



**A meeting of the Council will be held in the Civic Hall, Leeds on Wednesday, 18th November, 2009 at 1.35 pm or at the conclusion of the Extraordinary meeting called at 1.30 pm on the same day.**

**Members of the Council are invited to attend and transact the following business:**

**1. Minutes**

To confirm the minutes of the Council Meeting held on 16<sup>th</sup> September 2009.

**2. Declarations of Interest**

To receive any declarations of interest from Members.

**3. Communications**

To receive such communications as the Lord Mayor, the Leader, Members of the Executive Board or the Chief Executive consider appropriate.

**4. Deputations**

To receive deputations in accordance with Council Procedure Rule 10.

**5. Reports**

To consider the following motion (the Chief Executive considers that this report is appropriate to be received at this meeting in accordance with Council Procedure Rule 2.2(f)):-

That the following nominations for receipt of the Leeds Award be approved and that the Lord Mayor be requested to undertake an appropriate award ceremony:-

Claude Bandawe  
Alec Bloom MBE  
Brian Wheelhouse  
Tony Edwards

**R BRETT**

**6. Questions**

To deal with questions in accordance with Council Procedure Rule 11.

**7. Recommendations of the Executive Board**

That the recommendations of the Executive Board with regard to:-

- a) the approval of a virement;
- b) the approval of the Gambling Act 2005 Statement of Licensing Policy; and
- b) to amendments to the Council Business Plan 2008-2011;

as presented by the report of the Assistant Chief Executive (Corporate Governance) be approved.

**R BRETT**

**8. Minutes**

To receive the minutes in accordance with Council Procedure Rule 2.2(o).

**R BRETT**

**9. White Paper Motion - Children and Young People**

This Council condemns the ruling administration for their continued failure to support children and young people in our city.

**J JAROSZ**

**10. White Paper Motion - Kirkgate Market**

This Council underlines its commitment to Leeds Kirkgate Market and all markets across the city. Council further notes the progress which has been made in relation to some issues at Kirkgate Market recently, but recognises there is still a lot of work to be done.

Council also acknowledges the important role that traders play in Kirkgate Market, and resolves therefore to do everything in its power to save and preserve this vital retail asset in our city.

**M DOBSON**

**11. White Paper Motion - Road Traffic Accidents**

This Council accepts that all road traffic accidents that lead to the death or injury of pedestrians or motorists are a tragedy for families and communities. This Council notes recent tragic events on roads across Leeds, including the death of a student on Britannia Road, Morley and the injury of a mother and child in a road traffic accident on Wide Lane and pledges to explore all possibilities and financing options to reduce the potential for any such future incidents.

**T GRAYSHON**

**12. White Paper Motion - Leeds Arena**

This Council condemns the Government decision to review the business case for the Leeds City Council led Leeds Arena development.

Council welcomes the commitment made by the ruling administration to develop the scheme with or without government support and further welcomes the inward investment and regeneration this project will deliver.

## **A CARTER**

### **13. White Paper Motion Submitted under the Provisions of Council Procedure Rule 3.1(d) - British Bee Population**

This Council expresses its deep concern over the decline of the British bee population. Council therefore resolves to consider and look to implement the necessary and appropriate environmental steps to help protect and increase the local bee population.

Council further notes that bees are essential to the food supply not just in the UK but worldwide, and that their extinction would be catastrophic for our planet.

## **B SELBY**

### **14. White Paper Motion Submitted under the Provisions of Council Procedure Rule 3.1(d) - Leeds Rhinos**

This council congratulates the Leeds Rhinos rugby league team who, by defeating St Helen's, won an unprecedented third consecutive Super League championship. Council further hopes the team will carry this success forward and do the city proud by winning the World Club Challenge in 2010.

## **S SMITH**

### **15. White Paper Motion Submitted under the Provisions of Council Procedure Rule 3.1(d) - Yorkshire County Cricket Club**

This council congratulates Yorkshire County Cricket Club on winning the right to stage the Pakistan - Australia Test match at Headingley next July. The Council is proud that Leeds has been chosen to play host to the Pakistan Cricket Team to allow them to play Australia at a neutral venue, and believes this offers an opportunity for Yorkshire Cricket to develop its contacts with local communities.

## **M HAMILTON**

### **16. White Paper Motion Submitted under the Provisions of Council Procedure Rule 3.1(d) - VAT Rates for Building Repairs and Maintenance**

This Council urges the Government to adopt the recent EU directive that recommends a cut in VAT rates for building repairs and home maintenance work.

Council believes that reducing VAT to a permanent rate of 5% on home maintenance and building repairs, while bringing a significant revenue cost to the government, would be substantially mitigated by the increase in the volume of work generated as a result of the reduction in prices.

Key benefits would include:

- the creation of more jobs for small businesses;
- a reduction in the number of empty homes;
- encouraging more people to use energy efficient products;
- a reduction in fuel poverty;
- an improvement in housing standards.

This Council instructs the Chief Executive to write to the Chancellor of Exchequer expressing Council's support for such a move.

## **S ANDREW**

Chief Executive

Civic Hall  
Leeds  
LS1 1UR

NOTE – The order in which White Paper motions will be debated will be determined by Whips prior to the meeting



Proceedings of the Meeting of the Leeds City Council held  
Civic Hall, Leeds on Wednesday, 16th September, 2009

**PRESENT:** The Lord Mayor Councillor Judith Elliott in the Chair

**WARD**

**ADEL & WHARFEDALE**

Barry John Anderson  
John Leslie Carter  
Clive Fox

**ALWOODLEY**

Ronald David Feldman  
Ruth Feldman  
Peter Mervyn Harrand

**ARDSLEY & ROBIN HOOD**

Karen Renshaw  
Jack Dunn  
Lisa Mulherin

**ARMLEY**

Alison Natalie Kay Lowe  
James McKenna  
Janet Harper

**BEESTON & HOLBECK**

Angela Gabriel  
Adam Ogilvie  
David Congreve

**BRAMLEY & STANNINGLEY**

Angela Denise Atkinson  
Ted Hanley  
Neil Taggart

**BURMANTOFTS & RICHMOND HILL**

Ralph Pryke  
Richard Brett  
David Hollingsworth  
**GUISELEY & RAWDON**

Graham Latty  
Stuart Andrew  
John Bale

**WARD**

**CALVERLEY & FARSLEY**

Andrew Carter  
Joseph William Marjoram  
Frank Robinson

**CHAPEL ALLERTON**

Eileen Taylor  
Mohammed Rafique  
Jane Dowson

**CITY & HUNSLET**

Elizabeth Nash  
Patrick Davey  
Mohammed Iqbal

**CROSS GATES & WHINMOOR**

Suzi Armitage  
Pauleen Grahame  
Peter John Gruen

**FARNLEY & WORTLEY**

David Blackburn  
Ann Blackburn  
Andy Parnham

**GARFORTH & SWILLINGTON**

Andrea McKenna  
Mark Dobson  
Thomas Murray

**GIPTON & HAREHILLS**

Arif Hussain  
Roger Harington

**MORLEY NORTH**

Robert Finnigan  
Robert William Gettings

**HAREWOOD**

Ann Castle  
Rachael Procter  
Alec Shelbrooke

**HEADINGLEY**

Jamie Matthews  
James John Monaghan  
Martin Hamilton

**HORSFORTH**

Christopher Townsley  
Andrew Barker  
Brian Cleasby

**HYDE PARK & WOODHOUSE**

Penny Ewens  
Kabeer Hussain  
Linda Valerie Rhodes-Clayton

**KILLINGBECK & SEACROFT**

Graham Hyde  
Veronica Morgan  
Brian Michael Selby

**KIPPAX & METHLEY**

John Keith Parker  
James Lewis  
Keith Ivor Wakefield

**KIRKSTALL**

Lucinda Joy Yeadon  
John Anthony Illingworth  
Bernard Peter Atha

**MIDDLETON PARK**

Geoffrey Driver  
Judith Blake  
Debra Ann Coupar

**MOORTOWN**

Mark Daniel Harris  
Brenda Lancaster  
Richard Harker

**MORLEY SOUTH**

Judith Elliott  
Terrence Grayshon  
Christopher James Beverley

**OTLEY & YEADON**

Graham Peter Kirkland  
Colin Campbell  
Ryk Downes

**PUDSEY**

Josephine Patricia Jarosz  
Richard Alwyn Lewis  
Mick Coulson

**ROTHWELL**

Donald Michael Wilson  
Steve Smith  
Barry Stewart Golton

**ROUNDHAY**

Matthew Lobley  
Valerie Kendall  
Paul Wadsworth

**TEMPLE NEWSAM**

William Schofield Hyde  
David Schofield  
Michael Lyons

**WEETWOOD**

Ben Chastney  
Susan Bentley  
Judith Mara Chapman

**WETHERBY**

Gerald Wilkinson  
Alan James Lamb  
John Michael Procter

**35 Announcements**

- a) The Lord Mayor referred to the recent death of Honorary Alderman, Mrs Christiana Myers and Council stood in silent tribute.
- b) The Lord Mayor referred to the recent death of Baroness Nicky Chapman.
- c) The Lord Mayor reported that she had attended the Yorkshire in Bloom Awards where Leeds won the Gold Award and Best in its Category.

**36 Minutes**

It was moved by Councillor J Procter, seconded by Councillor Gruen and

**RESOLVED** – That the minutes of the meeting held on 15<sup>th</sup> July 2009 be approved.

**37 Declarations of Interest**

The Lord Mayor announced that a list of written declarations submitted by Members was on deposit in the public galleries and had been circulated to each Member's place in the Chamber.

Following an invitation to declare further individual interests, declarations in accordance with the Council's Code of Conduct were made as follows:-

- a) Members declared personal interests in Minute (45) of this meeting as follows:-

Councillor A Blackburn	Board Member West North West Homes ALMO Mother-in-law receiving social care Governor Ryecroft Primary and Lawns Park Primary
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Councillor D Blackburn	Member of West Leeds Gateway Board Member of West Leeds Gateway Stakeholders Advisory Group Mother receiving social care Governor of Whingate Primary and Lower Wortley Primary
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Councillor Parnham	Governor of Whingate Primary
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Councillor Kirkland	Foundation Governor at Prince Henry's Grammar School
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Councillor Hollingsworth	Member of Aire Valley Regeneration Board
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- b) Members declared personal interests in minute (47) of this meeting, as follows:-

Councillor Dunn	Member of the steering group for Lofthouse Children's Centre
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Councillor Murray	Wife is Independent Case Reviewer for LCC Children's Services
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	Councillor Kendall	Member, Adoption Panel (Skyrack)
	Councillor Harrand	Member, Education Advisory Board for the East Moor Secure Children's Centre
	Councillor Wilkinson	Member, Children's Advisory Panel
c)	Members declared personal interests in minute (49) of this meeting, as follows:-	
	Councillor Harker	Have a family farm
	Councillor Anderson	Member, Leeds Initiative – Climate Change; Member, National Society for Clean Air Divisional Council; Member, Investigation of Air Pollution Standing Conference
	Councillor Bale	Society for the Environment (Chartered Environmentalist)
	Councillor Schofield	Council for the Protection of Rural England; Member, Countryside Alliance
d)	Members declared personal interests in minute (46) of this meeting, as follows:-	
	Councillor Illingworth	Wife chairs the management committee of Bethel Day Centre
	Councillor Lancaster	Vice Chair Meanwood Elderly Neighbourhood Action
	Councillor J McKenna	Works for Armley Helping Hands
	Councillor D Blackburn	Mother receiving social care
	Councillor A Blackburn	Mother in law receiving social care
	Councillor Brett	Member of Management Committee – Burmantofts Senior Action
	Councillor W Hyde	Chair – Board of Trustees – Crossgates Good Neighbours , Member, Halton Moor and Osmondthorpe Project for Elders(HOPE)
	Councillor Bale	Member, Strategy Board for the Independent Living Project
	Councillor Kendall	Member, Strategy Board for the Independent Living Project
	Councillor Lobley	Member, Community Action for Roundhay Elderly Management Committee



e) Members declared personal interests in minute (50) of this meeting, as follows:-

Councillor A Blackburn	Board Member West North West Homes ALMO
Councillor Anderson	Director, West North West Homes Leeds; Member, Council Housing Investment Review - Consultation Group
Councillor A Carter	Member, Affordable Housing Strategic Partnership
Councillor J L Carter	Member, Affordable Housing Strategic Partnership
Councillor Wadsworth	Director, East North East Homes Leeds
Councillor Wilkinson	Director, East North East Homes Leeds

f) Members declared personal interests in minute (51) of this meeting, as follows:-

Councillor Kendall	Trustee of the Leeds Tapestry
Councillor Lancaster	Chair of the Leeds Tapestry

g) Members declared personal interests in minute (52) of this meeting, as follows:-

Councillor Castle	Member, Leeds Civic Trust
Councillor Schofield	Member of CAMRA

h) Members declared personal interests in minute (53) of this meeting, as follows:-

Councillor Anderson	Member, West Yorkshire Passenger Transport Forum; Member, Regional Transport Forum
Councillor Andrew	Member, WYPTA Local Transport Plan Steering Group
Councillor A Carter	Member, Leeds Initiative - Integrated Transport Partnership; Member, West Yorkshire Integrated Transport Authority; Member, Yorkshire and Humber Transport Board; Member, LGA Regeneration and Transport Board
Councillor Fox	Member, WYPTA Passenger Transport Consultative Committee
Councillor Schofield	Member, Railfuture

**38 Deputations**

Two deputations were admitted to the meeting and addressed Council as follows:-

- 1) The 'Time to Change Campaign' City Wide Steering Group seeking Leeds City Council support for the events planned to be held in Leeds as part of the national 'Time to Change' Campaign.
- 2) The Access Committee for Leeds regarding the closure of Day Centres.

**RESOLVED** – That the subject matter of the deputations be referred to the Executive Board for consideration.

**39 Reports**

a) Council Meeting Arrangements – November 2009

It was moved by Councillor Brett, seconded by Councillor A Carter and

**RESOLVED** – That the report of the Assistant Chief Executive (Corporate Governance) be approved.

b) Appointments

It was moved by Councillor J Procter, seconded by Councillor Gruen and

**RESOLVED** – That the report of the Assistant Chief Executive (Corporate Governance) be approved.

c) Amendments to Officer Delegation Scheme (Executive Functions)

It was moved by Councillor Brett, seconded by Councillor A Carter and

**RESOLVED** – That the report of the Assistant Chief Executive (Corporate Governance) be noted.

**40 Questions**

1) Councillor J Lewis to the Executive Member (Environmental Services)

Can the Executive Board Member for Environmental Services please confirm the original estimate for the annual payment to Glendales this year for the Council and ALMO's Grounds Maintenance Contract?

The Executive Member (Environmental Services) replied

2) Councillor Hamilton to the Leader of Council.

Could the Leader of Council please update members on the ongoing industrial action in Streetscene services?

The Leader of Council replied.

3) Councillor Schofield to the Executive Member (Development & Regeneration).

Can the Executive Board Member for City Development & Regeneration provide details of the successful projects developed through the Town and District Centre Regeneration scheme?

The Executive Member (Development & Regeneration) replied.

- 4) Councillor Wakefield to the Leader of Council.

Can the Leader of Council confirm that there is an on-going court case at London's High Court regarding the validity of the authority's delegated powers between 2004 and early 2008?

The Leader of Council replied.

- 5) Councillor Grayshon to the Executive Member (Leisure).

Can the Executive Board Member for Leisure please update Council on the progress made in regard to the building of the new Morley Leisure Centre?

The Executive Member (Leisure) replied.

- 6) Councillor Gruen to the Executive Member (Development & Regeneration).

Does the Executive Board Member for City Development agree with me how important it is that members of plans panels are allowed to undertake their role without interference, in an impartial and objective manner?

The Executive Member (Development & Regeneration) replied.

- 7) Councillor Downes to the Executive Member (Children's Services)

Could the Executive Member for Children's Services tell Council the outcome of the latest inspection of the fostering service?

The Executive Member (Children's Services) replied.

- 8) Councillor Andrew to the Executive Member (Adult Social Care).

Would the Executive Member for Adult Social Care please comment on the Social Care Green Paper - "Shaping the Future of Care Together"?

The Executive Member (Adult Social Care) replied.

- 9) Councillor Lowe to the Leader of Council.

Does the Leader of Council agree with me how important it is that the Council is open and transparent with the public?

The Leader of Council replied.

- 10) Councillor A Blackburn to the Executive Member (Neighbourhoods and Housing).

Can the Executive Member for Neighbourhoods and Housing inform me what incentives are currently in place to help Council tenants downsize?

The Executive Member (Neighbourhoods and Housing) replied.

11) Councillor Lyons to the Executive Member (Environmental Services).

Can the Executive Board Member for Environmental Services please inform members how much third-party waste is to be received at the Council's planned incinerator?

The Executive Member (Environmental Services) replied.

At the conclusion of question time, the following questions remained unanswered and it was noted that under the provisions of Council Procedure Rule 11.6, written responses would be sent to each Member of Council:-

12) Councillor Cleasby to the Leader of Council.

13) Councillor Anderson to the Executive Member (Development & Regeneration).

14) Councillor Gruen to the Executive Member (Central and Corporate).

15) Councillor Beverley to the Leader of Council.

16) Councillor A McKenna to the Chair of the Health Scrutiny Board

17) Councillor Campbell to the Executive Member (Learning)

18) Councillor Pryke to the Executive Member (Environmental Services)

19) Councillor Hollingsworth to the Executive Member (Children's Services)

20) Councillor Chapman to the Executive Member (Learning)

#### **41 Recommendations of the Executive Board**

It was moved by Councillor Brett, seconded by Councillor A Carter and

**RESOLVED** – That the recommendations of the Executive Board on treasury management matters be approved in accordance with the recommendations of the report of the Assistant Chief Executive (Corporate Governance).

#### **42 Recommendations of the General Purposes Committee - Executive Arrangements**

It was moved by Councillor A Carter, seconded by Councillor Brett and

**RESOLVED** – That the recommendations of the General Purposes Committee on the Council's Executive arrangements be approved in accordance with the recommendations of the report of the Assistant Chief Executive (Corporate Governance).

#### **43 Recommendations of the General Purposes Committee - Amendments to the Constitution**

It was moved by Councillor A Carter, seconded by Councillor Brett and

**RESOLVED** – That the recommendations of the General Purposes Committee on amendments to the Constitution be approved in accordance with the recommendations of the report of the Assistant Chief Executive (Corporate Governance).

