time when proposals were still at a formative stage.
  - Those consulted had to be provided with accurate and sufficient information and reasons for any proposal to permit intelligent consideration; with adequate time given for the consulting party to respond and for those responses to be considered.
  - The product of consultation must be conscientiously taken into account.
- 7.5 Overall, the process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon discarded or alternative ones.
- 7.6 Under the Council’s constitution, the Licensing Committee’s remit includes the power: “To exercise the functions, powers and duties of the Council in relation to all licensing matters, as required by statute”. Pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the Council’s Gambling Policy is required to be part of the Council’s policy framework and adoption of that Policy falls to be made by full Council.

## 8. **Human Resources Advice and Implications**

8.1 There are no direct HR implications arising from this report.

## 9. **Implications for Children and Young People and Vulnerable Adults**

9.1 The protection of children and vulnerable adults is one of the Licensing objectives, and the policy makes reference to a number of measures that are introduced to protect children and vulnerable people from the harmful effects of gambling.

## 10. **Equalities and Human Rights Advice and Implications**

10.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty, i.e. that all public bodies are under an obligation to have 'due regard' to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

10.2 Section 149 (1) (b) of the Act states that: a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Part of the duty to have "due regard" where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim.

10.3 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

10.4 An Equalities Analysis scoping exercise has been undertaken and at this stage a full Equalities Analysis is not anticipated to be required in light of consultation to be undertaken with a view to informing changes to Policy. It is expected that a full analysis will be undertaken at the point that the Policy is developed and presented to Cabinet.

10.5 The Human Rights Act 1998 requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in any way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality: the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

**11. Implications for Partners**

- 11.1 A range of partners and stakeholders will be asked for response to the consultation.
- 11.2 There will be some detailed work sought from colleagues in Public Health to develop the individual and cumulative impact assessment.

**12. Risks and Mitigation**

- 12.1. Failure to publish a Gambling Act Statement of Licensing Policy exposes the Council to legal challenge as a result of failing to comply with statutory requirements.
- 12.2 Failure to carry out the required consultation process would also expose the Council to legal challenge.
- 12.3 In addition, the absence of an up to date policy may lead to inappropriate decisions being made in relation to licence applications.
- 12.4 In order to mitigate this risk, it is proposed that the Statement of Licensing Policy be introduced as soon as possible (ensuring that all statutory processes are observed), particularly in relation to the consultation process.

**13. Accountable Officers**

Paul Woodcock, Strategic Director Regeneration and Environment  
Tom Smith, Assistant Director Community Safety and Street Scene

*Report Author: Alan Pogorzelec, Licensing Manager  
alan.pogorzelec@rotherham.gov.uk*

*Ben Mitchell, National Management Trainee  
ben.mitchell@rotherham.gov.uk*

This report is published on the Council's [website](#).

Appendix 1: Gambling Act 2005 Statement of Licensing Policy 2020-2023

# **ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

## **Gambling Act 2005**

### **Statement of Licensing Policy 2020 - 2023**

**Gambling Act 2005 – Statement of Licensing Policy 2020 - 2023**  
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The following documents support, but do not form part of, this policy:

- Appendix A            Map of the Rotherham Borough
- Appendix B            Details of Consultees
- Appendix C            Delegation of Functions

*This Statement of Licensing Policy was approved by Rotherham Metropolitan Borough Council on [date to be inserted] All references to the Guidance refer to the Gambling Commission's Guidance to Licensing Authorities, 5<sup>th</sup> Edition, published September 2015.*



## **PART A- General Information**

### **1. Introduction**

- 1.1. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions throughout the area for which they are responsible.
- 1.2. This policy applies to the whole of the Borough of Rotherham, the extent of which is shown on the map attached as Appendix 1.
- 1.3. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 1.4. Rotherham Metropolitan Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.
- 1.5. The Gambling Act requires that the following parties are consulted by licensing authorities:
  - The Chief Officer of Police;
  - 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.
- 1.6. A list of consultees is attached at Appendix 2.
- 1.7. The full list of comments made and the consideration by the Council of those comments will be made available by request to: Rotherham Metropolitan Borough Council, Licensing, Riverside House, Main Street, Rotherham, S60 1AE or via the Council’s website at: <http://www.rotherham.gov.uk>.
- 1.8. The policy was approved at a meeting of the Full Council on [date to be inserted once date of meeting is known] and was published via our website on [date to be inserted as appropriate]. Copies were placed in Riverside Library.
- 1.9. Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Manager,  
Rotherham Metropolitan Borough Council,  
Licensing,  
Riverside House,  
Main Street,  
Rotherham,  
S60 1AE

Email: [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk)

- 1.10. It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

## **2. Declaration**

- 2.1. In producing the final statement, 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.

