



SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Monday, 7th November, 2011 at 10.00 am

(A pre-meeting will take place for ALL Members of the Board at 9.30 a.m.)

MEMBERSHIP

Councillors

S Bentley - Weetwood;
A Blackburn - Farnley and Wortley;
J L Carter - Adel and Wharfedale;
B Chastney - Weetwood;
N Dawson - Morley South;
P Grahame (Chair) - Cross Gates and Whinmoor;
R Grahame - Burmantofts and Richmond Hill;
J Hardy - Farnley and Wortley;
A Lowe - Armley;
C Macniven - Roundhay;
R Wood - Calverley and Farsley;

Please note: Certain or all items on this agenda may be recorded

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded).</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Chief Democratic Services Officer at least 24 hours before the meeting).</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:- No exempt items on this agenda.</p>	

3

LATE ITEMS

To identify items which have been admitted to the agenda by the Chair for consideration.

(The special circumstances shall be specified in the minutes.)

4

DECLARATIONS OF INTEREST

To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.

5

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

To receive any apologies for absence and notifications of substitutes.

6

MINUTES OF THE PREVIOUS MEETING

To confirm as a correct record, the minutes of the meeting held on 5th September 2011

(Copy attached)

1 - 6

7

FINANCIAL HEALTH MONITORING 2011/12 - MONTH 6 REPORT

To consider a report by the Head of Scrutiny and Member Development setting out the Financial Health Monitoring 2011/12- Month 6 Report.

At the last meeting of the Board it was agreed that for today's meeting the focus would be on Children's Services. Officers from the Children's Directorate have been invited to attend along with the Executive Board Member, Councillor Blake and the Chair of Scrutiny Board (Children and Families), Councillor Chapman. The Chief Officer (Financial Management) will also be in attendance to respond to any general budget questions.

(Report attached)

7 - 30

8		<p>LARGE CASINO - APPROVAL OF REVISED GAMBLING ACT 2005 - STATEMENT OF LICENSING POLICY 2010 - 2012</p> <p>To consider a report by the Head of Scrutiny and Member Development which seeks Members views on the Revised Gambling Act 2005 Statement of Licensing Policy 2010 – 2012 and the Consultation Report – Large Casino Section – Gambling Act 2005 Statement of Licensing Policy.</p> <p>(Report attached)</p>	31 - 130
9		<p>FLEET SERVICES - ADDITIONAL INFORMATION</p> <p>To consider a report by the Head of Scrutiny and Member Development which provides a response to outstanding queries raised at the previous meeting when the Board investigated the functions undertaken by Fleet Services.</p> <p>(Report attached)</p>	131 - 140
10		<p>WORK SCHEDULE</p> <p>To consider a report of the Head of Scrutiny and Member Development on the Board's draft work schedule, together with the latest Executive Board minutes and Forward Plan</p> <p>(Report attached)</p>	141 - 174
11		<p>DATE AND TIME OF NEXT MEETING</p> <p>Monday 5th December 2011 at 10.00am in the Civic Hall, Leeds (Pre – Meeting for Board Members at 9.30am)</p>	

Agenda Item 6

SCRUTINY BOARD (RESOURCES AND COUNCIL SERVICES)

MONDAY, 3RD OCTOBER, 2011

PRESENT: Councillor P Grahame in the Chair

Councillors S Bentley, A Blackburn,
J L Carter, B Chastney, Dawson,
R Grahame, J Hardy, C Macniven and
R Wood

27 Declarations of Interest

Councillor Ron Grahame declared a personal interest in relation to agenda item 10, Financial Health Monitoring 2011/12 – Month five report, in his capacity as a Director of East North East Homes ALMO, and as a Member of the GMB Union. (Minute No. 36 refers)

Councillor Hardy declared a personal interest in relation to agenda item 10, Financial Health Monitoring 2011/12 – Month five report, in his capacity as a Member of West North West Homes ALMO, and as a Member of the GMB Union. (Minute No. 36 refers)

Councillor Chastney declared a personal interest in relation to agenda item 10, Financial Health Monitoring 2011/12 – Month five report, in his capacity as a Member of West North West Homes ALMO, and as a Member of the GMB Union. (Minute No. 36 refers)