**44 Variation of Order of Business**

Prior to the commencement of the debate under minute 45 below, it was moved by Councillor J Procter and seconded by Councillor Gruen

That under the provisions of Council Procedure Rule 2.3 the amendment (reference back) in the name of Councillor J Lewis be heard first.

**45 Minutes**

It was moved by Councillor Brett, seconded by Councillor J Procter that the minutes be received in accordance with Council Procedure Rule 2.2(o).

An amendment (reference back) was moved by Councillor J Lewis and seconded by Councillor Wakefield to add the following at the end of item 10:-

‘To ask the Executive Board to reconsider the decision in relation to the Way Forward Review of Waste Collection Services as contained in Minute 47, Page 65 of the Executive Board minutes of the 22<sup>nd</sup> July 2009.’

The amendment was declared lost and upon being put to the vote it was

**RESOLVED** – That the minutes submitted to Council in accordance with Council Procedure Rule 2.2(o) be received.

Council Procedure rule 4 providing for the winding up of business was applied prior to all notified comments on the minutes having been debated.

On the requisition of Councillors Gruen and Taggart, the voting on the amendment (reference back) was recorded as follows:-

YES

Armitage, Atha, Atkinson, Beverley, Blackburn A, Blackburn D, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harper, Harington, Hussain A, Hyde G, Illingworth, Iqbal, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Morgan, Murray, Nash, Ogilvie, Parker, Parnham, Rafique, Renshaw, Rhodes-Clayton, Selby, Taggart, Taylor E, Wakefield, Yeadon,

46

ABSTENTIONS

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NO

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Carter J L, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Gettings, Golton, Grayshon, Hamilton, Harker, Harrand, Harris, Hollingsworth, Hussain K, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram, Matthews, Monaghan, Procter J, Procter R, Pryke, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson,

49

The meeting was suspended at 4.55 pm and resumed at 5.25 pm.

**46 White Paper Motion - Day Centre Closures**

It was moved by Councillor J McKenna, seconded by Councillor Yeadon

That this council underlines its commitment to providing our elderly with a choice of vital care services and recognises the essential role day centres play in our communities.

This Council therefore urges the Executive Board to withdraw proposals to close six day centres which, if given the go-ahead, will hit hardest some of the most vulnerable people in our city.

Furthermore this Council also expresses its grave concern at how consultation on these closure plans has been managed.

An amendment was moved by Councillor Harrand, seconded by Councillor Brett to delete all after "This Council" and replace with:-

'restates its commitment to providing older people with a choice of vital care services, recognises the essential role of day centres, and notes that day service provision will continue to be offered to all current day centre users and that existing friendship groups will be maintained.

This Council welcomes current proposals to implement Government policy and modernise outdated services.

This Council recognises the value and increasing professionalism of the voluntary sector organisations, to which the council provides funding and other support.

This Council notes the extensive and successful efforts being made by officers to consult widely, especially with those people and their carers who will be directly affected by the proposals.'

The amendment was carried and, upon being put as the substantive motion, it was

**RESOLVED** – That this Council restates its commitment to providing older people with a choice of vital care services, recognises the essential role of day centres, and notes that day service provision will continue to be offered to all current day centre users and that existing friendship groups will be maintained.

This Council welcomes current proposals to implement Government policy and modernise outdated services.

This Council recognises the value and increasing professionalism of the voluntary sector organisations, to which the council provides funding and other support.

This Council notes the extensive and successful efforts being made by officers to consult widely, especially with those people and their carers who will be directly affected by the proposals.

On the requisition of Councillors Gruen and Taggart the voting on the amendment was recorded as follows:-

YES

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Carter J L, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Golton, Grayshon, Hamilton, Harker, Harrand, Hollingsworth, Hussain K, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram,

Matthews, Monaghan, Procter J, Procter R, Pryke, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson

47

ABSTENTIONS

0

NO

Armitage, Atha, Beverley, Blackburn A, Blackburn D, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harper, Harington, Hussain A, Hyde G, Illingworth, Iqbal, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Parnham, Rafique, Renshaw, Rhodes-Clayton, Selby, Taggart, Taylor E, Wakefield, Yeadon

46

On the requisition of Councillors Harker and Golton the voting on the substantive motion was recorded as follows:-

YES

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Carter J L, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Gabriel, Golton, Grayshon, Hamilton, Harker, Harrand, Hollingsworth, Hussain K, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram, Matthews, Monaghan, Morgan, Procter J, Procter R, Pryke, Renshaw, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson,

50

ABSTENTIONS

Beverley, Blackburn A, Blackburn D, Parnham

4

NO

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Grahame, Gruen, Hanley, Harper, Harington, Hussain A, Hyde G, Illingworth, Iqbal, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Mulherin, Murray, Nash, Ogilvie, Parker, Rafique, Rhodes-Clayton, Selby, Taggart, Taylor E, Wakefield, Yeadon

39

**47 White Paper Motion - Safeguarding of Children**

It was moved by Councillor Golton, seconded by Councillor W Hyde

That this Council recognises the serious issues highlighted by the recent unannounced OFSTED inspection of contact, referral and assessment services within Leeds City Council Children's Services.

Council affirms that safeguarding of children should receive the highest priority and that it will learn the lessons from the issues highlighted in the inspection report.

Council notes the ongoing actions to embed citywide consistency in front line practices to ensure that any child at risk receives the attention they deserve.

An amendment was moved by Councillor Blake, seconded by Councillor Mulherin, to delete all after “This Council” and replace with

‘notes with great alarm the serious issues highlighted by the recent unannounced OFSTED inspection of contact, referral and assessment services within Leeds City Council Children’s Services.

Council affirms that safeguarding of children should receive the highest priority. Therefore the Council’s failure to fulfil this vital responsibility, as detailed in the Inspectors’ report, is both disturbing and damning.

Council therefore resolves that:-

1. An urgent report be brought to the Executive Board outlining the findings of the review into the Council’s safeguarding procedures.
2. The Executive Board member for the Children Services Department should stand down from his position with immediate effect.’

A second amendment was moved by Councillor A Blackburn, seconded by Councillor Parnham to delete the third paragraph and add

‘Council also believes that the results of the inspection and assessments show the need for the introduction of an Advisory Committee to the Executive Board covering all aspects of Children’s Services. Council, therefore, requests the Chief Executive to bring a paper to the Executive Board setting out proposals to put this into operation.’

Both the amendment and the second amendment were declared lost and upon being put to the vote it was

**RESOLVED** – That this Council recognises the serious issues highlighted by the recent unannounced OFSTED inspection of contact, referral and assessment services within Leeds City Council Children’s Services.

Council affirms that safeguarding of children should receive the highest priority and that it will learn the lessons from the issues highlighted in the inspection report.

Council notes the ongoing actions to embed citywide consistency in front line practices to ensure that any child at risk receives the attention they deserve.’

On the requisition of Councillors Gruen and Lyons, the voting was recorded as follows:-

#### The First Amendment

#### YES

Armitage, Atha, Beverley, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, Hyde G, Illingworth, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Renshaw, Selby, Taggart, Taylor E, Wakefield, Yeadon



ABSTAIN

Blackburn A, Blackburn D, Parnham

3

NO

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Golton, Grayshon, Hamilton, Harker, Harrand, Hollingsworth, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram, Matthews, Monaghan, Procter J, Procter R, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson

46

The Second Amendment

YES

Armitage, Atha, Beverley, Blackburn A, Blackburn D, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, Hyde G, Illingworth, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Parnham, Renshaw, Selby, Taggart, Taylor E, Wakefield, Yeadon

42

ABSTAIN

0

NO

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Golton, Grayshon, Hamilton, Harker, Harrand, Hollingsworth, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram, Matthews, Monaghan, Procter J, Procter R, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson

46

The Motion

YES

Anderson, Andrew, Bale, Barker, Bentley, Brett, Campbell, Carter A, Castle, Chapman, Chastney, Cleasby, Downes, Ewens, Feldman Mrs R, Feldman R D, Finnigan, Fox, Golton, Grayshon, Hamilton, Harker, Harrand, Hollingsworth, Hyde W, Kendall, Kirkland, Lamb, Lancaster, Latty, Lobley, Marjoram, Matthews, Monaghan, Procter J, Procter R, Pryke, Rhodes-Clayton, Robinson, Schofield, Shelbrooke, Smith, Townsley, Wadsworth, Wilkinson, Wilson

46

ABSTAIN

Beverley, Blackburn A, Blackburn D, Parnham

4

NO

Armitage, Atha, Blake, Congreve, Coulson, Coupar, Davey, Dobson, Dowson, Driver, Dunn, Gabriel, Grahame, Gruen, Hanley, Harington, Harper, Hyde G, Illingworth, Jarosz, Lewis J, Lewis R, Lowe, Lyons, McKenna A, McKenna J, Morgan, Mulherin, Murray, Nash, Ogilvie, Parker, Renshaw, Selby, Taggart, Taylor E, Wakefield, Yeadon

38

(The provisions of Council Procedure Rule 3.1(d) were applied at the conclusion of the vote on the motion.)

**48 Motion to Suspend Council Procedure Rules**

During the debate under minute 47 above, it was moved by Councillor J Procter, seconded by Councillor Bentley and

**RESOLVED** -That under the provisions of Council Procedure Rule 22.1, Procedure Rule 4.2 be suspended to allow the seconder to the first amendment to speak and the second amendment to be put and seconded.

**49 White Paper Motion - Meat Free Day**

Under the provisions of Council Procedure Rule 14.10, with the consent of the seconder, leave of Council was given to Councillor Finnigan to alter the motion in his name by the addition of the words “and local food sourcing” to the last sentence.

It was moved by Councillor Finnigan, seconded by Councillor D Blackburn

That this Council agrees that the effect of climate change is one of the biggest challenges facing mankind in the coming years. Council notes that one significant contributory factor is the consumption and production of meat products, resulting in, amongst other things, the clearing of vast swathes of the Amazon rain forest to feed the demand for cheap meat. Council concludes that implementing some means of reducing demand for and consumption of meat products would help in the fight to combat the effects of climate change.

Council is requested to seek ways in which it can promote widespread voluntary adoption of a weekly meat-free day through our various services and local food sourcing.

Upon being put to the vote the motion was declared lost.

**50 White Paper Motion - Lettings Policy**

Under the provisions of Council Procedure Rule 14.11, with the consent of the seconder, leave of Council was given to Councillor Gruen to withdraw the motion in his name.

**51 White Paper Motion submitted under the Provisions of Council Procedure Rule 3.1 (d) - Leeds Tapestry**

It as moved by Councillor Lancaster, seconded by Councillor Kendal and

**RESOLVED** – That this Council congratulates all involved in the production of the Leeds Tapestry and welcomes its permanent residence at Leeds City Library, where it will be greatly appreciated.

**52 White Paper Motion submitted under the Provisions of Council Procedure Rule 3.1 (d) - Tetley's in Leeds**

It was moved by Councillor Hollingsworth, seconded by Councillor D Blackburn and

**RESOLVED** – That this Council welcomes the petition launched by CAMRA's Yorkshire branches calling for Tetley's to be continued to be brewed in Leeds, and urges members to support the campaign.

**53 White Paper Motion submitted under the Provisions of Council Procedure Rule 3.1 (d) - High Speed Rail Link**

It was moved by Councillor A Carter, seconded by Councillor Brett and

**RESOLVED** – That this Council regrets Network Rail's recent decision to back a route for the proposed High Speed Rail Link that excludes Leeds and the wider Yorkshire region.

Council urges the Government to consider all available evidence including a recent report for West Yorkshire Metro and the South Yorkshire Passenger Transport Authority, which stated that high speed rail could boost Yorkshire's economy by up to £3bn, before coming to its final conclusion on the High Speed Rail link later in the year.

This Council resolves to continue lobbying as strongly as possible for High Speed Rail Links that include Leeds.

Council rose at 7.35 pm.

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Originator: Ian Walton

Tel: 2474350

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Council**

**Date: 18<sup>th</sup> November 2009**

**Subject: Recommendations of the Executive Board**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**1.0 Purpose of Report**

1.1 To present for consideration of Council recommendations of the Executive Board arising from –

- a) The Financial health Monitoring 2009/10 – Half Year Report,
- b) The Gambling Act 2005 Statement of Licensing Policy and
- c) The Council Business Plan 2008-11 – Mid term review and refresh.

**2.0 Background Information**

2.1 The attached reports were considered by the Executive Board on 4<sup>th</sup> November 2009 and contain recommendations at the paragraphs indicated and as follows –

a) Financial Health Monitoring – Half Year Report

6.2.1 – ‘Recommend to Council a virement in the sum of £1,500,000 from debt charge savings to fund the early leavers initiative.’

b) The Gambling Act 2005 Statement of Licensing Policy

7.2 – ‘Consider the responses to the consultation carried out, including the comments of the Scrutiny Board given verbally at this meeting and the Consultation Report at appendix 2, and endorse the proposed responses to the consultation exercise and recommend to full Council that these be approved as the Council’s response to matters raised in consultation;

7.3 – note the revised draft Statement of Gambling Policy set out at Appendix 1, and recommend full Council that this be approved as the final Policy under the Gambling Act 2005’

b) The Council Business Plan 2008-11 – Mid term review and refresh

7.1 – ‘Recommend that Members of Full Council approve these amendments at their meeting on 18<sup>th</sup> November 2009; and authorise the Chief Executive to review and update any performance targets for the final year of the plan.’

The same recommendations are referred to in minutes 112, 115 and 116 of the Executive Board minutes on this agenda.

**3.0 Recommendations to Council**

- 3.1 That Council approves a virement in the sum of £1,500,000 from debt charge savings to fund the early leavers initiative as contained in the report to the Executive Board on 4<sup>th</sup> November 2009.
- 3.2 That Council approves that the proposed response to the consultation exercise, as contained in appendix 2 to the report to the Executive Board on 4<sup>th</sup> November 2009, be approved as the Council’s response to matters raised in consultation and, that the revised draft Statement of Gambling Policy as set out in appendix 1 to the report be approved as the final Policy under the Gambling Act 2005.
- 3.3 That Council approves the amendments to the Council Business Plan 2008-11 as detailed in the report to the Executive Board on 4<sup>th</sup> November 2009 and authorises the Chief Executive to review and update any performance targets for the final year of the plan.

**BACKGROUND PAPERS**

Financial Health Monitoring Half Year report  
Report on Gambling Act 2005 Statement of Licensing Policy  
Council Business Plan Mid term review and refresh  
Minutes of the Executive Board



## Report of the Director of Resources

### Executive Board

Date: 4<sup>th</sup> November 2009

Subject: Financial Health Monitoring 2009/10 – Half Year Report

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

\*except for the recommendation at 6.2.1

## Executive Summary

1. The purpose of this report is to inform members of the financial health of the authority after six months of the financial year in respect of the revenue budget and the housing revenue account. Separate reports on the capital programme and treasury management are elsewhere on this agenda.
2. The report identifies a number of pressures, many of which impacted on the 2008/09 outturn particularly affecting income and demand led budgets. At the first quarter it was reported that an overspend of £10.9m was projected. Whilst directorates have developed and implemented a number of action plans nevertheless an overall overspend of £5.5m is still projected at the half year position. Detailed directorate reports are included at Appendix 1.
3. It is clearly crucial that directorates continue to develop action plans to contain spending within approved budgets. Members are asked to note the projected financial position of the authority after six months of the financial year together with the impact on reserves should directorate spending not be maintained within approved estimates.

## **1. PURPOSE OF REPORT**

- 1.1 This report sets out for the Board the Council's financial health position for 2009/10 after six months of the financial year. The report covers revenue expenditure and income projected to the year end. The report also highlights the position regarding other key financial health indicators, including the collection of local taxation and the payment of creditors. Separate reports regarding the capital programme and treasury management can be found elsewhere on this agenda.

## **2. BACKGROUND INFORMATION**

- 2.1 Members will recall that the net budget<sup>1</sup> for the general fund was set at £556.8m, which was not supported by the use of any general fund reserves. As a result, the level of general fund reserves at 31<sup>st</sup> March 2010 were estimated to be £12.0m.
- 2.2. The report on the 2008/09 Statement of Accounts, presented to Corporate Governance and Audit Committee<sup>2</sup> on 30<sup>th</sup> June 2009, highlighted that the net contribution to general fund reserves was £4.6m in excess of the budget bringing the level of general reserves up to £16.6m.
- 2.3. A subsequent report on 30<sup>th</sup> September<sup>3</sup> gave details of a number of insurance claims which had been settled or where further circumstances had come to light which required the insurance provision at the end of 2008/09 to be amended. The result of these post balance sheet events was to increase the insurance provision by £469k, resulting in a corresponding reduction in general reserves to £16.1m.
- 2.4. The reserves also include a claim for overpaid VAT within Sport which could give a potential refund of £6.3m. In view of the unknown final outcome of the VAT claim and the present uncertain economic circumstances, it was agreed that the Council should maintain a higher level of reserves than the minimum required.
- 2.5 Budget Monitoring is a continuous process throughout the year, and this report reviews the position of the budget after six months and comments on the key issues impacting on the overall achievement of the budget for the current year.