## **3. Responsible Authorities**

- 3.1. 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. The 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.
- 3.2. In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 3.3. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available from the Licensing team or via the Council's website.

#### 4. Interested parties

- 4.1. Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

*“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, 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)”*

- 4.2. The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- 4.3. Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Licensing Authorities. It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 4.4. Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) ‘represents’ someone who either lives sufficiently close to the premises to be 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.

- 4.5. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department at Licensing, Riverside House, Main Street, Rotherham, S60 1AE, email [licensing@rotherham.gov.uk](mailto:licensing@rotherham.gov.uk) or phone 01709 823153.

## **5. Exchange of Information**

- 5.1. Licensing authorities are required to include in their statements 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 5.2. The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. 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.
- 5.3. Should any protocols be established as regards information exchange with other bodies then they will be made available.

## **6. Enforcement**

- 6.1. Licensing authorities are required by regulation under the Gambling Act 2005 to state 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.
- 6.2. This licensing authority's principles are that enforcement will be:
  - Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 6.3. As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4. This licensing authority has adopted and implemented a risk-based

inspection programme, based on:

- The licensing objectives
  - Relevant codes of practice
  - Guidance issued by the Gambling Commission,
  - The principles set out in this statement of licensing policy
- 6.5. The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 6.6. This licensing authority also keeps itself informed of developments in relation to the regulatory functions of local authorities.
- 6.7. Bearing in mind the principle of transparency, this licensing authority's protocols and written agreements are available upon request to the Licensing Manager. Our risk methodology is also available upon request.

## **7. Licensing authority functions**

7.1. Licensing authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under

these functions

- 7.2. It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## **8. Integrating strategies**

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

### **8.1. Public Health**

- 8.1.1. The Licensing Authority is very conscious of the critical role that public health agendas play in delivering data and advice that informs the Council's approach to the licensing of gambling establishments.
- 8.1.2. Public Health have critical knowledge to inform the prevention and support strategies that might be included within the Statement of Licensing Policy.
- 8.1.3. The Licensing Authority will work closely with Public Health to ensure that the theme of prevention and support is embedded, and influences key conditions that might be included, such as the development of gambling awareness obligations for workers within the industry, and measures that might be introduced to help gambling establishments better mitigate the risks of harm presented by gambling.
- 8.1.4. In particular the Licensing Authority will utilise data from Public Health to inform decision making, to identify particular locations in Rotherham where gambling is more likely to be harmful, and to identify potential mitigations and /or conditions to reduce the harm caused by gambling in local areas.

### **8.2. Safer Rotherham Partnership**

- 8.2.1. The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Rotherham a safe and attractive borough.
- 8.2.2. In making decisions, the Licensing Authority will consider the objectives of the Safer Rotherham Partnership, especially relating to:
- Reducing the opportunities for crime to occur
  - Tackling disorder and anti-social behaviour
  - Reducing the fear of crime
  - Combating the use of drugs

### **8.3. Planning**

- 8.3.1. Applications under the Gambling Act 2005 will be considered separately from other regimes such as planning and building control. This is in order to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with the appropriate planning consent for the property concerned. However, applications for licences may be made to the Licensing Authority before relevant planning permission has been sought or granted by the planning authority.
- 8.3.2. Where a planning condition restricts usage of a premises to certain hours, and if these hours differ from those permitted on a premises licence, then the premises user must comply with the more restricted of the two sets of hours.

### **8.4. Culture and Tourism**

- 8.4.1. The Council is working to develop and promote Rotherham as a good place to live and work, which means more jobs, a vibrant cultural sector and good quality green spaces.
- 8.4.2. It is supporting the economic growth and the regeneration of the borough through work with partners to deliver a joined-up culture, sport and tourism offer and adopting the Town Centre Masterplan, alongside supporting the Council's Local Plan.
- 8.4.3. The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 8.4.4. The strategy in relation to culture and tourism encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries.
- 8.4.5. This policy will operate in the spirit of the Council's approach to improving the borough's culture and tourism offer and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In doing so, it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to 'manage' any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of

sustainable communities.