28 Apologies for Absence and Notification of Substitutes

Apologies for absence were received from Councillor A Lowe

29 Minutes of the Previous Meeting

The Head of Scrutiny and Member Development requested a minor amendment to Minute No. 23 Best Value Review, bullet point five, to read as follows:

“Perceived differences in attitudes across directorates in managing the necessary business changes associated with successful adoption of IT solutions”

RESOLVED – That with the inclusion of the suggested amendment the minutes of the meeting held on 5th September 2011 be accepted as a true and correct record

30 Commercial Services Fleet Services

The Chief Commercial Services Officer submitted a report which apprised Members of the functions undertaken by the Fleet Services, which included;

Draft minutes to be approved at the meeting
to be held on Monday, 7th November, 2011

its trading position, the potential for income generation and the regulatory functions it undertakes

The following officers attended the meeting and responded to Members questions and comments:

- Julie Meakin – Chief Commercial Services Officer
- Terry Pycroft – Head of Fleet Services

In brief summary, the main areas of discussion were:

- The potential for merging Fleet Maintenance for Parks and Countryside with Fleet Services at the York Road depot
- The establishment of fleet forums for new vehicles purchases to look at possible utilisation of vehicles across the Authority, share good practice and seek other transport related efficiencies
- A fleet replacement strategy to ensure a coordinated approach throughout the Authority on transport related spend
- Vehicle downtime, spare capacity within the fleet and additional leasing charges
- Alternative fuels
- External trading

RESOLVED –

- (i) That the report and appendices be noted
- (ii) That further information be brought back to the Board on the following topics:
 - Alternative Fuels
 - Vehicle downtime, spare capacity within the fleet, and additional leasing charges
- (iii) That arrangements be put in place for the Board to undertake a site visit to the Fleet Services Depot

31 Members ICT Survey

The Chief ICT Officer submitted a report which provided feedback on the findings of a survey across all Elected Members undertaken by Corporate ICT Services with respect to Members current IT provision

The following officers attended the meeting and responded to Members questions and comments:

- Dylan Roberts – Chief ICT Officer
- Andy Keightley – Business Relationship Manager

In brief summary, the main areas of discussion were:

- 32 Members responded to the survey
- 67% overall satisfaction rate
- The need for a basic service
- The necessity for the service to be more robust
- Swifter responses to downtime
- Need to be aware of the contents of the Best Value report, undertaken by the consultancy company, Mouchel Management Consultancy

RESOLVED –

- (i) That the report and appendices be noted
- (iii) To support that the findings of the survey be used to inform a project to update the ICT service provision to Elected Members.
- (iii) That any proposals are developed via the Members ICT Working Group and Member Management Committee

32 Inquiry into Employees Declarations of Interests - Draft Final Report & Recommendations

The Head of Scrutiny and Member Development submitted a report indicating that the Scrutiny Board (Resources and Council Services) had now completed its inquiry on Employees' Declarations of Interests which had been requested by the former Scrutiny Board (City Development) and was now in a position to report on its findings and its conclusions and recommendations resulting from the evidence that had been gathered.

The Head of Scrutiny and Member Development reported that the report, had been previously circulated to Board Members for comment. A small number of minor corrections had been received .

Councillor Bentley requested a further minor amendment, adding the words "and transparent" at the end of the first bullet point, on the section; Introduction and Scope.

In line with Scrutiny Board Procedural Rules, the Head of Scrutiny and Member Development also circulated advice from the Head of HR which provided an opinion of the proposed recommendations

RESOLVED –

- (i) To note the advice provided by the Head of HR
- (ii) That with the inclusion of the further suggested amendment, the Board's final report and recommendations into Employee's Declarations of Interest, be approved

- (iii) To request that a formal response to the recommendations be produced in line with normal procedures for scrutiny inquiry reports as set out in Scrutiny Procedure Rule 14.1

33 Financial Health Monitoring 2011/12 - Month 5 Report

The Head of Scrutiny and Member Development submitted a report which provided information for Financial Health Monitoring 2011/12 month 5 report.