## **3. MAIN ISSUES**

- 3.1 After six months of the financial year an overspend of £5.5m is currently projected, a decrease of £5.4m from the month 3 position as detailed in the following table:



General fund	Total Staffing £000	Other Costs £000	Total Projected Variance £000	Memo Variation at Month 3 £000	Variation from mth 3 to mth 6 £000
Adult Social Care	543	799	1,342	300	1,042
Children's Services	603	2,285	2,888	2,500	388
City Development	419	1,298	1,717	4,200	(2,483)
Environment and Neighbourhoods	(1,395)	2,026	631	1,260	(629)
Central & Corporate Functions	(205)	128	(77)	155	(232)
<b>Total Directorates</b>	<b>(35)</b>	<b>6,536</b>	<b>6,501</b>	<b>8,415</b>	<b>(1,914)</b>
Debt Charges		(2,000)	(2,000)	0	(2,000)
Section 278 Income		1,700	1,700	1,200	500
Early Leaver Initiative		1,500	1,500	1,300	200
Contingency Fund		(750)	(750)	0	(750)
Other		(1,500)	(1,500)	0	(1,500)
<b>Net Position</b>	<b>(35)</b>	<b>5,486</b>	<b>5,451</b>	<b>10,915</b>	<b>(5,464)</b>

- 3.2 The financial position has improved by £5.4m since month 3. This is partly due to the implementation of action plans and the identification of corporate savings. Corporate savings of £3.5m have been identified primarily from debt savings of £2m, a freeze on Contingency Fund releases of £750k and £1.5m from further capitalisation and use of earmarked reserves. However this is partly offset by additional costs of the Early Leavers Initiative and a further decline in Section 278 income reflecting the slowdown in development activity. The overall staffing overspend has reduced by £0.6m (excluding the effects of the industrial action in streetscene – see 3.2.4), primarily as a result of tighter controls over recruitment and there has been no significant change in running costs, although there have been variations within individual directorates as explained in the following paragraphs.
- 3.2.1 Within Adult Social Care, the projected overspend has increased by £1m since month 3. This is due to staffing variations of £0.4m, mainly as a result of slippage in implementing planned savings, particularly within directly provided services. In addition, the cost of community care packages has increased by £1.6m. This mainly relates to independent sector domiciliary care, for which demand has increased, although this has been partly offset by an increase in service user contributions and reduced agency and contract payments. The projected costs to Adult Social Care for the Holt Park Wellbeing Centre have reduced by £0.2m since month 3.
- 3.2.2 The projected overspend on Children's Services has increased by £0.4m. The cost of externally provided placements has increased by £1.8m offset by a contribution from the Education Leeds reserve of £1m and an increase in grant and external income.
- 3.2.3 Within City Development, the projected overspend has reduced by £2.5m mainly as a result of £1m of highways expenditure which has been identified as more appropriately charged to capital and further savings of £1m in operational budgets.
- 3.2.4 The projected overspend within Environment and Neighbourhoods has reduced by £0.6m, largely reflecting an improved income projection for car parking services and general savings on running costs across the directorate. The current net cost of the industrial action in streetscene is broadly neutral, although this manifests itself as £0.8m staffing savings offset by the use of external contractors and communication costs.

3.2.5 The projection for Central and Corporate has improved slightly as a result of further staffing savings.

3.3 The following paragraphs describe the main projected variations from the approved 2009/10 budget at the half year stage.

#### 3.3.1 Income Variations

The economic downturn is continuing to have a significant effect on income levels in 2009/10. Within the City Development directorate a shortfall of £3.5m is projected from a number of external income sources, including planning and building fees, Recreation, Libraries Arts and Heritage and commercial rental income. Other net variations within the directorate of £0.9m partially offset this. Within Environment and Neighbourhoods, a shortfall in car parking income of £700k is forecast. In addition, the 2009/10 budget includes income from Section 278 schemes of £5.2m, and the latest assessment is a shortfall of £1.7m, again reflecting a slowdown in development activity.

The level of nursery fee income within Children's Services is projected to be £1m lower than the budget, although this has been offset by maximizing grant and external income and also through additional Nursery Education funding.

Additional income has been generated within Adults Social Care with a one-off grant contribution for neighbourhood networks of £0.4m towards the city wide scheme. There is a projected loss income of £745k within the Jobs and Skills service, primarily work based learning grant.

#### 3.3.2 Demand Variations

Externally provided placements, both residential and with independent fostering agencies, continue to be a major pressure on the Children's Services budget and are now projected to be £3.9m overspent.

Within Adult Social Care, £0.35m has been provided for costs associated with the Holt Park Wellbeing centre that were not included in the budget. The amount and distribution of these costs remains under review. In addition, increased pressure on the Community Care budget is estimated at £1.7m, mainly for independent sector domiciliary care for which demand has increased.

#### 3.3.3 Staffing

The overall staffing projection is now in line with the budget although this figure would have been some £2.2m higher were it not for a projected reduction in the level of the NJC pay award of an increase of 1.25% for the lower grades and 1% for higher grades. The 2009/10 budget provided for a 2% increase.

During 2008/09, the Council's Early Leaver Initiative (ELI) was used to help reduce overall staffing costs. The scheme was financed from an earmarked reserve and facilitated 132 people leaving the authority where there was an organisational priority for change and future savings backed up by business cases. The 2009/10 budget built in assumptions around reducing staffing levels and these reductions are being progressed in a number of services where there is a robust business case demonstrating a clear rationale to achieve future savings. It is projected that additional funds of £1.5m will be required to cover the in year costs of the initiative, and it is proposed to fund this initiative from savings in debt charges.

### 3.3.4 Other

Debt savings have been achieved through proactive treasury management, taking advantage of the continued low short term interest rates and a £2m saving is currently projected. It is proposed to use £1.5m of this to fund the early leavers initiative.

In view of the current financial position it is proposed that no more funds be released from the Contingency Fund and the balance of £750k be used to reduce the general overspend position. In addition it is anticipated that an additional £1.5m could be found from further capitalisation and the use of earmarked reserves.

3.3.5 Further details of directorate variations are attached as Appendix 1. It is important that budget pressures are addressed by directorates who are required to continue to develop and implement action plans to manage their pressures within available resources. The extent to which action plans are not effective in containing spending within approved estimates will impact on the Council's reserves which will clearly have implications on the medium term plan assumptions going forward.

3.3.6 The current level of overspend gives some cause for concern and the Director of Resources following consultation with the other Directors has introduced stricter controls on external recruitment.

## 4. **HOUSING REVENUE ACCOUNT**

4.1 At the end of the second quarter the HRA is projecting a surplus of £343k. This is after taking into account the following:

- a budgeted contribution to the Swarcliffe PFI sinking fund (£284k)
- a revenue contribution to capital (RCCO) to fund decency works on the Woodbridge estate (£500k)
- RCCO to fund a projected shortfall in resources for the HICT project (£200k)
- Capital charges associated with the unsupported borrowing for early demolition of properties in the Little London, Beeston Hill and Holbeck PFI area ( (£128k)
- Removal of care ring equipment from sheltered warden properties (£160k).

4.2 £1.5m of additional income is projected from housing rents. This takes into account the compensation from Government, via the subsidy system, for increasing rents by 3.1% rather than the 6.2% originally budgeted.

4.3 The additional income is as a result of void levels being lower than budgeted and the decline in Right to Buy (RTB) sales. Of the increased income, £487k will be paid over to the ALMOs as additional void incentive payments.

## 5. **OTHER FINANCIAL PERFORMANCE**

5.1 The level of Council Tax collected at the end of September 2009 is 55.73% of the debit for the year of £255.5m. This is marginally behind the same point last year however it is still forecast to match last year's performance of 96.3% by 31st March 2010.

5.2 The collection of non-domestic rates for the first six months is 60.79% of the current net debit of £330.7m, which, whilst being behind the same period last year, is currently on target against a reduced yearly target of 97.5% agreed due to the impact of the recession.

- 5.3 In terms of Sundry income, the collection rate at the end of September is 92.9% of the amount due of £61.9m. The collection rate is similar to the same period last year and currently forecast to reach the year end target of 97%, however the planned project to move to a new recovery system, Authority Financials, during the 4th quarter of 2009/10 may have an impact on this.
- 5.4 The prompt payment result for the half year is 90% against a target of 92%. This represents a significant improvement on the position last year.

## **6. RECOMMENDATION**

- 6.1 Members of the Executive Board are asked to note the projected financial position of the authority after six months of the financial year and request that directorates continue to develop and implement action plans.
- 6.2 Members are also requested to approve the following budget adjustment :-
- 6.2.1 Recommend to Council a virement in the sum of £1.5m from debt charge savings to fund the early leavers initiative.

### BACKGROUND

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<sup>1</sup> Revenue Budget and Council Tax 2009/10 – report to Executive Board 13<sup>th</sup> February 2009

<sup>2</sup> The Statement of Accounts 2008/09 – report to Corporate Governance and Audit Committee 30<sup>th</sup> June 2009

<sup>3</sup> Audited Statement of Accounts and the Use of Resources Assessment 2008/09 30<sup>th</sup> September 2009

## ADULT SOCIAL CARE DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT

### 1.0 Introduction

This report sets out the financial position for the Adult Social Care directorate for Period 6.

### 2.0 Overall Summary

The Period 6 position for the Adult Social Care Directorate is a projected overspend of £1.3m. This is after assuming achievement of in-year action plans of £5.3m.

### 3.0 Explanation of the Projected Overspend

The main reasons for the projected overspend are:

- **Holt Park Wellbeing Centre - £0.35m**  
 The initial bid for PFI credits for a Wellbeing Centre was rejected last year and because a response had not been received regarding the appeal lodged against that decision, no costs were included in the Adult Social Care budget proposals for 2009/10. However, in March of this year the appeal was upheld and the opportunity of securing over £30m of PFI credits to further the development of universal services as part of the 'Putting People First' agenda, together with the re-provision of the Holt Park Leisure Centre was seen as an important contribution to the delivery of ASCs objectives. The costs associated with the procurement of this facility and their allocation across the partners are yet to be finalised, and may be impacted by the final allocation of floorspace and additional contributions from other agencies; but for planning purposes Adult Social Care are currently projecting to share the cost equally with the City Development directorate.
- **Community Care Packages - £1.7m**  
 This partly reflects an increase in direct payments and the average cost of community care placements being higher than budgeted together with reduced PCT income. However, the main pressure relates to independent sector domiciliary care. The domiciliary care projection reflects increased number of new care packages being required, partly to facilitate timely discharges from hospital and intermediate care beds.
- **Staffing - £0.5m**  
 Mainly due to slippage in implementing planned savings, particularly within the directly-provided home care service.
- **Agency and Contract Payments – (£0.5m)**  
 This is mainly due to a repayment relating to previous years funding from an organisation providing a significant level of service on behalf of Adult Social Care. The repayment of £0.3m is not yet confirmed and so is included within the action plan.
- **Service User Contributions – (£0.3m)**  
 This mainly relates to residential care, for which assessed contributions are higher than budgeted.
- **Neighbourhood Networks – (£0.4m)**  
 The directorate has successfully bid for and received a one off grant contribution towards the city-wide scheme.

## CHILDREN'S SERVICES: 2009/10 BUDGET – HALF-YEAR POSITION

### 1.0 Introduction

This report sets out the financial position for Children's Services for the half-year position.

### 2.0 Overall Summary

The half-year position for Children's Services is a projected overspend of £2.9m. This forecast overspend is net of £3.1m of action plan savings.

### 3.0 Explanation of the projected over/underspend

3.1 Within the overall Children's Services budget the individual service position is:

Line	Service	Forecast Variation Over/(under) £m
1.	Children & Young People's Social Care	4.72
2.	Early Years	(1.32)
3.	Integrated Youth Support Service (incl. Youth Offending Service)	(0.10)
4.	DCS Unit	-
5.	Education	(0.07)
6.	Central & Strategic budgets	1.17
7.	Use of reserves & grant balances	(1.50)
	<b>Total</b>	<b>2.90</b>

### 3.2 Children & Young People's Social Care (CYPSC)

In line with other local authorities, there is significant pressure on Children & Young People's Social Care in terms of service transformation, increased referrals and increased costs. The main financial pressures continue to be in the externally provided residential and fostering placement budgets which together are forecast to overspend by £3.9m. This is due to the changing mix of internal/external provision and an increase in the number of children & young people who are placed with external providers. Across CYPSC, there is also additional pressure on the budget around slippage on some of the budgeted action plans, for example the corporate review of employee travel policies, procurement efficiencies and delivery of the potential efficiencies from reducing the level of sickness absence.

### 3.3 Early Years

The forecast underspend on the Early Years budgets continues to be focussed mainly on the employee budgets across the Children's Centres. Nursery fee income is reduced when compared to the budget although this is offset by maximising grant and external income and also through additional Nursery Education Funding.

### **3.4 Integrated Youth Support Service (incl. Youth Offending Service)**

In the main, the pressure on the IYSS budget is around a forecast overspend across the employee budgets, together with slippage on the some of the budgeted action plan savings (employee travel, procurement & maximising income) and non-reclaimable costs associated with the development of the Youth Hub in South Leeds. These pressures are offset through the implementation of an action plan around restricting non-essential spend, reviewing buildings costs and maximising income.

### **3.5 Central & Strategic Budgets**

The approved budget strategy for 2009/10 included some challenging targets around the delivery of efficiencies from service transformation and in particular the application of strategic commissioning, the development of integrated working at a locality level and by reviewing and rationalising back-office and support functions. Whilst progress continues to be made against these objectives, the half-year projections recognise that there will be slippage on the delivery of these budgeted efficiencies into 2010/11.

## CITY DEVELOPMENT DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT

### 1.0 Introduction

This report sets out the financial position for City Development Directorate for Period 6.

### 2.0 Overall Summary

The Period 6 position for City Development Directorate is a projected overspend of £1.7m and includes a proposal to capitalise £1m of Highways revenue spend.

Within this projection are assumed savings of £1.5m on staffing and running costs which have already been agreed by City Development Directorate.

### 3.0 Explanation of the Projected Overspend

Reduced external income is by far the most significant budget pressure faced by the Directorate. Projected shortfalls in key income sources across the Directorate now amount to over £4m. The projected overspend can be summarised as follows:

#### Income Shortfalls:

Planning and Building Fees	£2.0m
Recreation	£1.0m
Libraries, Arts and Heritage	£0.2m
Commercial Property and Markets	£0.3m
Architectural Design Services	<u>£0.5m</u>
	£4.0m

Capital fee recoveries	£1.0m Cr
Planning Delivery Grant	£0.6m Cr
Other income variations	<u>£0.4m Cr</u>
<b>Total Income variations</b>	<b>£2.0m</b>

#### Expenditure Variations:

Staffing	£0.4m
Operational budgets	£0.7m Cr

**Overall Total** **£1.7m**

#### Income Variations

Despite the 2009/10 budget being adjusted to allow for an expected reduction in external income, the actual position experienced in 2009/10 is far worse than was anticipated at the time the budget was set. The Period 6 budget projection assumes a shortfall of £4m in key income sources. The most significant problem continues to be planning and building fee income with a shortfall of over £2m. The shortfall against the monthly phased budget has continued to increase during 2009/10 and the Service does not see any prospect for this position to change in the short term. Other income shortfalls include £0.3m on commercial property and markets rental income and £1.0m on recreation. An optimism figure of £250k on external income has been assumed for the final quarter on the basis that external income should pick up as the economic outlook starts to improve.



Reduced workloads for Architectural Design Services means that there is a projected shortfall in income of £0.5m after allowing for reduced staffing costs. The service has produced a budget action plan to deal with this situation and is currently working on a revised staffing structure.

The DCLG have informally notified the Authority that the likely Housing & Planning Delivery Grant for 2009/10 is £1.4m, an additional allocation of £625k above the base budget. This is to be used to part fund the shortfall in fee income. However, since this initial informal notification there has been a delay in a formal announcement of the allocations being made. This is now a cause for concern as there is a risk that the initial allocations could be reviewed and amended with the possible consequence that the actual award to Leeds is lower than the £1.4m.

## **Staffing**

To help fund income shortfalls, reduced workloads and meet other substantial cost pressures the budget strategy for City Development for 2009/10 included a staffing saving target of over £3m. An additional staff saving of £220k was also included for savings resulting from reduced sickness. Over 50 Early Leaver Initiative (ELI) cases were approved during 2008/09. An additional 13 business cases have been agreed to date in 2009/10 and services continue to actively review further expressions of interest. Restructures are also being progressed in a number of services which are experiencing reduced income and workloads. Overall the directorate has achieved a significant element of the £3m target but service budgets also include a vacancy factor saving. In many service areas staff turnover is very low resulting in services not meeting assumed vacancy factor assumptions in the budget and overall an overspend in staffing of £0.4m is projected. This also takes account of the fact that the latest pay offer for 2009/10 is less than the 2% pay award assumed in the budget.

Achieving the staffing savings target continues to be a priority for the Directorate. The ELI is being promoted and recruitment will continue to be closely managed in the Directorate with only front line service posts being released when vacancies occur.

## **Operational Budgets**

The Highways maintenance budget shows a saving of £1m due to £1m of highways expenditure being identified as more appropriately charged to capital. This will help offset a number of expenditure pressures including Street Lighting energy costs, signal maintenance costs in Urban Traffic Management Control, increased energy costs in Leisure facilities and projected additional spend on operational budgets in both Sport and Parks and Countryside. In order to reduce the potential overspend operational budgets have been reviewed across the Directorate and savings identified in each service area. These are reflected in the projected outturn.

## **ENVIRONMENT AND NEIGHBOURHOODS     DIRECTORATE: 2009/10 BUDGET – PERIOD 6 REPORT**

### **1.0 Introduction**

This report sets out the financial position for Environment and Neighbourhoods Directorate for Period 6.

### **2.0 Overall Summary**

The period 6 position for Environment and Neighbourhoods Directorate is a projected overspend of £0.6m. This is after assuming the successful implementation of identified actions.

### **3.0 Explanation of the Projected Over/Underspend**

Neighbourhoods and Housing Services are projecting an overall variation of £0.772m. Within Jobs and Skills residual staffing issues following the implementation of the new structure has resulted in a £0.413m pressure and in addition there is a projected loss of income of £0.745k primarily for work based learning. Furthermore, within Jobs & Skills there is a pressure of £0.229m largely due to delays in the disposal of 1 Eastgate which the service vacated in 2008. The projected variation of £0.196m in Roseville Doors reflects a combination of the latest assumptions in respect of staffing and activity levels for doors production. The variation on Housing Services is largely due to the identification of appropriate charges of £0.431m to the HRA for medical rehousing and Carering. The projections at period 6 assume vacant posts are not filled for the remainder of this year, thus generating savings of £0.268m.

Within Environmental Services a forecast saving of £0.1m after actions agreed with the Executive Member and by the Directorate Leadership Team of around £0.7m.

Car parking income is estimated to be £0.7m lower than the budget. Of this, approximately £0.3m is forecast to be lost from Suspended Bays (where Developers pay the Council to close on street parking bays); a further £0.2m shortfall will arise from the decision not to introduce Sunday / Evening Car Parking charges; the income to be generated from City Centre bus lane enforcement has been reduced by £0.2m; Savings in staffing costs and running expenses of £0.3m are helping offset some of the income pressures. Parking is now projected to be £0.3m over budget.

Within HEAS pressures total £0.2m, a loss of external funding in the Fuel Savers team has created a £0.3m pressure. This loss of funding was announced after the 2009/10 budget had been approved; a further £0.1m of pressures has arisen within the pest control service. Additional grant income of £0.04m has been received from DEFRA.

Helping to offset the parking and HEAS pressures are savings within Waste Management of £0.4m. An increase in the market rates for recycled material will generate an additional £0.1m and following a review on all posts staff savings of £0.3m will accrue.

Total waste arising is forecast to be contained within budgeted levels, but there has been a general reduction in the levels of trade waste taken at the transfer station which means that income could be £0.2m lower than budgeted levels.