## 8.5. Promotion of Equality

8.5.1. In developing this strategy, the Licensing Authority has recognised its responsibility under the Equality Act 2010, to consider the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. This Policy also acknowledges the Council's Public Sector Equality Duty to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and people who do not share it.

8.5.2. The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.

8.5.3. The following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance, will be implemented by the Licensing Authority:

- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
- The licensing objective of protecting children from harm will be promoted.
- Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
- Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
- Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
- Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.

8.5.4. The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where this proximity has an impact on the promotion of one of the licensing objectives this is a matter for the Licensing Authority. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.



## 8.6. Disabled Access

- 8.6.1. The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Equality Act 2010.

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## **PART B - The Licensing Objectives**

1. In exercising most of 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 (the prevention of crime and disorder objective).
  - Ensuring that gambling is conducted in a fair and open way (the fairness and openness objective).
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling (the protecting children and other vulnerable people objective).
2. It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
3. 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:
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with the authority’s statement of licensing policy
4. **The Licensing Objectives**
  - 4.1. **Promoting the prevention of crime and disorder objective**
    - 4.1.1. The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission’s Guidance, codes of practice and this policy statement.
    - 4.1.2. The council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.
    - 4.1.3. Applicants are encouraged to discuss the crime prevention procedures in

their premises with the Council's Licensing Officer and South Yorkshire Police before making a formal application.

4.1.4. In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

4.1.5. The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors, for example whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

#### **4.2. Promoting the fairness and openness objective**

4.2.1. The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

4.2.2. The council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

#### **4.3. Promoting the protection of children and other vulnerable persons objective**

##### Protection of children

4.3.1. Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

4.3.2. Section 45 of The Act provides the definition for child and young person:

- In this Act "child" means an individual who is less than 16 years old.
- In this Act "young person" means an individual who is not a child but who is less than 18 years old.

4.3.3. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
- bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
- family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
- clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
- All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.

4.3.4. The council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.

4.3.5. The council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measures may include supervision of entrances / machines, segregation of areas, etc.

4.3.6. The Authority is committed to preventing and tackling all forms of Child Exploitation, including Child Sexual Exploitation (CSE) and Child Criminal Exploitation (CCE). Rotherham's Children Safeguarding Board can give support, advice and training for premise operators and staff. Operators are encouraged to engage with the Safeguarding Board to include appropriate conditions and provide the necessary training to staff, covering how to deal with child protection, or perceived problems relating to children in or around the premise.

4.3.7. It is recommended that licence holders are always aware of potential Child Exploitation and report this if they see something that does not look right. This can be done through making contact with the police, or the Authority's Multi-Agency Safeguarding Hub (MASH). Further information on Child Exploitation awareness is available from both the Police and Licensing Authority's Licensing Services.

#### Protection of vulnerable people

4.3.8. It is difficult to define the term “vulnerable person”. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:

*“who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”*

4.3.9. The Gambling Commissions Code of Practice clearly describes the policies and procedures that operators should put in place regarding:

- combating problem gambling
- access to gambling by children and young persons
- information on how to gamble responsibly and help for problem gamblers
- customer interaction
- self-exclusion
- employment of children and young persons

#### Measures to protect children and vulnerable people from harm

4.3.10. The council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:

- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people.
- Proof of age schemes.
- CCTV.
- Supervision of entrances/machine areas.
- Physical separation of areas.
- Location of entry to premises.
- Windows, entrances and advertisements to be positioned or designed not to entice passers-by.
- Specific opening hours.
- Self-exclusion schemes.
- Notices/signage:
  - Stickers or notices on gaming machines to identify the stakes / prizes
  - Fixed Odds Betting Terminals should clearly display the odds
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

- ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information.
- Training for staff which develops their ability to maintain a sense of awareness of how much customers are gambling, as part of measures to detect persons who are vulnerable. Training for the purpose of identifying and providing support to vulnerable persons
- Measures / training for staff on how to deal with children on the premises, for example suspected truancy from school.

4.3.11. This list is not mandatory, nor exhaustive, and is merely indicative of example measures. The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or suggestions proposed by the applicant. Any conditions attached to licences will be proportionate and follow the principles set out in this policy

4.3.12. This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

4.3.13. The Licensing Authority is aware that tracks, i.e. 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, may be subject to more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

4.3.14. The Licensing Authority will seek to ensure that operators are following conditions laid down by the Gambling Commission to provide information on how to gamble responsibly and how to access information about problem gambling. Information should be made available in accessible form e.g. large print.