The current net cost of the Industrial Action in Streetscene is £0.1m. This does not include the effect of increased waste going to landfill as the tonnages are not yet available.

Within Street Cleansing and Anti-Graffiti services, vacant posts and reduction in the level of Agency and Overtime is projected to save £0.3m. In addition £0.1m will be saved by the delay in the introduction of Automatic PCs.

## **CENTRAL AND CORPORATE FUNCTIONS: 2009/10 BUDGET – PERIOD 6**

### **1.0 Introduction**

This report sets out the financial position for Central and Corporate Functions for period 6 of 2009/10.

### **2.0 Overall Summary**

The position for Central and Corporate Functions is a projected underspend of £77k.

### **3.0 Explanation of the Projected Over/Underspend**

The main reasons for overall projected overspend are:

#### **Corporate Governance (£32k underspent)**

- Due to a review of the fee for Local Authority Property Searches and an improvement in the housing market there has been an increase in the level of income generated to date. The budget was based on an estimated level of searches and this has increased significantly. Based on a monthly average for the first six months of the year, £315K of additional income could reasonably be expected to be generated in 2009/10. However, there is a major risk in assuming that the additional income will be achieved. The assumption is that trends will continue at the current levels, but there is a great deal of uncertainty in the current housing markets and further increases/decreases in sales could lead to significant variation in the current forecast levels of income. More importantly, a recent review by the Information Commissioner regarding whether part of the information provided by a local land charges search has to be provided free of charge has just arisen nationally and this would have a significant impact on the income to be received if the decision is confirmed by the Government.
- Professional Legal Services staffing costs are projected to exceed budget by £589k reflecting increases in the volume of work requested. These additional costs will be recharged to clients.
- The main reason for the projected overspend is the cost of members allowances (£101k) and Democratic Services pay (£65k).
- Since last month an amount of £80k has been included on the assumption that further costs borne by LCC can be funded from the European Election account.

#### **Policy, Performance and Improvement (net overspend after actions £191k)**

- The overspend is due to additional pressures in Customer Services (mainly within the Corporate Contact Centre) required to meet the additional activity levels from customers due to the current economic climate. The delay in the introduction of Integrated Voice Recognition (IVR) has also created an additional pressure.
- Senior Management within PPI are continuing to review forecast expenditure levels to seek to identify further levels of savings that could be made to produce a balanced budget for 2009/10.

## **Resources (net underspend after actions £259k)**

- A £259k underspend is now projected following the implementation of further action plans amounting to £323k, offset by further pressures in a number of areas.

Other previously reported pressures and savings remain much the same and are summarised as follows:

- Net pay savings now amount to £622k.
- The impact of receiving less income from housing benefit overpayments is still projected at £350k. Additional resources are being channeled into 'intervention' work which is hoped will identify more overpayments and reduce the pressure.
- The Commercial Group is projecting an adverse trading position of £107k. This comprises pressures within Property Maintenance Building of £194k and Catering of £64k, offset by a better trading position within other areas amounting to £151k.
  - The Property Maintenance Building function remains the most challenging area following the 2008/09 net overspend of £700k. The 2009/10 budget relies on the service realising a number of efficiencies in areas such as reduction in sickness as well as generating additional income. Significant internal resource has been employed in introducing enhanced financial controls as well as a new model of working with the Corporate Property Management service in 2009/10. Currently an adverse position of £194k is projected due to a lower income projection as well as slightly higher expenditure.

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**Report of the Assistant Chief Executive (Corporate Governance)**

**Executive Board**

**Date: 4<sup>th</sup> November 2009**

**Subject: Gambling Act 2005 Statement of Licensing Policy**

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**Electoral Wards Affected:**

All

**Specific Implications For:**

Ethnic minorities

Women

Disabled people

Eligible for Call In

Not Eligible for Call In  
(Council decision)



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**Executive Summary**

This report provides members of the Executive Board with a revised draft Gambling Act 2005 Statement of Licensing Policy and the result of the public consultation.

Executive Board are asked to consider the revised draft and refer the matter to full Council, who will consider whether to approve the Gambling Act 2005 Statement of Licensing Policy in November 2009.

## **1.0 Purpose of This Report**

- 1.1 The purpose of this report is to update Members on the review and public consultation of the Gambling Act 2005 Statement of Licensing Policy (**Appendix 1**). Revisions have been made to the public consultation draft following the public consultation and a final consultation report is attached at **Appendix 2**.

## **2.0 Background Information**

- 2.1 The Gambling Act 2005 (“the Act”) gave effect to the Government’s proposals for reform of the law on gambling. The Act introduced a new regulatory system to govern the provision of all commercial gambling in Great Britain, other than the regulation of spread betting. Leeds City Council was appointed as the Licensing Authority for Leeds, a function previously held by the Magistrates Court.

### Licensing objectives

- 2.2 The Licensing Authority carries out its functions of the Act with a view to promoting the three licensing objectives set out at 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 a crime.
  - Ensuring that gambling is conducted in a fair and open way.
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### Role of the Licensing Authority

- 2.3 Premises providing certain types of gambling require a premises licence issued by the Local Authority. Within this framework, the Licensing Authority’s role is to ensure that given premises are suitable for providing gambling in line with the three objectives and any Codes of Practice issued by the Gambling Commission.

### Statement of Licensing Policy

- 2.4 The first statement of licensing policy was adopted by full Council in December 2006.
- 2.5 The review and consultation on the second Statement of Licensing Policy was commenced in February 2009 with a peer review of the policy, followed by a first draft circulated to responsible authorities in April 2009.
- 2.6 The second draft came before Executive Board in July 2009 and was referred to full Council for debate in July 2009. Full Council approved the draft for public consultation with no amendments.



- 2.7 The second draft was also taken before Scrutiny Board (Central and Corporate) in order for the Board to input into the consultation methodology before the public consultation. Scrutiny Board made no comment.
- 2.8 Executive Board has already referred the revised policy and the results of any subsequent consultation to Scrutiny Board with the request that Scrutiny report back to Executive Board. A report will be taken to Scrutiny Board at their 2<sup>nd</sup> November 2009 meeting. Officers will give a verbal update from that meeting to Executive Board.

### **3.0 Main Issues**

#### Consultation Process

- 3.1 The full consultation process is described in the Final Consultation Report attached at Appendix 2.

#### Responses to the public consultation

- 3.2 The council received 21 responses to the public consultation via the web form but only four of these included a comment.
- 3.3 The council received three written responses from the Racecourse Association Ltd, The British Beer & Pub Association and Rank Group.
- 3.4 The full text of the public consultation responses is contained in the Final Consultation Report which is attached at **Appendix 2**. The Consultation Report also details the amendments proposed following in response to the comments.

#### Adoption of the Policy

- 3.4 Approval of the policy is a matter reserved to full Council however the consideration of the policy before approval must follow the budgetary and policy framework rules which requires the policy to be considered by Executive Board, referred to Scrutiny Board (Corporate and Governance) and then further considered by Executive Board before being recommended for approval. Executive Board received the draft policy and the initial consultation results at their meeting in June 2009 and the matter is due to be reviewed by the Scrutiny Board at the 2<sup>nd</sup> November meeting. Officers will provide a verbal update of Scrutiny Board's findings.
- 3.5 It is for Executive Board to decide, at this meeting, to refer the revised policy to full Council on their 18<sup>th</sup> November meeting for formal adoption of the Policy.

### **4.0 Implications for Council Policy and Governance**

- 4.1 Approval must follow Budgetary and Policy Framework Rules as set out in the Constitution.
- 4.2 The revised policy must be taken into account when making decisions on applications for gambling premises licences, permits and registrations.

## **5.0 Legal and Resource Implications**

- 5.1 At the initial implementation of the Gambling Act 2005 additional legal support, both to the Committee and Entertainment Licensing Section, was provided. A review of the then existing resources within the Entertainment Licensing Section was also undertaken. No further resources are therefore required.

## **6.0 Conclusions**

- 6.1 That Members should consider the comments of Scrutiny Board (Corporate and Governance) and the consultation responses and decide whether to refer the revised draft for approval.

## **7.0 Recommendations**

- 7.1 Members are requested to:
- 7.2 Consider the responses to the consultation carried out, including the comments of Scrutiny Board given verbally at this meeting and the Final Consultation Report at **Appendix 2**, and endorse the proposed responses to the consultation exercise and recommend to full Council that these be approved as the Council's response to matters raised in consultation;
- 7.3 Note the revised draft Statement of Gambling Policy set out at **Appendix 1**, and recommend to full Council that this be approved as the final Policy under the Gambling Act 2005.

## **Appendices**

Appendix 1	Gambling Act 2005 Statement of Licensing Policy
Appendix 2	Final Consultation Report

# **Statement of Licensing Policy 2010 – 2013**

## **Gambling Act 2005**

**Further copies of this document can be obtained from:**

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Tel: 0113 247 4095

Fax: 0113 224 3885

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

Web: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

**Version History**

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Redraft	SCH	06/02/09
First Draft v1	SCH	27/03/09
First Draft v2	SCH	02/04/09
Second draft v1	SCH	05/06/09
Public consultation draft	SCH	16/07/09
Final draft	SCH	05/10/09

**Please note:**

The information contained within this document can be made available in different languages and formats including Braille, large print and audio cassette.

<b>Executive Summary</b>	5
<b>Part A      The Gambling Act 2005</b>	
1.      The licensing objectives	6
2.      The Leeds district	6
3.      The purpose of the Gambling Act 2005 – Statement of Licensing Policy	8
4.      The licensing framework	9
5.      Declaration	9
6.      Responsible authorities	10
7.      Interested parties	11
8.      Exchange of information	11
9.      Licensing authority functions	12
<b>Part B      Promotion of the licensing objectives</b>	
10.     Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime	13
11.     Ensuring that gambling is conducted in a fair and open way	13
12.     Protecting children and other vulnerable persons from being harmed or exploited by gambling	13
•    Protection of children	13
•    Protection of vulnerable persons	14
<b>Part C      Premises licences</b>	
13.     Introduction to premises licensing	16
•    Definition of a premises licence	16
•    Location	16
•    Duplication with other regulatory regimes	17
•    Conditions	17
•    Door supervision	18

14.	Adult gaming centres	18
15.	Licensed family entertainment centres	19
16.	Casinos	19
17.	Bingo premises	20
18.	Betting premises	21
19.	Tracks	21
20.	Travelling fairs	22
21.	Provisional statements	23
<b>Part D Permits, notices and lottery registrations</b>		
22.	Unlicensed family entertainment centre gaming machine permits	24
23.	Gaming machine permits in premises licensed for the sale of alcohol	25
24.	Prize gaming permits	26
25.	Club gaming and club machines permits	27
26.	Temporary use notices	28
27.	Occasional use notices (for tracks)	28
28.	Small society lottery registrations	29
<b>Part E Enforcement</b>		
29.	Enforcement principles	30
30.	Reviews	31
<b>Appendices</b>		
Appendix 1	Gaming machines	32
Appendix 2	Glossary of terms	34

## Executive Summary

The Gambling Act 2005 obtained Royal Assent 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31<sup>st</sup> January 2007.

The consultation process is laid out clearly in the Gambling Act 2005, the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Guidance to Licensing Authorities issued by the Gambling Commission ([www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)).

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

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

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

### 1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document unless otherwise stated any references to the council are to the Leeds Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
  - preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
  - ensuring that gambling is conducted in a fair and open way
  - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council 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 is:
  - in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives and
  - in accordance with this document.

### 2. The Leeds district

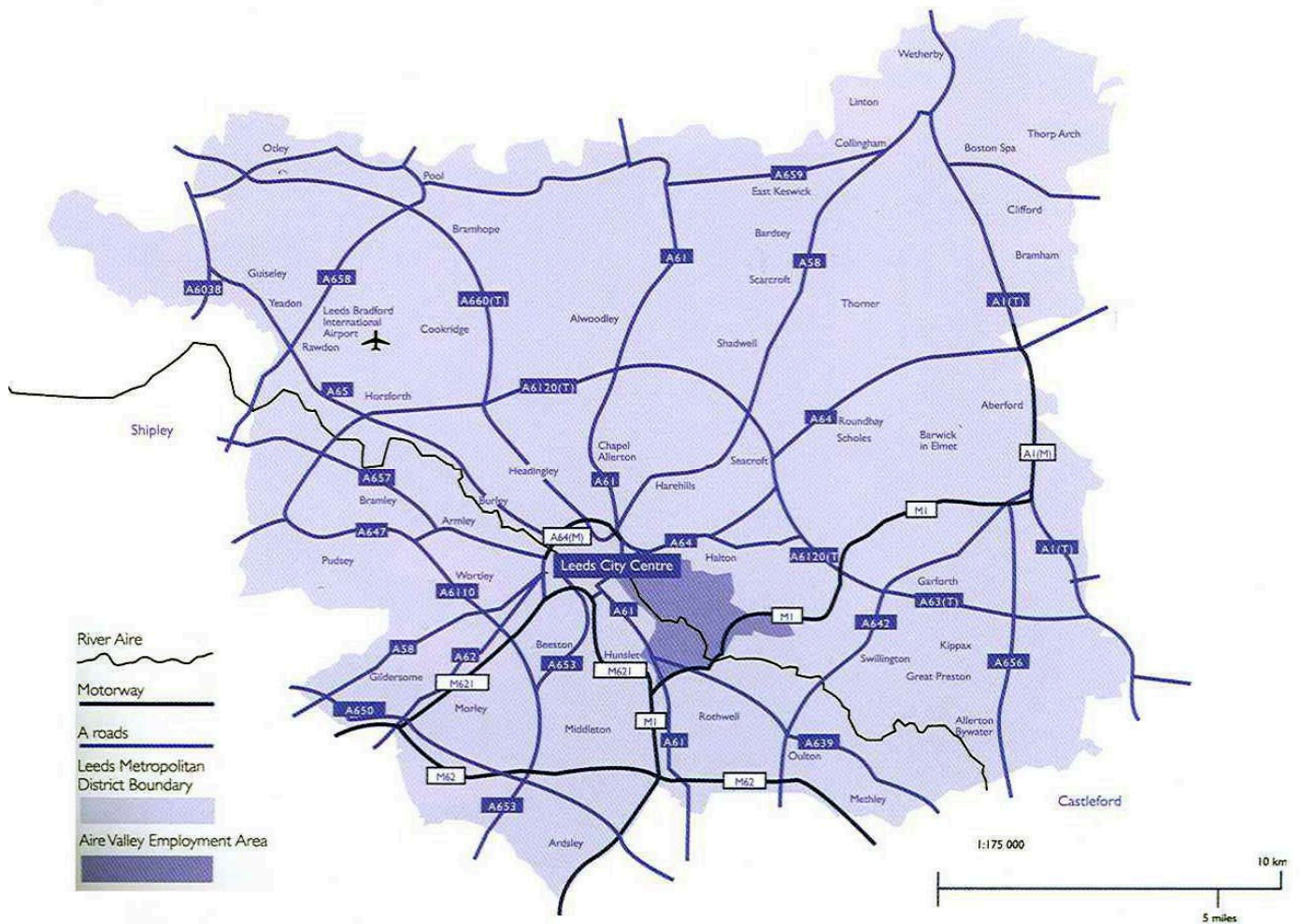
- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 715,000 (taken from the 2001 census). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 2.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the City coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant 24-hour city. Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre.
- 2.4 Leeds has strong artistic and sporting traditions and has the best attended free outdoor festivals in the country. The success of arts and heritage organisations including the Grand Theatre, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre,



Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackray Medical Museum. The city also boasts a wealth of community based sports, heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.

- 2.5 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 2.6 The Vision for Leeds 2004-2020 published by the Leeds Initiative, as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It boasts:
- a thriving economy
  - a vibrant city centre
  - a leading centre of learning, knowledge and research
  - a recognised regional capital
  - a positive image
  - a reputation for environmental excellence
  - a wide range of cultural facilities
  - a rich mix of cultures and communities.
- 2.7 The Vision for Leeds 2004-2020 has three main aims:
- going up a league as a city - making Leeds an internationally competitive city, the best place in the country to live, work and learn, with a high quality of life for everyone
  - narrowing the gap between the most disadvantaged people and communities and the rest of the city
  - developing Leeds' role as the regional capital contributing to the national economy as a competitive European city, supporting and supported by a region that is becoming increasingly prosperous.
- 2.8 This statement of licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in The Vision for Leeds 2004-2020.

## 2.9 Leeds metropolitan district



### 3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy

3.1 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 under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from “time to time” and any amendments must be consulted upon. The statement must then be re-published.

3.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:

- West Yorkshire Police
- the Local Safeguarding Children Board
- representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)
- members of the public
- the Gambling Commission
- community representatives
- town/parish councils in the district
- Area Committees
- local Members of Parliament
- national bodies representing the gambling trade
- national charities concerned with the social impact of gambling
- other charities offering support to alcohol and drugs users

- representatives of existing licence holders
- Yorkshire Forward (the regional development agency)
- Yorkshire Culture
- Leeds Citizens Advice Bureau
- Primary Care Trusts
- Her Majesty's Revenue and Customs
- West Yorkshire Fire and Rescue Service
- Faith Groups within the Leeds district
- Department of Neighbourhoods & Housing, Environmental Health Services
- Leeds City Council Development Department
- Leeds Initiative

3.3 The consultation took place between August and October 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website:

**[www.bre.brr.gov.uk](http://www.bre.brr.gov.uk)**

3.4 A copy of the consultation report containing a summary of the comments received and the consideration by the council of those comments is available on request.

3.5 The policy was approved at a meeting of the Full Council on 18<sup>th</sup> November 2009.

#### **4. The licensing framework**

4.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.

4.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operators licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.

4.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

#### **5. Declaration**

5.1 This statement of licensing policy 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.

5.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

## 6. Responsible authorities

- 6.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 6.2 The council is required by regulations to state the principles it will apply 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
  - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.
- 6.3 In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board has produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://www.procedures.leedslscb.org.uk>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.
- 6.4 The contact details of all the responsible authorities under the Gambling Act 2005 are:

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6666  
Fax: 0121 233 1096  
info@gamblingcommission.gov.uk

West Yorkshire Police  
Robert Patterson  
Leeds District Licensing Officer  
Millgarth Police Station  
Leeds  
LS2 7HX

T: 0113 241 4023

Leeds Safe Guarding Children Board  
Merrion House  
110 Merrion Centre  
Leeds  
LS2 8QB

T: 0113 247 8543  
administrator@leedslscb.org.uk

West Yorkshire Fire and Rescue Service  
District Fire Safety Officer  
Leeds Fire Station  
Kirkstall Road  
Leeds  
LS3 1NF

T: 0113 244 0302

Leeds City Council  
Planning and Development Services  
The Leonardo Building  
2 Rossington Street  
Leeds, LS2 8HD

Leeds City Council  
Environmental Health Services  
Millshaw Office  
Millshaw Park Way  
Churwell  
Leeds  
LS11 0LS

T: 0113 247 6026

HM Revenue and Customs  
National Registration Unit  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ

T: 0141 555 3633  
nrubetting&gaming@hmrc.gsi.gov.uk

## **7. Interested parties**

7.1 Interested parties are certain types of people or organisations that have the right to 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)”

7.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council 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 local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

7.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

## **8. Exchange of information**

8.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other persons listed in Schedule 6 to the Act.

8.2 The principle that the council 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 council will also have regard to any guidance issued by the Gambling Commission to local authorities on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## **9. Licensing authority functions**

9.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits
- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

9.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

## **Part B Promotion of the licensing objectives**

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

- 10.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 13.8 and 13.9) and whether conditions may be required such as the provision of door supervision (see paragraph 13.15).
- 10.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 10.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 10.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **11. Ensuring that gambling is conducted in a fair and open way**

- 11.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 11.2 However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 11.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

### **12. Protecting children and other vulnerable persons from being harmed or exploited by gambling**

#### Protection of children

- 12.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 The Act provides the following definition for child and young adult in Section 45:

#### Meaning of "child" and "young person"

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

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

- 12.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

#### Protection of vulnerable people

- 12.5 The council is aware of the difficulty in defining the term "vulnerable person".
- 12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" 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."

- 12.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

- 12.8 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe 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 gambling responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons

- 12.9 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

- 12.10 Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.leedssafeguardingadults.org.uk>

- 12.11 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are



gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)

- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

- 12.12 The council 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 proposed by the applicant.

**13. Introduction to premises licensing**

- 13.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 13.2 Premises licences are subject to the permissions/restrictions 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 other conditions, where it is believed to be necessary and proportionate. (see 13.18)
- 13.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

**Definition of "premises"**

- 13.4 Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 13.5 The council will 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 the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- 13.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 13.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

**Location**

- 13.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council 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.
- 13.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:

- the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
- the size of the premises and the nature of the activities taking place
- any levels of organised crime in the area.

The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

- 13.10 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

#### Duplication with other regulatory regimes

- 13.11 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council 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 proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

#### Conditions

- 13.12 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 13.13 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will be able to attach individual conditions to address this.
- 13.14 Any conditions attached to a licence issued by the council 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, and/or related to the area where the premises is based
  - fairly and reasonably related to the scale, type and location of premises
  - consistent with the licensing objectives, and
  - reasonable in all other respects.
- 13.15 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types below. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

13.16 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances
- supervision of machine areas
- physical separation of areas
- location of entrance points
- notices / signage
- specific opening hours
- a requirement that children must be accompanied by an adult
- enhanced CRB checks of the applicant and/or staff
- support to persons with gambling addiction
- policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as half terms and summer holidays
- policies to address the problems associated with truant children who may attempt to gain access to premises and gamble
- any one or a combination of the measures as set out at paragraph 12.7 of this policy.

13.17 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

13.18 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant 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, winnings or prizes.

#### Door supervision

13.19 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any persons employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (CRB) check on potential staff and for such personnel to have attended industry recognised training.

### **14. Adult gaming centres**

14.1 Adult gaming centres are a new category of premises introduced by the Act that are most closely related to what are commonly known as adult only amusement arcades seen in many city centres.

14.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises (see Appendix 1).

- 14.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 14.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **15. Licensed family entertainment centres (FECs)**

- 15.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 15.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
  - only adults are admitted to the area where the machines (category C) are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff; and
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 15.4 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

## **16. Casinos**

- 16.1 Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.
- 16.2 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

### Licence considerations / conditions

- 16.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 16.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.

### Large Casino

- 16.5 The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15<sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large Casino Premises Licence.
- 16.6 The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.

## 17. Bingo premises

- 17.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act. (see Appendix 1)
- 17.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
  - only adults are admitted to the area where the machines are located
  - access to the area where the machines are located is supervised at all times
  - the area where the machines are located is arranged so that it can be observed by staff
  - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18
  - children will not be admitted to bingo premises unless accompanied by an adult.
- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council

will take this into consideration when determining licence applications for bingo premises.

- 17.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **18. Betting premises**

- 18.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities at race courses as well as the general betting premises licences that track operators will require.

### **Betting machines**

- 18.2 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will 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.
- 18.3 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable persons, highlighted at paragraph 12.7.
- 18.4 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.

## **19. Tracks**

- 19.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the "totaliser" or "tote"), and also general betting, often known as "fixed-odds" betting. Multiple betting outlets are usually located on tracks such as 'on-course' betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be 'off-course' betting operators who may operate self contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 19.2 All tracks will require a primary 'general betting premises licence' that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 19.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where

possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

- 19.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 19.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 19.6 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, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 19.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

#### Betting machines

- 19.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 19.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues, examples of which are provided at paragraph 13.15.



## **20. Travelling fairs**

- 20.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.
- 20.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair. (see Appendix 1)
- 20.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.
- 20.4 The council is aware that the 27-day statutory maximum for the land being used as a fair is per calendar year 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. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

## **21. Provisional statements**

- 21.1 A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
- 21.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
  - b) which in the authority's opinion reflect a change in the operator's circumstances.
- 21.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

**22. Unlicensed family entertainment centre gaming machine permits (UFECs)**

- 22.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it contains both category C and D gaming machines.
- 22.2 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states "In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 22.3 In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:

**Statement of Principles**

- 22.4 The council will expect the applicant to 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.
- 22.5 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
  - measures and training covering how staff would deal with unsupervised very young children being on the premises
  - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
  - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 22.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.
- 22.7 The council will also expect, as per the 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 conviction (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.

- 22.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 22.9 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.

### **23 Gaming machine permits in premises licensed for the sale of alcohol**

- 23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Gambling Act has been committed on the premises.
- 23.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" The council considers that "such matters" will be decided 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 by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 23.4 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 23.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 23.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 23.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

23.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

## **24. Prize gaming permits**

24.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

24.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

24.3 The Gambling Act 2005 contains provision for local authorities to prepare a "Statement of Principles" that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, "in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.

24.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

### **Statement of Principles**

24.5 The council will expect the applicant to 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.

24.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.

24.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.

24.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible
- That the gaming offered is within the law.

- 24.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the "Statement of Principles" have been addressed through the application.
- 24.10 Applicants only need to address the "Statement of Principles" when making their initial applications and not at renewal time.
- 24.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. 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.

## **25. Club gaming and club machine permits**

- 25.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.
- 25.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 25.3 Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
  - notices and signage
  - the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 25.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 25.5 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
  - (b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - (d) a permit held by the applicant has been cancelled in the previous ten years; or
  - (e) an objection has been lodged by the Commission or the police.

- 25.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
  - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
  - (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

## **26. Temporary use notices**

- 26.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period 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 useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 26.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 26.3 Only persons or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 26.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 26.5 The Act makes a special reference, in the context of temporary use notices, to a "set of premises" to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a "set of premises", the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready 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.

## **27. Occasional use notices (for tracks)**

- 27.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 27.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

## **28. Small society lottery registrations**

- 28.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.
- 28.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.
- 28.3 A small society lottery is a lottery promoted on behalf of a non commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Leeds and want to run such lottery.
- 28.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.
- 28.5 To be 'non-commercial' a society must be established and conducted:
- for charitable purposes,
  - for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
  - for any other non-commercial purpose other than that of private gain.
- 28.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.
- 28.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

**29.      Enforcement principles**

- 29.1      The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 29.2      In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **consistent:** rules and standards must be joined up and implemented fairly;
  - **transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **targeted:** regulation should be focused on the problem, and minimise side effects.
- 29.3      The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 29.4      The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 29.5      The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.
- 29.6      The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 29.7      The council's enforcement/compliance protocols/written agreements will be available upon request.



### **30. Reviews**

30.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

30.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

30.3 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

## Appendix 1 Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
<sup>1</sup> B2	£100	£500
B3	£1	£500
B3A	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize	10p	£5
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

**Table 1**

<sup>1</sup> The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

(Appendix 1 continued)

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/ table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines in category B3 or B4		No limit C or D machines	
Adult gaming centre				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit C or D machines	
Family entertainment centre (with Permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C- D machines as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

Table 2

\*It should be noted that member's clubs and miner's welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

## Appendix 2 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting Machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: Cash bingo, where the stakes paid make up the cash prizes that can be won and Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	To be prescribed in Regulations. Will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> <li>preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to</li> </ul>

Term	Description
	<p>support crime</p> <ul style="list-style-type: none"> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where persons are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Odds	<p>The ratio to which a bet will be paid if the bet wins. e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.</p>
Off-course betting operator	<p>Off-course betting operators may, in addition to premises away from the track, operate self contained betting premises within a track premises. Such self contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.</p>
On-course betting operator	<p>The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).</p>
Pool Betting	<p>For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by</p>

<b>Term</b>	<b>Description</b>
	reference to the aggregate of the stakes paid or agreed to be paid by the persons betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific persons or things. However, regulations are not made by Parliament. Rather, they are made by persons or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Examples of tracks within the Leeds district would be Elland Road Football ground and Headingley Stadium.

## Appendix 3 Summary of gaming entitlements for clubs and pubs

	<b>Members' club or MW institute with club gaming permit</b>	<b>Bridge or whist club</b>	<b>Members' club or commercial club with club machine permit</b>	<b>Members' club, commercial club or MW institute without a club gaming permit</b>	<b>Pubs and other alcohol-licensed premises</b>
<b>Equal chance gaming</b>	Yes	Bridge and/or whist only	Yes	Yes	Yes
<b>Limits on stakes</b>	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game  <u>Other gaming</u> No limit	<u>Cribbage &amp; dominoes</u> No limit  <u>Poker</u> £100 per premises per day  <u>Other gaming</u> £5 per person per game
<b>Limits on prizes</b>	No limit	No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £250 per game  <u>Other gaming</u> No limit	<u>Poker</u> £100 per game  <u>Other gaming</u> No limit
<b>Maximum participation fees – per person per day</b>	<u>Bridge and/or whist*</u> £20  <u>Other gaming</u> £3	£18 (without club gaming permit)  £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18  <u>Other gaming</u> £1	None permitted
<b>Bankers or unequal chance gaming</b>	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
<b>Limits on bingo</b>	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

\* On a day when no other facilities for gaming are provided

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# **Final Consultation Report**

## **Statement of Licensing Policy 2010 – 2013**

### **Gambling Act 2005**

## Contents

Executive Summary	3
Introduction	4
Background Information	4
The Licensing Objectives	4
Purpose of the Statement of Licensing Policy	5
Purpose of the Consultation	5
Consultation Methodology	5
First Draft Consultation Response	6
Officer comments	6
Consultation with Responsible Authorities	6
West Yorkshire Police	6
Safeguarding Children’s Board	7
Public Consultation Response	11
The Racecourse Association Ltd	11
British Beer and Pub Association	13
Rank Group	15
Web responses	20
Conclusion	22
Appendix 1 – Change Document	23

## Executive Summary

This report details the findings of the initial consultation on Leeds City Council's Gambling Act 2005 Statement of Licensing Policy.

The Draft Policy was circulated amongst the responsible authorities and other interested parties on 28<sup>th</sup> April 2009 and four weeks were provided for responses. Two responses were received, from West Yorkshire Police and Social Services.

A second draft of the policy was produced and presented to Executive Board on 17<sup>th</sup> June and full Council on 15<sup>th</sup> July 2009.

The public consultation took place between 3<sup>rd</sup> August and 2<sup>nd</sup> October which was a nine week consultation period. Officers analysed the responses and produced a final draft of the Policy.

It will be presented to Scrutiny and Overview Board on 2<sup>nd</sup> November, Executive Board on 4<sup>th</sup> November and full Council mid November.

The final Statement of Licensing Policy must be published by 10<sup>th</sup> January 2010 to be in place by 31<sup>st</sup> January 2010.

## Introduction

The Gambling Act 2005 (the Act) created a new system of licensing and regulation for commercial gambling in Great Britain. Within this regime local authorities were appointed as Licensing Authorities and became responsible for issuing premises licences to gambling premises such as casinos, bookmakers and amusement arcades. Under the Act the Licensing Authority must publish a Statement of Principles which shows how it will exercise its functions under the Act. Leeds City Council's first Statement of Licensing Policy for the Gambling Act 2005 was consulted upon in 2006 and was published in January 2007.

Licensing authorities are required to review and republish their Statement of Principles every three years.

## Background Information

The Gambling Act 2005 completely overhauled the regulation of commercial gambling in Great Britain and gave effect to the governments proposals to reform and modernise the law on gambling. Within the new regime the Gambling Commission became the national gambling regulator. The Commission is responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. The Act set out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also made provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

As part of this licensing framework, licensing authorities have the power to licence gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes. The Act also provides for a system of temporary use notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling, for limited periods. This would for example allow a gambling operator to set up a temporary casino in a hotel.

One of the key control measures within this framework is that if an operator wishes to provide gambling at a certain premises they must first apply for the requisite operators licence and personal licences from the Gambling Commission before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. Local authorities can only determine licensing applications once they are notified that the applicant has secured the necessary licences from the Gambling Commission.

### The Licensing Objectives

The Act sets out three licensing objectives which underpin the Act:

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

## **Purpose of the Statement of Licensing Policy**

Under the Act each licensing authority must prepare a Statement of Gambling Policy which outlines how the authority will seek to promote the licensing objectives and on what basis the authority will arrive at its decision making. This allows gambling businesses to prepare applications in a manner which reflects the requirements of the policy and also helps the public to clarify how the authority is approaching its licensing duties. The gambling policy fulfils a similar role to that of the Statement of Licensing Policy. A policy must be published at least every three years however amendments can be made during this time as long as those elements which are being changed are consulted upon.

## **Purpose of the Consultation**

The consultation methodology has been designed to provide a wide selection of the Leeds population with the opportunity to comment on the revised content and suggested control measures detailed in the draft policy. In addition similar thoughts were sought from the responsible authorities as well as a list of identified stakeholders such as organisations concerned with the social impact of gambling, faith groups, national bodies representing the gambling trade, plus representatives of local businesses.

## **Consultation Methodology**

The following activities took place:

- An initial first draft of the policy was produced in consultation with licensing officers and legal services.
- This draft was circulated amongst the responsible authorities for comment.
- Comments were received from West Yorkshire Police and Safeguarding Children Board and were incorporated into the second draft.
- The second draft was presented to full Council for debate and comment in July 2009. No comments were made and a Public Consultation Draft was produced.
- The public consultation commenced at the beginning of August and ran for nine weeks which is in excess of the four weeks specified in the Act. The Home Office Code of Practice on Consultation specifies that a 12 week consultation is good practice. However this was not possible due to restraints imposed by the timetabling of Overview and Scrutiny Board and Executive Board.
- The draft policy and a summary of changes were uploaded to a webpage on the Leeds City Council website. A news items appeared on the homepage on the first day of the consultation.
- A full colour poster was sent to all libraries, one stop centres and leisure centres in the district.
- Elected members were sent a letter describing where the policy could be accessed.
- A mail shot was sent out to an extensive list of identified stakeholders. This included existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few.

- A news story was presented in About Leeds in September negating the need for an expensive newspaper advertisement.
- A press release was issued by the press office advertising the consultation.

## First Draft Consultation Response

### Officer Comments

A series of meetings were held between officers from Entertainment Licensing and Legal Services. The main changes to the policy included changes in tenses which were necessary because information has been published by the Gambling Commission since the first publication of the policy.

It was decided to incorporate the Statement of Principles for Unlicensed Family Entertainment Centres and Prize Gaming Permits, which had been a separate document. The requirements placed on those permit holders were simplified to reflect the low risk nature of this gambling activity.

Officers removed the section F which related to the Large Casino bid. This section will be incorporated at Section 16 once the Project Board and Advisory Panel have been formed and the contents decided upon. This section will be consulted upon separately at a later stage.

A full list of changes is provided at the end of this document.

### Consultation with Responsible Authorities

The First Draft of the policy was circulated on the 28<sup>th</sup> April 2009 to:

1. Ian Clegg, West Yorkshire Fire and Rescue Service, District Fire Officer
2. Kathy Kudelnizky, Leeds Initiative
3. Rowena Hall, City Development
4. Steve Speak, City Development
5. HM Revenues and Customs, National Registration Unit
6. Brian Kenny, Environmental Health Services
7. Robert Patterson, West Yorkshire Police
8. Gambling Commission, Birmingham
9. Rosemary Archer, Leeds Safe Guarding Children Board

The consultees were asked to provide responses by the 22<sup>nd</sup> May 2009. Two responses were received.

### West Yorkshire Police

A response from Bob Patterson from West Yorkshire Police highlighted an omission in Appendix 1 relating to the registered clubs and commercial clubs and their gaming machine entitlement. As this table was lifted directly from the Gambling Commission Guidance, it was established that the explanatory paragraph had been omitted. The following paragraph was inserted:

“It should be noted that Member’s Clubs and Miner’s Welfare Institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial Clubs are entitled to a total of three machines in categories B4 to D.”

## Safeguarding Children's Board

A response from Rosemary Archer was received which made the following comments:

"Since the Policy makes reference to 'child / children' it may be useful to give a definition, could use the 89 Children Act i.e. someone who has not yet reached their 18th birthday. This may mean that some of the guidance points may need to change since refers to children being accompanied by an adult. / will not be admitted to bingo premises unless accompanied by an adult etc. In addition I am not sure if the Gambling Act makes any distinction as to the age of a child i.e. over 16yrs, age at which a person can enter 'licensed premises' etc.

Since the LSCB is identified as a 'Responsible Authority' it may be useful to make reference to the Board's procedures namely 'West Yorkshire Consortium Procedures Manual' at [www.procedures.leedslscb.org.uk](http://www.procedures.leedslscb.org.uk) This could be then used as a point of reference, a guide for good practice, an explanation of definitions - 'harm' and the mechanism by which to make a referral to Social Care etc

Sec 8 - Exchange of Information - not sure which organisations are listed in Sch 6 of the Act but similarly the Board's procedures also give guidance as the responsibilities for organisations re the exchange of information regarding the welfare of a child

Sec 13.10 - Location - with regard to the first bullet point it may be worth identifying premises that provide services to children and or young people i.e. a school rather than just identifying 'schools'

Sec 22.6 - Regular and prolonged contact with children - may need to revisit the sentence that confirms that applicants may wish to consider performing a CRB check if the criteria is where 'staff that may be in regular and prolonged contact with children and vulnerable people'

Sec 24.7 - See above re need to CRB check staff with 'regular and prolonged contact with children and vulnerable people'

### Section ' Protection of vulnerable people'

I can see the difficulty in regards to the definition of a vulnerable person, but if safeguarding adults is **everyone's business** then should we not be using what we have already in existence regardless of it's obvious flaws.