### **PART C - Premises Licences: Consideration of Applications**

1. Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

#### Decision-making

2. This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
  - in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of licensing policy.
3. It is appreciated that as per the Gambling Commission's Guidance to Licensing Authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos) and also that unmet demand is not a criterion for a licensing authority.
4. The licensing authority will discharge its functions under the Act in accordance with the scheme of delegation outlined in Appendix 3.

#### Definition of "premises"

5. In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
6. The Gambling Commission states in the fifth edition of its 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 division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

7. This licensing authority takes particular note of the Gambling Commission’s 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 to and exits from parts of a building covered by one or more premises licences 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.
  - Customers should be able to participate in the activity names on the premises licence.
  
8. The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:
  - Do the premises have a 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 a public passageway?
  - Can the premises only be accessed from any other gambling premises?



9. This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

Access provisions in relation to licensed premises.

10. Casinos

- The principal access entrance to the premises must be from a street (as defined in the 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 premise which holds a gambling premises licence.

11. Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

12. Betting Shops

- Access must be from a street (as per the Guidance to Licensing Authorities) 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. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

13. Tracks

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

14. Bingo Premises

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

15. Family Entertainment Centre

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre

- a betting premises, other than a track
16. Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

#### Premises "ready for gambling"

17. The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.
18. If the construction of a premises is not yet 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.
19. In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:
- First, whether the premises ought to be permitted to be used for gambling
  - Second, 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.
20. Applicants should note that this 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.
21. More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

#### Location

22. This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any

application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### Planning

23. The Gambling Commission Guidance to Licensing Authorities states:

*“In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal”.*

24. This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

*“When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.*

### Duplication with other regulatory regimes

25. This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
26. When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

Consideration of Licensing objectives

27. Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below.

Conditions

28. Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
  - directly related to the premises and the type of licence applied for;
  - fairly and reasonably related to the scale and type of premises; and
  - reasonable in all other respects.
29. Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.
30. This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
31. This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
  - only adults are admitted to the area where these machines are located;
  - access to the area where the machines are located is supervised;
  - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and

- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
32. These considerations will apply to premises including buildings where multiple premises licences are applicable.
33. This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
34. It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
  - conditions in relation to stakes, fees, winning or prizes.

#### Door Supervisors

35. The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.
36. Where it is decided that supervision of entrances / machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

Provisional Statements

37. Developers may wish to apply to this authority 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.
38. S204 of 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 acquire a right to occupy.
39. 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.
40. 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.
41. The holder of a 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 the grant of a provisional statement, no further representations from relevant 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 in the applicant's circumstances.
42. In addition, the 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 operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

### Reviews

43. 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. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authority's statement of principles.
44. The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
45. The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
46. 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.
47. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
48. The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- add, remove or amend a licence condition imposed by the licensing authority;

- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - suspend the premises licence for a period not exceeding three months; and
  - revoke the premises licence.
49. In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
50. In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
51. 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 Commission
  - any person who made representations
  - the chief officer of police or chief constable; and
  - Her Majesty's Commissioners for Revenue and Customs

#### Information relevant to specific premises

#### Adult Gaming Centres

52. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
53. This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours



- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

#### Licensed Family Entertainment Centres:

55. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

56. This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion 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

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

58. This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### Casinos

59. This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

Any such decision will be made by the Full Council.

### Bingo premises

60. Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles. Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority. The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises. Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed.

### Betting premises

#### *Betting machines*

61. This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number / nature / circumstances of betting machines an operator wants to offer.

### Tracks

62. At present this Authority does not have any licensed Tracks however this licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority would 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) 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.
63. This authority would 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.

64. This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entry
  - Notices / signage
  - Specific opening hours
  - Self-exclusion schemes
  - Provision of information leaflets / helpline numbers for organisations such as GamCare
65. This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

#### *Gaming machines*

66. Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

#### *Betting machines*

67. This licensing authority would take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

#### *Applications and plans*

68. The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan would also be used for the licensing authority to plan future premises inspection activity.
69. Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information

required by regulations.

70. Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises
71. In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
72. This 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. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

### Travelling Fairs

73. This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be 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.
74. The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
75. It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it 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. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

**PART D - Permits and Temporary or Occasional Use Notices**

Prize Gaming Permits

1. The Gambling Act 2005 states that a licensing authority may 'prepare a statement of principles that they propose to apply in exercising their functions under this Schedule' which 'may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit'.
2. The Licensing Authority requires the applicant to (a) set out the types of gaming that they are intending to offer, (b) submit a plan of the building indicating the location of the gaming and (c) be able to demonstrate:
  - That they understand the limits to stakes and prizes that are set out in Regulations;
  - That the gaming offered is within the law;
  - Clear policies that outline the steps to be taken to protect children from harm.
3. In making its decision on an application for this permit the Licensing Authority does not need to, but may, have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
4. It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions.
5. The conditions in the Act are:
  - the limits on participation fees, as set out in regulations, must be complied with;
  - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
  - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
  - participation in the gaming must not entitle the player to take part in any other gambling.

Unlicensed Family Entertainment Centres (FEC)

6. Unlicensed Family Entertainment Centres will cater for families, including unaccompanied children and young persons. As they operate on a permit they will only be allowed to have Category D Gaming machines, which can be played by young people.
7. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, garages and petrol filling stations, taxi offices or non-arcade premises.
8. The Licensing Authority will, in relation to applications for unlicensed family entertainment centres, take into account the following statement of principles when determining the suitability of the applicant:
9. The Licensing Authority will expect the applicant to submit a plan of the building and show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
10. This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

Alcohol Licensed Premises

11. Premises licensed to sell alcohol for consumption on the premises have an automatic right to have two machines of categories C and/or D. Any increase on these limits will require a permit. These applications will be considered on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited. The applicant will be expected to ensure that under 18s do not have access to the adult only gaming machines.
12. This could include being in sight of the bar or in sight of the staff who monitor that such machines are not used by those under 18. In relation to

vulnerable persons the applicant could consider the provision of information for support services that offer advice.

#### Club Gaming and Club Machine Permits

13. Members Clubs are defined as having more than 25 members and being established for purposes other than gambling and Miner's Welfare Institutes are defined as associations established for recreational or social purposes.
14. Members Clubs and Miners' Welfare Institutes may apply for these. A Club Gaming Permit will enable premises to provide three machines of either categories B, C or D and equal chance and other forms of gaming, as set out in regulations. A club gaming machine permit if applied for will enable premises to provide three machines of categories B, C or D only.

#### Temporary Use Notices

15. Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.
16. These notices should not be used to permit regular gambling in a place that could be described as one set of premises. The Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

#### Occasional Use Notices

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

Small Society Lotteries

18. The Council will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The Council considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
  - submission of incomplete or incorrect returns
  - breaches of the limits for small society lotteries
19. Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:
- by, or on behalf of, a charity or for charitable purposes
  - to enable participation in, or support of, sporting, athletic or cultural activities.



**PART E - The Local Risk Profile and Risk Assessments by Operators –  
Licensing Conditions and Codes of Practice (LCCP)**

1. The Gambling Commission publishes the general licence conditions and codes of practice which apply to licensed gambling operators in Licensing Conditions and Codes of Practice (LCCP) which is revised from time to time. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
2. The code requires operators:
  - To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
  - To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
  - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
  - To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

**Risk Assessments**

3. Such risk assessments are required from new applicants, and from existing premises licence holders seeking to vary a licence. The LCCP strongly encourages all operators of Casino's, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
4. Operators are expected by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for a new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.
5. Any failure to provide a competent risk assessment will be taken into account by the Council in determining the application, and such inferences will be made about potential harm to the licensing objectives as appear appropriate.
6. The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and the Council expects the Local Area Risk Profile and the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
  - Gaming trends such as increased levels of gambling activity which, for example, correspond with pay days or benefits payments;
  - Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
  - Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
  - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities;
  - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.;
  - The ethnicity, age, economic makeup of the local community.
7. The risk assessment should cover the risks and character of the local area, the gambling operation and the design of the premises.

#### The Local Area

8. The Council expects the following matters to be considered by operators when making their risk assessment.
- 8.1. Matters relating to children and young persons, including:
- The footfall in the local area, for example, does it predominately comprise residents, workers or visitors, is it a family orientated area, popular with children and young people;
  - Significant presence of young children;
  - Institutions, places or areas where the presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.;
  - Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted;
  - Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.;
  - Recorded incidents of attempted underage gambling;
  - Transport links and parking facilities;

- Community centres;
- High crime area;
- Other gambling premises in the vicinity.