The document does not provide adequate description of the people who may be affected e.g. people with learning disabilities, autism, aspergers etc are at risk but appear to be included in a generic category of mental impairment which may be misunderstood by those who do not have a background in Social Care. Training mentions requirements to identify people who are gambling too much or too long, but how many staff will receive training in regard to specific groups of people who are or may be vulnerable, and how the training links together to provide a suitable safeguard for people at risk.

The document does not mention anything at all about Leeds Safeguarding Adults policies and procedures, training and support etc and neither is there any mention of an understanding of how people may be exploited both financially and psychologically and the possibility of support staff or family involvement in this."

A meeting was held between Entertainment Licensing and Adult Social Care specifically to discuss the issue of vulnerable adults. This is a difficult subject because the Gambling Commission has declined to provide a definition for this term. The section was rewritten following this meeting as follows:

### **Original Text**

#### **Protection of children and other vulnerable persons from being harmed or exploited by gambling**

##### Protection of children

- 12.1 This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.
- 12.2 This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.
- 12.3 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

##### Protection of vulnerable people

- 12.4 As regards the term "vulnerable persons", the council is not seeking 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. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.
- 12.5 While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.
- 12.6 The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 12.7 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:



- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- stickers or notices on gaming machines to identify the stakes/prizes
- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

12.8 The council 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 proposed by the applicant.

**Amended text:**

12.1 This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

12.2 The Act provides the following definition for child and young adult in Section 45:

Meaning of "child" and "young person"

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

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

12.3 The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

12.4 Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.

[Protection of vulnerable people](#)

12.5 The council is aware of the difficulty in defining the term "vulnerable person".

12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" 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."

12.7 The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:

"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."

12.8 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe 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

12.9 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.

12.10 Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <http://www.leedssafeguardingadults.org.uk>

12.10 Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:

- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)
- trained personnel for the purpose of identifying and providing support to vulnerable persons
- self exclusion schemes
- stickers or notices on gaming machines to identify the stakes/prizes

- operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Fixed Odds Betting Terminals should clearly display the odds
- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.

12.11 The council 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 proposed by the applicant.

Other amendments were made to the policy in line with the consultation response and these are detailed at the end of this document.

This draft was taken to Executive Board on 17<sup>th</sup> June, Scrutiny (Central and Development) on 6<sup>th</sup> July and full Council on 15<sup>th</sup> July 2009. No comments were made so the second draft was altered to form the Public Consultation Draft

## Public Consultation Responses

The public consultation took place between 3<sup>rd</sup> August and 2<sup>nd</sup> October which was a nine week consultation period.

Leeds City Council received four postal responses to the public consultation.

### **The Racecourse Association Ltd**

The Racecourse Association Ltd responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The Racecourse Association made five comments:

#### Location (Part C, paragraph 13.10)

The proposed location of gambling premises may be taken into account when assessing the application. The council is asked to consider that the location of racecourses will not have altered since its foundation and cannot be transferred to another location.

**Comment:** The Council will always consider each application on a case by case basis and in conjunction with any representations received from interested parties or responsible authorities. The location of established premises would have significantly less impact on the surrounding area than the construction and operation of a new business. This would be taken into consideration when the Council is making its determination at licensing sub-committee hearings.

**Action:** None.

Conditions (Part C, Paragraph 13.13 and 19.10)

In certain circumstances the council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.

Comment: The council has the ability to impose conditions in addition to those mandatory and default conditions supplied by the Gambling Act 2005. The council will only impose conditions after a representation to the application is received and at a sub-committee hearing where the applicant would have the ability to input into the decision. The applicant also has the right of appeal against the licensing sub-committee decision.

Action: None.

Door Supervisors (Part C Paragraph 13.20)

The Council is asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001 racecourses are already required to provide licensed door supervisors in some roles. In line with the Government's Better Regulation Agenda and the stipulation by the Council in Paragraph 13.12 that they will seek to avoid duplication with other regulatory regimes the Council should not impose any further provisions relating to door supervisors.

Comment: As stated previously each application is dealt with on a case by case basis. Additional provisions regarding door supervisors would only be imposed formally at a licensing sub-committee hearing, following a relevant representation from a responsible authority or interested party and where necessary.

Action: None.

Betting Machines (Part C Paragraph 19.8)

As racecourses will not hold Operating Licences they will also not be responsible for the provision of Betting Machines on these premises. These will be provided by third party operators who will be required to act in accordance with the conditions of their Operating Licences as issued by the Gambling Commission. In line with this and with Paragraph 20.55 of the third edition of the Gambling Commission's Guidance to Licensing Authorities no restrictions should be placed on the number of Betting Machines at tracks.

Comment: Section 181 of the Gambling Act provides local authorities with the ability to include a condition on betting premises licences relating to the number of betting machines, the nature of those machines and the circumstances under which they can be made available for use. Although the betting machines may be provided by an operator, they will be provided for use under the tracks betting premises licence.

So although there is no blanket restriction on the number of machines available for use (as there are with gambling machines on other licensed premises), the council does have the ability to restrict these number if to do so would promote the licensing objectives, specifically in relation to the protection of children and vulnerable people.

When determining premises licences, and applying conditions, the council will have regard for both the Gambling Act 2005 and the Gambling

Commission Guidance to Licensing Authorities, however it will not be appropriate to include a statement in the policy which would effectively remove the ability to place a condition on a licence if it proves necessary to promote the licensing objectives.

Action: None.

Conditions on rules being displayed (Part C, paragraph 19.9)

The council should be aware that it may not be practical for racecourses to print examples of the Standard Rules of Betting (Tattersalls Rules) in their race card or in a leaflet form. However these will be displayed in line with the Premises Licence Mandatory and Default Conditions.

Comment: The Gambling Policy states that the council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, **or** that the rules are displayed in the race-card or made available in leaflet form from the track office. However the mandatory condition applied to all betting (track) premises licences states "The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access."

Action: As the prominent display of standard rules is a mandatory condition, it would be acceptable to remove paragraph 19.9 entirely.

### **British Beer and Pub Association**

The British Beer & Pub Association responded on behalf of their members. A copy of the response can be found at Appendix 1 – Public Consultation Responses.

The protection of children and vulnerable persons

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of Practice on Minimum Age of Players, and we therefore very welcome the restriction now contained in the new Gambling Act.

The Association first introduced its Code of Practice in 1998 and has kept it under regular review since then. As a result of the Code which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

Comment: The requirement to place a notice on the machines that no under 18s can play is a requirement under the Gaming Machine (Circumstances of Use) Regulations 2007 section 3(1)(c).

Action: None.

#### Grant of additional permits

While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA code) there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

Comment: The policy covers this issue with three paragraphs and states:

- 23.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "such matters as they think relevant." The council considers that "such matters" will be decided 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 by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 23.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines.
- 23.4 Measures which may satisfy the council that persons under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised.

Therefore the council has stated that it will consider each application on a case by case basis and is not able to predetermine the outcome of permit applications.

Action: None.

#### Application procedures for more than two machines

The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Comment: As described above, each application is determined on a case by case basis. Officers have the discretion to present an application to a licensing sub-committee in exceptional cases, however the council would hesitate to set a definitive number of machines, as this should be considered alongside other matters such as locality and size of premises. This is pertinent in the Leeds area where some city centre premises would easily accommodate more than four machines without causing an adverse impact on the licensing objectives.

Action: None.

## Rank Group

Rank Group responded to the Statement of Licensing Policy with the following comments:

Rank is sure that the references in the statement to Gambling Commission guidance do relate to the latest edition of the Gambling commission's Guidance to Licensing Authorities that was published on the 1 May 2009. Any review of a Local Authority's statement of principles must have regard to the Gambling Commission's most up to date guidance. It might therefore be useful to include the reference and include a link that any interested party can consult.

**Comment:** The council has deliberately not included reference to a particular version of the Gambling Commission's Guidance to Licensing Authorities to future proof the policy. The lifecycle of the Guidance has, in the past, been shorter than that of the policy and to reference a particular version may lead to the policy referencing an earlier version of the guidance than is currently available.

**Action:** None.

Additionally, the revised Gambling commission's Licence Conditions and Codes of Practice (LCCP) came into force on 1<sup>st</sup> January 2009. Again, the revised LCCP deals with a number of different issues that are directly relevant to the application process. For example, it introduces more extensive obligation upon operators in relation to matters of social responsibility, amongst other things. The authority states that it will have regard to the Codes of Practice that have been issued. However again a link might be useful (included below) so that any interested parties and responsible authorities can be taken to the document.

**Comment:** Again the council has resisted referencing specific versions of the LCCP and providing a link for the responsible authorities/interested parties as the LCCP are subject to change, as do website links. However it is acknowledged that a link to the Gambling commission website would be useful as a starting point.

**Action:** Insert Gambling Commission website address into Executive Summary and Part A.

The Gambling Commission (The Commission) also consulted on issues relating to the primary purpose of gambling premises. The Commission has imposed new conditions on existing operating licences that require the operator to provide the primary gambling facilities specified in the licence type. The new conditions were attached to operators licences with effect from the 1st May 2009, as set out in the commission's LCCP Supplement 4: primary gambling activity. We cannot see any particular reference to these latest requirements.

**Comment:** The policy, at 1.4 and 1.5 references "relevant guidance" and "relevant code of practice". As above, the council has resisted mentioning specific codes of practice as these change and are amended over time.

**Action:** None.

Para 4.1 – the sentence refers to the Act bringing about – as it is now fully in force maybe the tense should be altered.

Comment: Agreed

Action: Alter the word bring to brought.

6.4 – We believe that the planning authority is omitted

Comment: Agreed

Action: Insert Development Department's details in para 6.4.

7.1 – Although the authority will consult on the casino section separately should reference be included to the amendment made by Schedule 9 to provide that applicants for a large casino are automatically interested parties to each other's application.

Comment: This would be more appropriately addressed in the section relating to the Large Casino and the application process, as it is specific to that process.

Action: None.

Part B Promotion of the Licensing Objectives

Unlike the Licensing Act 2003 section 153 Gambling Act only requires the authority to aim to permit the use of the premises for gambling in so far as the authority think is reasonably consistent with the licensing objectives. Promotion may not therefore be the correct word in this context.

Comment: Agreed.

Action: Change the wording to Part B – Consistency with the Licensing Objectives.

Para 12 Protection of the vulnerable and children.

12.3, 12.8 and 12.9 – reference to LCCP would assist interested parties in understanding the extensive obligations imposed on operators by their Operator Licences.

Comment: There is a reference to LCCP at paragraph 12.9. This part of the policy is signposting applicants to the various sources of information so they can prepare their application and to assist them with their business practices. It would not be useful to signpost interested parties to the LCCPs at this point, as this section clearly doesn't refer to them.

Action: None.



## Part C Premises Licence

Para 13 – In relation to “split premises” there is no reference to the revised guidance from the Commission albeit that the paragraphs do accurately summarise and reflect that guidance. The reason for highlighting is that more authorities are extracting the relevant sections in their Statement.

Comment: This part of the policy has remained the same apart from a few minor amendments to bring it fully in line with the Gambling Commission guidance. The council does not feel referencing a particular revision to the guidance would be helpful to applicants.

Action: None.

13.8 – this paragraph does not appear to reflect the revised Commission guidance following the Betting Shop Services High Court decision. The Commission advise that provided there are detailed plans submitted there is no reason why a full licence should not be granted, subject to suitable conditions, which can include a condition that the premises cannot be operated until they have been inspected by the authority and any other relevant authority. A full licence is required by an operator in order to satisfy the conditionality in a development contract and this will be particularly relevant to the large casino application process. Also the authority need not issue the licence until the premises have been completed and inspected. There appears to be a typographical error as section 21 related to provisional statement.

Comment: Agreed. The decision whether to apply for a provisional statement or premises licence is made by the applicant, and there may be specific reasons why one application is more suitable than the other.

Action: As this paragraph does not assist applicants, or state a principle, it would be more appropriate to remove the paragraph entirely.

13.13 – in addition to the mandatory and default conditions the Commission’s LCCP impose mandatory conditions on Operators Licences and may well negate the need for specific conditions.

Comment: Agreed.

Action: Include a reference to LCCP.

13.20 – the exemption for bingo hall and casinos only applies to staff directly employed by the operator. Third party contractors must therefore utilise SIA registered staff at such premises.

Comment: This section relates to door staff not licensed by the SIA by way of the amendment the Gambling Act 2005 brought to the Private Security Industry Act 2001. The recommendation is that operators may wish to CRB check unlicensed staff. The operators themselves will be aware of

their obligations under the Private Security Industry Act 2001, and so there should be not need to cloud the issue with additional detail.

Action: None.

#### 16 Casinos

16.2 – should perhaps be clarified by including reference to the games of equal chance permitted in converted casinos – poker being the most common, as such games are not played against the house.

Comment: This section was lifted almost verbatim from the Gambling Act and the Gambling Commission’s Guidance to Licensing Authorities. On reflection the omission of equal chance gaming does imply that these games are not permitted, which is incorrect.

Action: Include a sentence regarding equal chance gaming.

16.3, 16.4 – we believed that the commission have removed the section that referred to further guidance being issued. There are, of course requirement in the mandatory conditions and LCCP.

Comment: Agreed. This paragraph refers to a statement in the previous version of the Gambling commission Guidance to Licensing Authorities which promised further guidance.

Action: Rewrite this section to refer to the mandatory conditions and the LCCP.

16.5 – betting machines are not permitted in converted casinos – see para 65(9) of the Commencement Order No 6 and Transitional Arrangements Regulations – which amend the Act in several areas to provide special arrangements for converted casinos.

Comment: Agreed. This paragraph is no longer relevant to this part of the policy, but will be included in the Large Casino section when this is inserted in 2010.

Action: Remove paragraph.

16.7 – Large Casino. Rank notes that fact that the authority will consult separately on the competition process next year. Therefore we will not comment at this stage other than refer to the point already made above.

Comment: None.

Action: None.

## 17 Bingo Premises

It may be of assistance for this section to include reference to the fact that bingo can be played in unlicensed premises provided there is strict compliance with the statutory threshold on stakes and prizes. If those are to be exceeded then clearly an operator must apply for an Operator's Licence.

Comment: As this section refers specifically to premises licensed for bingo. It may confuse the issue to include all the exemptions allowed in the Gambling Act in the relevant sections. This is not necessarily a matter for the Statement of Licensing Policy.

Action: None.

17.3 – again the Commission has not issued further guidance but has added further conditions to Operating Licences in relation to the primary purpose for which the premises are used to ensure that facilities for the playing of bingo must be provided in any premises holding a bingo premises licence.

Comment: Agreed.

Action: This paragraph is to be rewritten with reference to the mandatory conditions and the LCCP.

## 18 Betting Premises

18.3 – this is a particularly important paragraph given the very high failure rate on age verification testing that has been undertaken. The control measures required by LCCP for such premises are far less stringent than for bingo clubs and casinos.

Comment: Although this is a matter for concern, it is addressed by paragraph 18.4 which states that the council may consider conditions to address issues.

Action: None.

18.4 – again it may be of assistance to include reference to the revised requirements as to primary purpose imposed on Operating Licences which require that full betting facilities must be provided in premises. There is a dispensation in relation to premises licensed under the 1963 Act converted whereby they may continue to operate until March 2010 without such facilities. Any licences granted since September 2006 are therefore of no effect unless full betting facilities are now provided.

Comment: The Gambling Commission Code of Practice is already referenced in this paragraph. The matter of primary purpose is dealt with under the Gambling Commission's Operator's Licence and is not within the scope of the policy. As this dispensation is transitional in nature, and not enforced by the Licensing Authority it is not appropriate to include it in the Statement of Licensing Policy.

Action: None.

## Part D Permits

### Para 23 – Alcohol Licensed Premises

It may assist licensees if reference was made in this section to the advice on exempt gaming issued by the Commission and now incorporated into the 3<sup>rd</sup> edition of their guidance – particularly in relation to the keeping of records so that the DPS can demonstrate that the equal chance gaming is being conducted legally within the permitted limits.

**Comment:** This section relates to gaming machine permits in alcohol licensed premises, rather than exempt gaming. The Gambling Commission have produced both comprehensive guidance to licensing authorities and to the operators of public houses on this matter, and it would be outside of the scope of this policy to include detailed information in this section. However reference should be made to this ability and the table included at Appendix C of the Gambling Commission’s Guidance to Licensing Authorities is a useful tool.

**Action:** Include additional paragraph at 23.8 and refer to Appendix C.

### Para 25 – Club gaming and machine permits

There is real concern in the bingo and casino industry as to the number of illegal poker (it is thought that there are at least 120 such clubs nationally) and bingo clubs that operate as commercial organisations in contravention of the requirements of the Act and are not run as bona fide members clubs. The Commission have made it clear that they expect authorities to ensure that the requirements of the Act are complied with and have advised authorities of the power to review and revoke such permits.

**Comment:** This is an enforcement issue and outside of the scope of the Policy, however the concern has been noted and forwarded to the Licensing Authorities Enforcement Team.

**Action:** None.

## Reponses from members of the public – anonymised

There were 21 responses received via the web form.

17 of these responses gave contact details but no comment. Four responses were received with comments:

### Response 6004005

I think gambling needs to be reduced not increased. It can create problems for people.

**Comment:** This is not within the scope of the Gambling policy.

**Action:** None.

Response 6004040

I found it a comprehensive and easily understood document.

Comment: No comment.

Action: None.

Response 6004353

I have read the documents re gambling which seem fine and my only concern is really about the 'victims' of gambling.

1. Shouldn't this be discussed at part of PSE in schools, I.e. Pavlov and classical condition; how people are hooked by thinking "Next time I will win, next time I will win". I have a nephew who was, for a while, losing most of his wages on machines but doesn't believe he has a problem and he has a good job in the public sector (the arcade used to give him free tea and sandwiches – shouldn't they be encouraged to have a duty of care to gamblers, i.e. pubs can't serve people who are drunk and perhaps staff in gambling establishments need appropriate training).
2. Couldn't some of the proceeds from the licences be given to this training and for support groups who work with gambling addicts, i.e. 5% or a reasonable amount to fund training/workers/outreach in school etc/support groups etc., i.e. Gamblers Anonymous or couldn't there be a say 5% levy on all the Gambling Providers to support all the victims (who are probably broader than just the vulnerable groups identified in the Act)?

Comments: The policy primarily deals with issues relating to licences, permits and registrations, the application process and the way the Licensing Authority determines those licences. Therefore the policy provides information on how applicants can contact groups who engage with vulnerable people. It is not within the scope of this policy to provide education for vulnerable people, although operators have requirements placed upon them by the Gambling Commission Licence Conditions and Code of Practice in the area of social responsibility.

The Government receives a voluntary levy from the gambling industry which provides funds which helps to pay for national social inclusion schemes, prevalence studies and other work which promotes the licensing objectives described in the Gambling Act 2005. This satisfies part of the requirement under their Operators Licence. This issue is enforced by the Gambling Commission.

In addition Leeds City Council won the right to licence a new large casino. The licensing process allows the council to enter into agreements with the licence operator to provide benefit to the area, either by a financial agreement, by the provision of jobs and other similar benefits. This process is designed to provide regeneration benefits to the area. It is hoped that the application process for the new casino will be started in 2010.

Action: None.

## Response 6005434

The council should restrict the numbers of betting shops – there are far far too many in Leeds and they are open until 9 or 10pm in some areas.

Comments: The Gambling Act 2005 does not allow Licensing Authorities to consider the demand or need for gambling facilities in an area. This is reiterated at 13.9 in the Policy. The Gambling Act 2005 Mandatory Conditions specify opening hours, which for betting shops is 7am to 10pm.

Action: None.

## **Conclusion**

When the first Gambling Act 2005 Statement of Licensing Policy was written, secondary legislation relating to the Act hadn't yet been published. The Policy was based upon a template provided by LACORS and then heavily customised for Leeds City Council. It is testament to the original policy writers that there are as few amendments as there are.

Social Services were able to provide very useful information which has allowed the Licensing Authority to signpost applicants to sources of specialist advice relating to children and vulnerable people.

The Public Consultation was a very valuable process with a small number of respondents. However the information the respondents provided was useful in tightening specific areas of concern within the Policy.

The section of the Policy that relates to the Large Casino was not ready in time to be included in this review process. It is anticipated that this section will be reviewed and consulted upon separately in the middle part of 2010 with the actual application process starting towards the end of that year.

There is some discussion in DCMS circles regarding the requirement to review triennially the Statement of Licensing Policy for both the Licensing Act 2003 and the Gambling Act 2005. In particular the Licensing Act 2003 will have been reviewed three times by the end of next year, with very few amendments to the main body of the policy expected. Entertainment Licensing would welcome a relaxation in this requirement, only reviewing the Policy as required, for example after a major amendment to the primary legislation or in response to changing circumstances.

## APPENDIX 1 - CHANGE DOCUMENT

**Document Title:** Gambling Act 2005 Statement of Licensing Policy Review

**Contact for enquiries:** Sue Holden ext: 51863

Part	Current	Part	Change to	Date
<b>Executive Summary</b>				
Insert				
<b>1. The licensing objectives</b>				
1.2	<p>The council will carry out its functions under the Act with a view to promoting the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>	1.2	<p>The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.</li> </ul>	Final draft 05/10/09
1.3	<p>More information can be found about how the council will promote the licensing objectives in Part B and C of this document.</p>	1.3	<p>More information can be found about how the council will achieve this in Part B and C of this document.</p>	Final draft 05/10/09

1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.	1.4	The council will also follow any regulations and statutory guidance issued in accordance with the Act and have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission (www.gamblingcommission.gov.uk).	Final draft 05/10/09
<b>2. The Leeds district</b>				
No major changes				
<b>3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy</b>				
3.2	Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below: <ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> <li>• community representatives</li> <li>• town councils in the district</li> <li>• parish councils in the district</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional development</li> </ul>	3.2	Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below: <ul style="list-style-type: none"> <li>• West Yorkshire Police</li> <li>• the Local Safeguarding Children Board</li> <li>• representatives of local businesses (including Leeds Chamber of Commerce and the Federation of Small Businesses)</li> <li>• members of the public</li> <li>• the Gambling Commission</li> <li>• community representatives</li> <li>• town/parish councils in the district</li> <li>• Area Committees</li> <li>• local Members of Parliament</li> <li>• national bodies representing the gambling trade</li> <li>• national charities concerned with the social impact of gambling</li> <li>• other charities offering support to alcohol and drugs users</li> <li>• representatives of existing licence holders</li> <li>• Yorkshire Forward (the regional</li> </ul>	First draft 27/04/09



	<p>agency)</p> <ul style="list-style-type: none"> <li>Yorkshire Culture</li> <li>Leeds Citizens Advice Bureau</li> <li>Primary Care Trusts</li> <li>Her Majesty's Revenue and Customs</li> <li>West Yorkshire Fire and Rescue Service</li> <li>Faith Groups within the Leeds district</li> <li>Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>Leeds City Council Development Department</li> </ul>		<ul style="list-style-type: none"> <li>development agency)</li> <li>Yorkshire Culture</li> <li>Leeds Citizens Advice Bureau</li> <li>Primary Care Trusts</li> <li>Her Majesty's Revenue and Customs</li> <li>West Yorkshire Fire and Rescue Service</li> <li>Faith Groups within the Leeds district</li> <li>Department of Neighbourhoods &amp; Housing, Environmental Health Services</li> <li>Leeds City Council Development Department</li> <li>Leeds Initiative</li> </ul>	
3.3	<p>The consultation took place between June and September 2006 and followed the Cabinet Officer code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at: <a href="http://www.cabinetoffice.gov.uk">www.cabinetoffice.gov.uk</a></p>	3.3	<p>The consultation took place between May and July 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website: <a href="http://www.bre.brr.gov.uk">www.bre.brr.gov.uk</a></p>	First draft 27/04/09
3.5	<p>The policy was approved at a meeting of the Full Council on 13<sup>th</sup> December 2006.</p>	3.5	<p>The policy was approved at a meeting of the Full Council on xxth November 2009 (insert date after adoption).</p>	First draft 27/04/09
<b>4. The licensing framework</b>				
4.1	<p>The Gambling Act 2005 brings about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.</p>	4.1	<p>The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.</p>	Final draft 05/10/09
<b>5. Declaration</b>				
No major changes				

<b>6. Responsible authorities</b>				
6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose.	6.3	In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at <a href="http://www.procedures.leedsiscb.org.uk">http://www.procedures.leedsiscb.org.uk</a> . Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.	Second draft 05/06/09
6.4	The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at:  <a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a>	6.4	The contact details of all the responsible authorities under the Gambling Act 2005 are:  The Gambling Commission Victoria Square House Victoria Square Birmingham B2 4BP  West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX  Leeds Safe Guarding Children Board Merrion House 110 Merrion Centre Leeds LS2 8QB  T: 0113 230 6666 Fax: 0121 233 1096 <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>  T: 0113 241 4023  T: 0113 247 8543 <a href="mailto:administrator@leedsiscb.org.uk">administrator@leedsiscb.org.uk</a>	First draft 27/04/09 Final draft 05/10/09

			<p>West Yorkshire Fire and Rescue Service  District Fire Safety Officer  Leeds Fire Station  Kirkstall Road  Leeds  LS3 1NF</p> <p>Leeds City Council  Planning and Development Services  The Leonardo Building  2 Rossington Street  Leeds, LS2 8HD</p> <p>Leeds City Council  Environmental Health Services  Millshaw Office  Millshaw Park Way  Churwell  Leeds  LS11 0LS</p> <p>HM Revenue and Customs  National Registration Unit  Portcullis House  21 India Street  Glasgow  G2 4PZ</p>	<p>T: 0113 244 0302</p> <p>T: 0113 247 6026</p> <p>T: 0141 555 3633  nrubetting&amp;gaming@hmrc.gsi.gov.uk</p>
<b>7. Interested parties</b>				
No major changes				
<b>8. Exchange of information</b>				
8.2	Remove		matter when it is published,	Final draft 05/10/09

<p><b>9. Licensing authority function</b></p>	<p>Second draft 05/06/09</p>
<p>9.1</p> <p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> <li>• providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>• maintaining registers of the permits and</li> </ul>	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> <li>• providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>• maintaining registers of the permits and</li> </ul>
<p>9.1</p>	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> <li>• providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>• maintaining registers of the permits and</li> </ul>
<p>9.1</p>	<p>Licensing authorities are responsible under the Act for:</p> <ul style="list-style-type: none"> <li>• licensing premises where gambling activities are to take place by issuing premises licences</li> <li>• issuing provisional statements</li> <li>• regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits</li> <li>• issuing Club Machine Permits to commercial clubs</li> <li>• granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres</li> <li>• receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines</li> <li>• granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required</li> <li>• registering small society lotteries below prescribed thresholds</li> <li>• issuing Prize Gaming Permits</li> <li>• receiving and endorsing Temporary Use Notices</li> <li>• receiving Occasional Use Notices (for tracks)</li> <li>• providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>• maintaining registers of the permits and</li> </ul>

	licences that are issued under these functions.		<ul style="list-style-type: none"> <li>providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')</li> <li>maintaining registers of the permits and licences that are issued under these functions.</li> </ul>	
<b>10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime</b>				
No major changes				
<b>11. Ensuring that gambling is conducted in a fair and open way</b>				
No major changes				
<b>12. Protecting children and other vulnerable persons from being harmed or exploited by gambling</b>				
12.1	This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children).	First draft 27/04/09
12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	12.1	This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.	Second draft 05/06/09

12.1	REMOVE	12.1	(as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children)	Final draft 05/10/09
12.1	INSERT	12.2	<p>The Act provides the following definition for child and young adult in Section 45:</p> <p>Meaning of "child" and "young person"</p> <p>(3) In this Act "child" means an individual who is less than 16 years old.</p> <p>(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p> <p>For the purpose of this section protection of children will encompass both child and young person as defined by the Act.</p>	Second draft 05/06/09
12.2	This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	12.3	The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.	Second draft 05/06/09
12.3	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	12.4	Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices.	Second draft 05/06/09
12.4	Protection of vulnerable people As regards the term "vulnerable persons", the council is not seeking 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	12.5	<p>Protection of vulnerable people</p> <p>The council is aware of the difficulty in defining the term "vulnerable person".</p>	Second draft 05/06/09

	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. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.			
12.5	The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These web pages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres.	DELETE	DELETE	First draft 27/04/09
12.5	While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable.	DELETE	DELETE	Second draft 05/06/09
12.6	The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to	DELETE	DELETE	Second draft 05/06/09

	<p>access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information.</p>			
<p>INSERT</p>	<p>12.6</p>	<p>The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:</p> <p>"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."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.7</p>	<p>The Department of Health document "No Secrets" offers a definition of a vulnerable adult as a person:</p> <p>"who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation."</p>	<p>Second draft 05/06/09</p>	
<p>INSERT</p>	<p>12.8</p>	<p>In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:</p> <ul style="list-style-type: none"> <li>• Combating problem gambling</li> <li>• Access to gambling by children and young</li> </ul>	<p>Second draft 05/06/09</p>	



			<p>persons</p> <ul style="list-style-type: none"> <li>• Information on how to gambling responsibly and help for problem gamblers</li> <li>• Customer interaction</li> <li>• Self exclusion</li> <li>• Employment of children and young persons</li> </ul>			Second draft 05/06/09
	INSERT	12.9	All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.			Second draft 05/06/09
	INSERT	12.10	Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled "Leeds Multi Agency Safeguarding Adults Policies and Procedures" which provides extensive guidance on identifying vulnerable people and what can be done to reduce risk for this group. This document can be accessed via <a href="http://www.leedssafeguardingadults.org.uk">http://www.leedssafeguardingadults.org.uk</a>			Second draft 05/06/09
12.7	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets</li> <li>• training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how</li> </ul>	12.11	Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example: <ul style="list-style-type: none"> <li>• leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets</li> <li>• training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how</li> </ul>			Second draft 05/06/09

12.8	<p>long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> <li>• trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• self exclusion schemes</li> <li>• stickers or notices on gaming machines to identify the stakes/prizes</li> <li>• operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• positioning of ATM machines</li> <li>• stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines</li> <li>• windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul>		<p>much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> <li>• trained personnel for the purpose of identifying and providing support to vulnerable persons</li> <li>• self exclusion schemes</li> <li>• stickers or notices on gaming machines to identify the stakes/prizes</li> <li>• operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people</li> <li>• Fixed Odds Betting Terminals should clearly display the odds</li> <li>• positioning of ATM machines</li> <li>• stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines</li> <li>• windows, entrances and advertisements to be positioned or designed not to entice passers by.</li> </ul> <p>It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.</p>	
12.12	<p>The council 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 proposed by the applicant.</p>	12.12	<p>The council 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 proposed by the applicant.</p>	Second draft 05/06/09

<b>13. Introduction to Premises Licensing</b>			
INSERT	13.3	Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.	First draft 27/04/09
13.6 An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.	13.7	An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.	First draft 27/04/09
13.7 Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20)	13.8	Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement (see section 20).	First draft 27/04/09
13.8 Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the		REMOVE and amend numbering for subsequent paragraphs	Final draft 05/10/09

13.10	<p>applicant should in the first instance consider making an application for a provisional statement (see section 20).</p> <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the possible impact a gambling premises may have on any schools or vulnerable adult centres in the area</li> <li>• the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	13.9	<p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> <li>• the possible impact a gambling premises may have on any premises that provide services to children or young people, i.e. a school, or vulnerable adult centres in the area</li> <li>• the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children</li> <li>• the size of the premises and the nature of the activities taking place</li> <li>• any levels of organised crime in the area.</li> </ul> <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p>	Second draft 05/06/09
13.18	<p>The council is aware that the Secretary of State will set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional</p>	13.12	<p>The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to</p>	First draft 27/04/09 Final draft 05/10/09

	nature, then any additional licence conditions must relate to the licensing objectives.		matters that have already been dealt with. If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.	
<b>14. Adult gaming centres and licensed family entertainment centres (LFECs)</b>				
15.	Adult gaming centres and licensed family entertainment centres (LFECs)		Split into two sections: 15. Adult gaming centres 16. Licensed family entertainment centres	First draft 27/04/09 Final draft 05/10/09
<b>16. Casinos</b>				
	INSERT	16.1	Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into Gambling Act 2005 Converted Casino Premises Licences.	First draft 27/04/09
15.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players.	16.2	The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.	Final draft 05/10/09
15.3	The Gambling Commission has issued further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises. This guidance will be	16.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when	Final draft 05/10/09

	considered when determining licence applications for converted casino licences.		determining licence applications for converted casino licences.	
15.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	16.4	Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues, examples of which are provided at paragraph 13.15.	Final draft 05/10/09
15.5	<b>Betting Machines</b> The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will 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.		REMOVE and alter subsequent numbering	Final draft 05/10/09
15.5	<b>Large Casino Bid</b> – The Act introduces three new categories of larger casino, one super/regional casino, eight large casinos and eight small casinos. Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel (CAP). In the event that Leeds is successful in its bid to the CAP and is given consent to be able to grant a large casino licence the council will carry out a competitive bidding exercise. More information about this process can be found in Part F of this document.	16.6	<b>Large Casino</b> The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15 <sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large	First draft 27/04/09

			Casino Premises Licence.	
	All other parts of part 16 deleted	16.7	The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that.	First draft 27/04/09
<b>17. Bingo Premises</b>				
17.3	The Gambling Commission has issued further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by the council once it is made available.	17.3	The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.	Final draft 05/10/09
<b>18. Betting Premises</b>				
No major changes				
<b>19. Tracks</b>				
19.9	Condition on rules being displayed – The council will consider any Gambling Commission guidance about the application of conditions regarding rules being displayed. The council may require the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that the rules are displayed in the race-card or made available in leaflet form from the track office.		DELETE	Final draft 05/10/09
<b>20. Travelling Fairs</b>				
No major changes				

<b>21. Provisional Statements</b>			
20.1	A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required.	21.1	A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type).
<b>22. Unlicensed family entertainment centre gaming machine permits (UFECs)</b>			
21.3	In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly.	22.3	In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows:
INSERT		22.4	<p style="text-align: center;"><b>Statement of Principles</b></p> <p>The council will expect the applicant to 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.</p>
		First draft 27/04/09	
		First draft 27/04/09	



	INSERT	22.5	<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with children causing perceived problems on or around the premises.</li> <li>• the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.</li> </ul>	First draft 27/04/09
	INSERT	22.6	<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>	First draft 27/04/09
22.6	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	22.6	<p>Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.</p>	Second draft 05/06/09

	INSERT	22.7	<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> <li>• A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs</li> <li>• That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and</li> <li>• That staff are trained to have a full understanding of the maximum stakes and prizes.</li> </ul>	First draft 27/04/09
<b>23. Gaming machine permits in alcohol licensed premises</b>				
23.8	INSERT	23.8	Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.	Final draft 05/10/09
<b>24. Prize Gaming Permits</b>				
23.4	In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly.	24.4	In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:	First draft 27/04/09
	INSERT	24.5	<p><b>Statement of Principles</b></p> <p>The council will expect the applicant to show that here 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</p>	First draft 27/04/09

			protection considerations.		First draft 27/04/09
INSERT	24.6		<p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> <li>• appropriate measures and training for staff as regards suspected truant children on the premises</li> <li>• measures and training covering how staff would deal with unsupervised very young children being on the premises</li> <li>• measures and training covering how staff would deal with children causing perceived problems on or around the premises.</li> <li>• the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.</li> </ul>		First draft 27/04/09
INSERT	24.7		<p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p>		First draft 27/04/09
INSERT	24.8		<p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> <li>• A full understanding of the maximum stakes and</li> </ul>		First draft 27/04/09

			<ul style="list-style-type: none"> <li>prizes of the gambling that is permissible</li> <li>That the gaming offered is within the law.</li> </ul>	
<b>25. Club gaming and club machine permits</b>				
25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three B4, C or D), equal chance gaming and games of chance as set out in forthcoming regulations.	25.1	Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), and unrestricted equal chance gaming, i.e. poker, bingo.	Final draft 05/10/09
25.2	To qualify for these special club permits a members club must have at least 25 members and be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968.	25.2	To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming.	Final draft 05/10/09
	INSERT	25.3	Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include: <ul style="list-style-type: none"> <li>the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised</li> <li>notices and signage</li> <li>the provision of information leaflets / helpline numbers for organisations such as GamCare.</li> </ul>	First draft 27/04/09
24.6	Clubs must also have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to		DELETE	First draft 27/04/09

	ensure that under 18 year olds do not use the adult only gaming machines.				
24.7	Measures which may satisfy the council that persons under 18 years old will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.			DELETE	First draft 27/04/09
24.7	Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.	24.7		Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked.	Second draft 05/06/09
<b>26. Temporary Use Notices</b>					
	INSERT	26.2		Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.	First draft 27/04/09
26.3	REMOVE	26.3		For example, the holder of a casino operating licence could apply for a temporary use notice to provide casino games at a hotel	Final draft 05/10/09
<b>27. Occasional Use Notice (for tracks)</b>					
27.1	The application may be made in writing, to the council by an existing operator who holds an operating licence issued by the gambling Commission.	27.1		The application may be made in writing, to the council by the person responsible for the administration of events on the track or by an occupier of the track.	Final draft 05/10/09

<b>28. Small Society Lotteries</b>			
No major changes			
<b>29 Enforcement principles</b>			
No major changes			
<b>30. Reviews</b>			
No major changes			
<b>Large casino bid</b>			
Entire section deleted. This information is still to be determined and will be consulted upon separately.			
<b>Appendix 1 – Gaming Machines</b>			
INSERT		Changes include addition of additional category D machine examples and B3A machines.	First draft 27/04/09
INSERT		It should be noted that member’s clubs and miner’s welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.	Second draft 05/06/09
<b>Appendix 2 - Glossary</b>			
Additional definitions for additional category D machine examples, i.e. Penny pushers.			
<b>Appendix 3 – Summary of gaming entitlements for clubs and pubs</b>			
New appendix describing exempt gaming in pubs and clubs.			