8.2. Matters relating to vulnerable adults, including:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments;
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as hospitals, mental health providers, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.;
- Homeless or rough sleeper shelters, hostels and support services;
- Transport links and parking facilities;
- Community centres;
- High crime area;
- High unemployment area;
- Pawn broker / pay day loan businesses in the vicinity;
- Other gambling premises in the vicinity.

8.3. Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

The Gambling Operation

9. In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

10. The assessor may wish to consider:

- How the gambling operation will relate to how the operator conducts its business;
- What gambling products it provides in the premises;
- The facilities to enable gambling within the premises;
- The staffing levels within the premises;
- The level and requirement for staff training;

- Whether loyalty or account cards are used or not;
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP;
- The security and crime prevention arrangements it has in place; • How it advertises locally and on the premises;
- The marketing material within the premises;
- The display and provision of information, etc.

### The Design of Premises

11. The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted. For example:
  - The premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter.
  - The assessor may identify that the design of the entrance to the premises is not sufficiently covered by CCTV to enable the identification of offenders.
  - Premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design means that children and young people can see into the premises and see gambling taking place.
  - If the premises have a large amount of glass frontage in an area prone to criminal damage, the assessor may consider the risk of damage to the standard toughened glass to be high.
12. These would be identified risk factors that would need to be documented.
13. This list is not exhaustive and other factors not in this list that are identified may also be taken into consideration.