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**Report of the Assistant Chief Executive (Planning, Policy and Improvement)**

***Executive Board***

**Date: 4<sup>th</sup> Nov 2009**

**Subject: Council Business Plan 2008-11 – Mid term review and refresh**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In  
(Details contained in the report)

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**Executive Summary**

1. The Council Business Plan 2008-11 is a key element of the Council's planning framework and sets out our business transformation, organisational change and financial planning for the next three years. Following on from the first full year of delivery of the plan a review has been undertaken of the improvement priorities and targets to ensure that they remain fit for purpose and the proposed changes are reported here. As the Business Plan forms part of the Policy Framework in the Constitution these changes need to be formally approved by Full Council, therefore, Executive Board are asked to review these changes and recommend that they go to Council in November for consideration.

## **1.0 Purpose of this Report**

- 1.1 The Council Business Plan is a key element of our strategic planning framework and sets out our business transformation, organisational change and financial plans for the medium term. This report suggests a number of amendments for approval by Members.

## **2.0 Background Information**

- 2.1 The Leeds Strategic Plan and the Council Business Plan 2008-11 are key elements of the planning framework for both the city and the council. These plans are structured around a number of strategic outcomes and improvement priorities; supported by performance indicators and targets which we are using to monitor our progress. The Council Business Plan is regularly monitored in order to provide assurance to the people of Leeds, our Elected Members, the Chief Executive and CLT that the council is delivering against the targets and indicators aligned to the city's strategic outcomes and improvement priorities. The Council Business Plan forms part of the Policy Framework and as such any changes are required to be approved by members.
- 2.2 This is the first time that a separate strategic Business Plan has been produced and used to drive the internal improvement agenda across the organisation. Therefore, it is important that we seek, and act on feedback, to ensure that as an organisation we are agile and able to amend our Business Plan to reflect any key changes in circumstance eg the economic recession. In this way we can ensure our overall strategy remains live and continues to focus on the issues that are most important to the organisation.

## **3.0 Main Issues**

- 3.1 Following on from the first full year of delivery a mid term review has been completed. This review took into account of the performance results for 2008/09 as well as specifically seeking feedback from the senior officers tasked with leading the delivery of the plan. This review included looking both at the improvement priorities themselves as well as reviewing the targets and indicators used to measure performance. Through this process a number of changes have been identified and are set out below for members to consider:

### **Changes to Business Plan Improvement Priorities**

- 3.2 Within the Business Plan there are currently 6 improvement priorities relating to customer focus, however, there are overlaps between these and this has caused some confusion for both delivery and reporting. It is proposed that greater clarity will be achieved by reducing these to 4 improvement priorities. This does not change the essence of the improvements we are seeking; but does simplify them by having less duplication. This will help us as an organisation to focus on the key changes we need to make as the revised priorities more effectively articulate the improvement challenges which we face in this area:



Current Improvement Priority	Proposed Improvement Priority
<ul style="list-style-type: none"> <li>➤ Improve our understanding of our customers</li> <li>➤ Increase choice so customers can access services in more convenient ways</li> <li>➤ Improve our services based on customer feedback</li> <li>➤ Manage customer expectation and deliver on our promises</li> <li>➤ Develop joined up and person centred services designed around the needs of our customers</li> <li>➤ Enhance the links between front and back office services to deliver excellent end-to-end services</li> </ul>	<ol style="list-style-type: none"> <li>1. Increase choice so customers can access services in more convenient ways</li> <li>2. Improve our services based on customer feedback</li> <li>3. Develop joined up and person centred services designed around the needs of our customers</li> <li>4. Manage customer expectation and deliver on our promises</li> </ol>

3.3 Specifically, for those priorities that we are suggesting for deletion we believe that “improving our understanding of our customers” is actually already incorporated in 1, 2 and 3. Similarly “enhance the links between front and back office services to deliver excellent end-to-end services” is covered by all the priorities as it is impossible to deliver these changes without enhancing links between the front and back office.

### Changes to Targets

3.4 The setting of rigorous and challenging targets for all key performance indicators is an effective way drive improvements across the organisation. However, targets also need to be realistic and achievable as impossible targets can have a detrimental effect on delivery. The mid-term review looked across the suite of performance indicators aligned to the business plan and a number of proposed changes are set out in detail in appendix 1. Included in this table is supporting context or rationale to support the changes. For example when the Business Plan was introduced there were a number of new, or substantially revised indicators, where baseline information was not available and therefore targets could not be accurately set - these are now provided. In addition, some of the three year targets have also been reviewed in light of the 2008/09 results. Whilst this has resulted in some more stretching targets where performance was particularly good, equally some targets have been revised down to take account of changing external factors eg the impact of the recession or where the targets proved to be unachievable.

3.5 Members will note that targets have been reviewed and revised both for 2009/10 and for 2010/11 but there will be a need to review these again at the end of the second year of delivery of the plan. It is anticipated that there will be a need for further minor amendments to the 2010/11 targets. It is suggested that rather than bringing these minor changes to Full Council that the Chief Executive is authorised to make these final in year changes to the plan. These final changes would still be classified as a key decision and therefore subject to call in. Also at this point work will already be underway to produce the next version of this plan and members will be able to input into this broader revision process, including target setting, at various points throughout 2010/11.

## **4.0 Implications For Council Policy And Governance**

4.1 The amendments to the improvement priorities set out in this report are largely cosmetic to allow for greater clarity and to streamline reporting mechanisms and as such do not represent a change of policy or governance. The changes to targets are to reflect the successes and difficulties encountered in delivering strategic change across the organisation and to reflect external circumstances over which we have no control

## **5.0 Legal And Resource Implications**

5.1 There are no legal implications and the resource implications of the changes to the targets, eg reduction in income collection, have been fully accounted for within the budget setting processes.

## **6.0 Conclusions**

6.1 The Council Business Plan 2008-11 is an important high level strategic plan. Its delivery directly supports the achievement of the Leeds Strategic Plan 2008-11 by ensuring that the organisation is in good shape and has the resources in place to support our priorities. These amendments ensure that this document remain live and reflect the changing circumstances and experience gained during the first year of implementation.

## **7.0 Recommendations**

7.1 Members of Executive Board are asked to:

- approve the proposed changes to the Council Business Plan 2008-11;
- recommend that Members of Full Council approve these amendments at their meeting on 18<sup>th</sup> November 2009; and
- authorise the Chief Executive to review and update any performance targets for the final year of the plan.

## **Background Papers**

Council Business Plan 2008-11

## APPENDIX 1: Changes to Council Business Performance Indicators and Targets

NB: Where applicable the current targets are show in brackets below the revised targets

Ref	Definition	Revised 09/10 Target (current target)	Revised 10/11 Target (current target)	Comments/Rationale
BP-05A	% income collected by authority through % Council Tax collected in year	96.40% (96.70%)	96.40% (96.75%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-05B	% income collected by authority through % non-domestic rates collected in year	97.50% (98.65%)	97.50% (98.70%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-05D	% income collected by authority through % sundry debtors income collected within 30 days of invoice issued	96.80% (97.50%)	96.80% (97.75%)	Targets revised to reflect impact of the recession and are to maintain performance within the current climate
BP-08	Volume of total transactions delivered through customer self service	1,250,000 (565,000)	1,400,000 (621,500)	Targets revised upwards as a result of good performance in 2008/9 where the target was substantially exceeded.
BP-10	Percentage of letters from the public that receive a substantive response within 10 working days	90% (85%)	95% (95%)	Targets revised upwards as a result of good performance in 2008/9 where the target was exceeded.
BP-11	% of customer emails sent to publicly advertised email addresses that receive a substantive response within 10 working days	95% (85%)	95% (95%)	Targets revised upwards as a result of good performance in 2008/9 where the target was exceeded.
BP-14A	% services which are accessible as assessed by self assessment (this self assessment judgement is based around progress in completing Equality Impact Assessments and implementing the actions arising from these)	100% services are mainly accessible (none set)	100% services are mainly accessible (none set)	Performance indicator has been developed during 2008/9 and the self assessment is based around completion of Equality Impact Assessment and related action plans.
BP-14B	% services which are accessible as assessed by independent audit	Deleted		Indicator to be deleted as the approach has not yet been agreed as it was dependent upon BP-14a. Indicator to be revisited when the Business Plan is revised in 2011.
BP-24	% local authority staff with disability	4.0% (3.7%)	4.1% (3.8%)	Target revised up to reflect improved performance in 2008/09.

Ref	Definition	Revised 09/10 Target (current target)	Revised 10/11 Target (current target)	Comments/Rationale
BP-26	liP Accreditation	Yes (level 1)	Yes (level 1)	The definition for this indicator has been amended as the council has been assessed against the liP standard (rather than the liP profile) therefore the result is "yes" rather than the level of accreditation.
BP-27	The level (if any) of the <b>Equality Framework</b> for Local Government to which the authority conforms	Working Towards Excellent (level 4)	Working Towards Excellent (level 5)	Indicator definition amended to reflect the withdrawal of the Equality Standard and its replacement with the Equality Framework. Targets set accordingly but a gap analysis is still underway to map across to the new Framework
BP-28	Implementation of the Equality and Diversity Scheme Action Plan	50% (none set)	100% (none set)	2008/09 was the baseline year and targets have now been set to ensure the delivery of the scheme action plan over the next two years.
BP-32	Direction of Travel	Deleted		Indicator deleted as this assessment is no longer carried out under CAA.
BP-33	IO Programme project milestones achieved as a % of those planned to be achieved.	Deleted		Indicator to be deleted as the IO programme no longer exists and has been incorporated into Business Transformation. Contextual information on progress will be provided within the action trackers
BP-35	Percentage of service areas audited where Information Governance Arrangements are assessed as being 'compliant' with corporate policy.	Deleted		No audits of service areas have taken place during 2008/09 as the policy framework is not fully in place yet. It is proposed that this is deleted and contextual information provided in the action trackers based on the three yearly Information Audit - the next one being due in 2010/11.
BP-36A	Percentage of key <b>customer</b> systems using a corporately agreed monitoring framework and defined metrics to measure data quality.	55% (none set)	80% (none set)	Definition of this performance indicator clarified to focus on key customer systems. 2008/9 was the baseline year and targets have been set to ensure that by 2010/11 most of the key systems will have the capability to measure data quality in accordance with the corporately agreed metrics.

Ref	Definition	Revised 09/10 Target ( <i>current target</i> )	Revised 10/11 Target ( <i>current target</i> )	Comments/Rationale
BP-36B	Percentage of strategic indicator set (LSP, CBP & NI) where we have "no concerns" on data quality.	90% ( <i>none set</i> )	100% ( <i>none set</i> )	2008/09 was the baseline year and targets have now been set to steadily improve our performance over the next two years.
BP-37	% Key Decisions which did not appear in the forward plan	13% (10%)	11% (5%)	Target revised down from 10% as this was felt to be unachievable particularly in the context of revised thresholds which mean more decisions fall into this category. 10/11 target similarly amended.
BSC-8	The percentage of undisputed invoices for commercial goods and services that were paid by the authority within 30 days of such invoices being received by the authority	92% ( <i>none set</i> )	94% ( <i>none set</i> )	New indicator added to the Business Plan to bring this in line with existing financial reporting.
NI 14	Avoidable contact: the proportion of customer contact that is of low or no value to the customer.	No corporate target to be set ( <i>none set</i> )	Target to be set by March 2010 ( <i>none set</i> )	Corporate and Service level results will continue to be monitored in 9/10 but the methodology for recording this information will be further refined in 2009/10. There is a possibility that this might result in more avoidable contact being uncovered therefore no specific corporate level target has been set. The development of a better understanding during this year will allow a target to be agreed from 2010/11 onwards.
NI 140	% people who say they have been treated with respect and consideration	No Survey ( <i>none set</i> )	> 69.8% ( <i>none set</i> )	This indicator is measured through the bi-annual Place Survey and whilst we will continue to monitor this through the Business Plan it is not proposed to set a specific target other than an increase from the baseline figure from the 2008 Place Survey.

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**CONTENTS**

**Item**  
**No**

<b>1</b>	<b>Minutes of Council Meeting – 16<sup>th</sup> September 2009</b> .....	<b>1</b>
<b>7</b>	<b>Recommendations of the Executive Board</b> .....	<b>17</b>
<b>10</b>	<b>Minutes:</b>	
	(a) Executive Board – 17 <sup>th</sup> September, 14 <sup>th</sup> October and 4 <sup>th</sup> November 2009.....	<b>131</b>
	(b) Scrutiny Board (Adult Social Care)- 9 <sup>th</sup> September and 7 <sup>th</sup> October 2009 .....	<b>149</b>
	(c) Scrutiny Board (Central and Corporate) – 7 <sup>th</sup> September and 5 <sup>th</sup> October 2009.....	<b>162</b>
	(d) Scrutiny Board (Children’s Services) - 17 <sup>th</sup> September, 12 <sup>th</sup> October and 15 <sup>th</sup> October 2009.....	<b>172</b>
	(e) Scrutiny Board (City and Regional Partnerships) – 10 <sup>th</sup> September and 8 <sup>th</sup> October 2009.....	<b>190</b>
	(f) Scrutiny Board (City Development) – 1 <sup>st</sup> and 16 <sup>th</sup> September and 13 <sup>th</sup> October 2009.....	<b>200</b>
	(g) Scrutiny Board (Environment and Neighbourhoods) - 14 <sup>th</sup> September and 9 <sup>th</sup> October 2009.....	<b>224</b>
	(h) Scrutiny Board (Health) – 22 <sup>nd</sup> September and 20 <sup>th</sup> October 2009.....	<b>238</b>
 <b><u>Volume 2</u></b>		
	(i) Standards Assessment Sub Committee 21 <sup>st</sup> September 2009.....	<b>253</b>
	(j) Standards Committee 15 <sup>th</sup> October 2009.....	<b>254</b>
	(k) Plans Panel (East) - 24 <sup>th</sup> September and 22 <sup>nd</sup> October 2009.....	<b>260</b>
	(l) Plans Panel (West) 3 <sup>rd</sup> September and 1 <sup>st</sup> and 29 <sup>th</sup> October 2009.....	<b>277</b>
	(m) Plans Panel (City Centre) - 10 <sup>th</sup> September and 8 <sup>th</sup> October 2009.....	<b>304</b>
	(n) Joint Plans Panel- 19 <sup>th</sup> October 2009.....	<b>316</b>

NOTE: For Internet purposes, the minutes referred to in this index can be found under the individual headings for each of the Boards, Panels or Committees referred to.

(o)	Licensing- 6 <sup>th</sup> October 2009.....	<b>323</b>
(p)	Licensing and Regulatory – 8 <sup>th</sup> September and 26 <sup>th</sup> October 2009.....	<b>328</b>
(q)	Licensing Sub Committee – 12 <sup>th</sup> , 19 <sup>th</sup> , 23 <sup>rd</sup> , and 26 <sup>th</sup> October 2009.....	<b>330</b>
(r)	Corporate Governance and Audit Committee 30 <sup>th</sup> September 2009.....	<b>339</b>
(s)	Member Management Committee- 13 <sup>th</sup> October 2009.....	<b>344</b>
(t)	Development Plan Panel 30 <sup>th</sup> September and 13 <sup>th</sup> October 2009.....	<b>348</b>
(u)	North West (Inner) Area Committee – 17 <sup>th</sup> September and 22 <sup>nd</sup> October 2009.....	<b>354</b>
(v)	North West (Outer) Area Committee- 28 <sup>th</sup> September 2009.....	<b>375</b>
(w)	North East (Inner) Area Committee- 7 <sup>th</sup> September and 19 <sup>th</sup> October 2009.....	<b>382</b>
(x)	North East (Outer) Area Committee – 21 <sup>st</sup> September and 26 <sup>th</sup> October.....	<b>396</b>
(y)	East (Inner) Area Committee- 24 <sup>th</sup> September and 22 <sup>nd</sup> October 2009.....	<b>409</b>
(z)	East (Outer) Area Committee – 8 <sup>th</sup> September and 27 <sup>th</sup> October.....	<b>422</b>
(i)	South (Inner) Area Committee- 23 <sup>rd</sup> September 2009.....	<b>435</b>
(aa)	South (Outer) Area Committee- 10 <sup>th</sup> September and 19 <sup>th</sup> October 2009.....	<b>442</b>
(bb)	West (Inner) Area Committee- 9 <sup>th</sup> September and 21 <sup>st</sup> October 2009.....	<b>453</b>
(cc)	West (Outer) Area Committee – 11 <sup>th</sup> September and 16 <sup>th</sup> October 2009.....	<b>471</b>
(dd)	General Purposes Committee- 8 <sup>th</sup> September and 1 <sup>st</sup> and 20 <sup>th</sup> October 2009.....	<b>487</b>

NOTE: For Internet purposes, the minutes referred to in this index can be found under the individual headings for each of the Boards, Panels or Committees referred to.