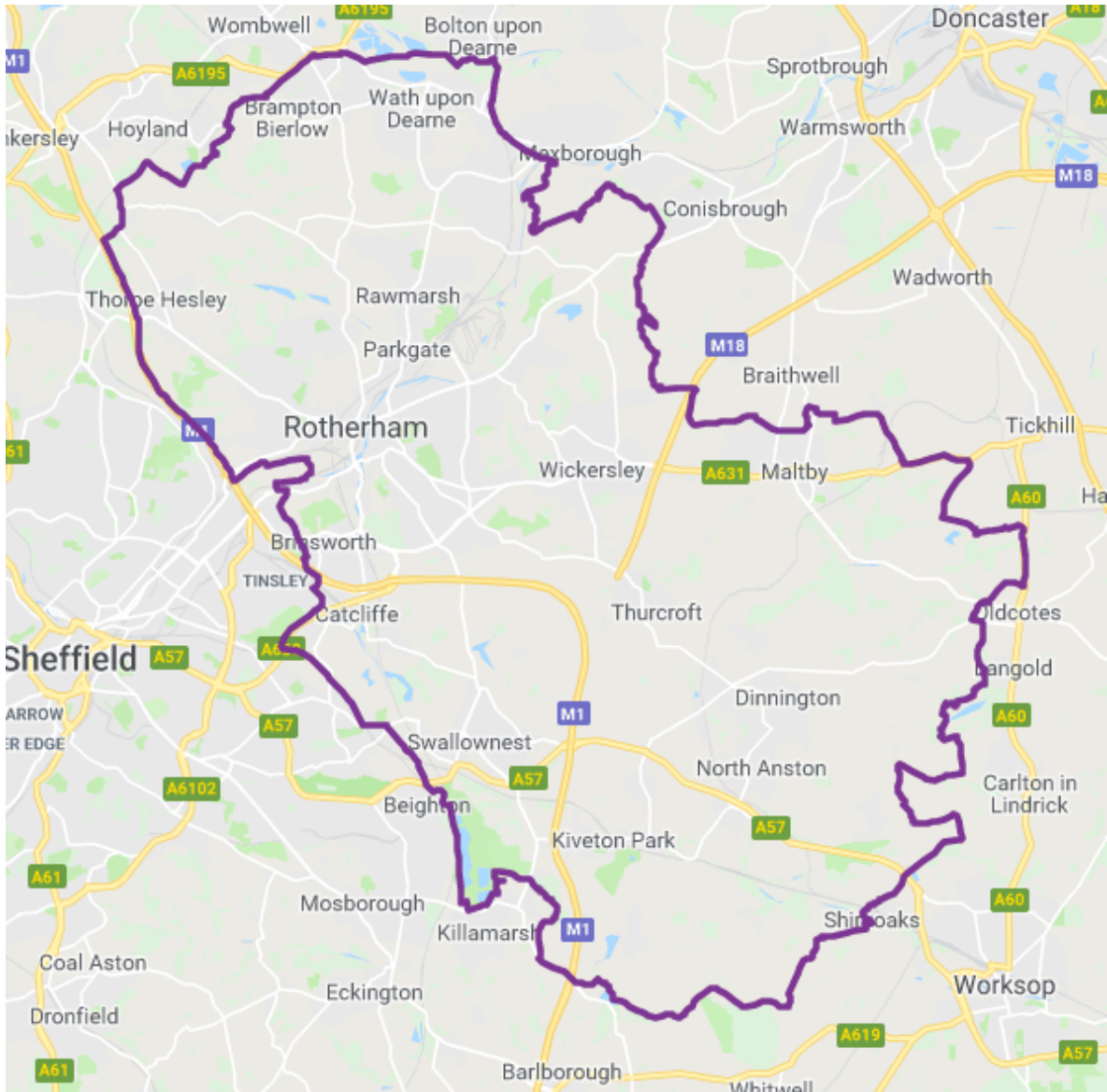
### Local Area Risk Profile

14. The Gambling Commission guidance advises that licensing authorities provide a risk profile of their borough. This will assist operators undertaking the risk assessments of their premises, and will also be taken into account when considering applications for new and variations to licences and reviews of licences.
15. The Licensing Authority will endeavour to ensure an up to date Local Area

Risk Profile for the Rotherham Borough is published and readily available.

16. Whilst not forming part of this policy, the Local Area Risk Profile for the Rotherham Borough should aim to include data and maps which show the distribution of gambling premises and sensitive locations and vulnerable communities. For example:
- Educational establishments;
  - Relevant leisure facilities;
  - Medical facilities, care homes, and temporary accommodation etc.;
  - Places of worship;
  - Hot spot areas combining the educational establishments/leisure facilities / medical facilities
  - Areas of deprivation;
  - Areas of unemployment;
  - Areas where residents claim working age benefits;
  - Areas of poor mental health;
  - Violence hot spots;
  - Drug and alcohol hot spots.
17. If an application for a new licence or variation is submitted that is within 400 metres of a sensitive building or vulnerable community, operators are encouraged to provide details of the measures to be implemented that would overcome any risks relating to one or more of the licensing objectives, namely:
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.
  - Being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way.

**APPENDIX A – the Borough of Rotherham (the area to which this policy applies)**



**APPENDIX B – Details of Consultees**

Chief Constable, South Yorkshire Police  
Chief Fire Officers, South Yorkshire Fire and Rescue Service  
Clerks to Parish Councils  
GAMCARE  
RIDO (Rotherham Investment and Development Office)  
RMBC Community Protection Manager  
RMBC Head of Planning and Transportation  
RMBC Safeguarding Manager – Child Protection  
RMBC Safeguarding Manager – Adult Services  
RMBC Equalities and Diversity Manager  
RMBC Ward Councillors  
Barnsley and Rotherham Chamber of Commerce  
Safer Rotherham Partnership  
Member of Parliament for Rotherham  
Member of Parliament for Rother Valley  
Member of Parliament for Wentworth and Dearne

In addition the Council will open the consultation to the public.

**Consultation methods**

- Use social media to inform the public about this consultation and direct them to the questionnaire
- On-line consultation
- Consultation documents at Council reception areas
- Press Releases
- Direct correspondence to statutory consultees
- Information provision to all ward members
- Public Notice in the local press

**APPENDIX C - Delegation of Functions**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Cabinet</b>	<b>Sub Committee of licensing committee</b>	<b>Officers</b>
Three year licensing policy	✓			
Policy not to permit casinos	✓			
Fee setting (when appropriate)		✓		
Application for premises licences			If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application to vary a licence			If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application for a transfer of a licence			Where representations have been received from the Commission	Where no representations have been received from the Commission



<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Cabinet</b>	<b>Sub Committee of licensing committee</b>	<b>Officers</b>
Application for a provisional statement			If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Review of a premises licence			✓	
Applications for club gaming / club machine permits			Where objections have been made (and not withdrawn)	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine permits			✓	
Applications for other permits (including small society lottery registrations)				✓
Cancellation of licensed premises gaming machine permits				✓

Matter to be dealt with	Full Council	Cabinet	Sub Committee of licensing committee	Officers
Consideration of temporary use notice				✓
Decision to give counter Notice to a temp. use notice			✓	

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