The Leader of Council, Councillor Keith Wakefield and Doug Meeson, Chief Officer, Financial Management, attended the meeting and responded to Members questions and comments:

In brief summary, the main areas of discussion were:

- The proposals for Leeds City Council to lead on a Commission looking at the role of local government in the 21st Century
- Localism and it's implications
- The role of Elected Members in the new localism agenda
- Partnership working
- The need to have dialogue with Central Government, around the implementation of the localism agenda
- Options for local taxation
- Budget issues in Children and Adult Social Care
- Efficiency and savings through better procurement

The Chair thanked the Leader of Council for his attendance

RESOLVED –

- (i) To welcome the input from the Leader of Council
- (ii) That the contents of the report and the Council's Financial Performance for month 5 be noted

34 Work Schedule

A report was submitted by the Head of Scrutiny and Member Development which detailed the Scrutiny Board's work programme for the current municipal year.

Appended to the report for Members' information was the current version of the Board's work programme, the minutes from the Executive Board meeting held on 7th September 2011, together with an extract from the Forward Plan of Key Decisions for the period 1st September to 31st December 2011.

RESOLVED – That the work programme, as amended, be approved.

35 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Monday 7th November 2011 at 10.00am in the Civic Hall, Leeds (Pre- Meeting for Board Members at 9.30am)

(The meeting concluded at 12.20pm)

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Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 7th November 2011

Subject: Financial Health Monitoring 2011/12 – Month 6 Report

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. At its September meeting the Board agreed to receive monthly updates on the budget. It was also agreed that on occasions the Board would focus on a particular budget area.
2. The Board agreed in October that for today's meeting the focus would be on Children's Services. To that end officers from the Children's Directorate have been invited to attend along with the Executive Board Member, Councillor Blake and the Chair of Scrutiny Board (Children and Families), Councillor Chapman. The Chief Officer (Financial Management) will also be in attendance to respond to any general budget questions.
3. Attached as Appendix 1 is a report on the financial health of the authority at the half year stage of the financial year 2011/12 in respect of the revenue budget and the Housing Revenue Account.

Recommendations

4. Members are asked to;

- (i) Note the Council's Financial Performance for month 6
- (ii) Engage in a discussion with officers and Elected Members in relation to Children's Services.

Background documents.

- 5. None used

Report of the Director of Resources

Report to Executive Board

Date: 2nd November 2011

Subject: Financial Health Monitoring 2011/12 - Month 6

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The purpose of this report is to inform members of the financial health of the authority at the half year stage of the financial year 2011/12 in respect of the revenue budget and the Housing Revenue Account. A section is included on the financial performance of other key financial indicators, including Council tax collection and the payment of creditors.
2. The overall projected overspend at the half year stage is £7.2m, which is largely unchanged from last month.
3. All Directorates will continue to develop and implement action plans, and the position will be monitored closely.

Recommendations

5. Members are asked to note the projected financial position of the authority at the half year stage of the financial year 2011/12.

1. Purpose of this report

- 1.1 This report sets out for the Board the Council's projected financial health position for 2011/12 at the half year stage of the financial year. A section is included on the financial performance of other key financial indicators, including Council tax collection and the payment of creditors.
- 1.2 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.

2. Background information

- 2.1 The month 5 projected overspend was £7.4m and the main areas of concern were:-
- Non achievement of assumed procurement savings for residential and nursing care packages within Adult Social Care
 - The number of externally provided residential and fostering placements in Children's Services
 - Income shortfalls mainly relating to planning and building regulation fees, car parking, advertising and children's centres

3. Main Issues Month 6

- 3.1 The overall position at the half year stage is largely unchanged from the reported position at month 5. More than £80m of the budgeted savings required are on target to be achieved, and an overspend of £7.2m is currently projected, as detailed in Table 1 below.

Table 1

(Under) / Over Spend for the current period												Previous Month (Under) / Overspend £000
Directorate	Director	Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	
Adult Social Care	Sandie Keene	(493)	180	(344)	(16)	127	2,993	(80)	2,366	309	2,675	2,913
Children's Services	Nigel Richardson	205	47	(3,200)	(62)	911	7,096	(212)	4,334	577	4,911	4,915
City Development	Martin Farrington	451	32	(269)	(157)	364	1	(27)	403	1,141	1,544	1,347
Environment & Neighbourhoods	Neil Evans	1,653	(63)	(983)	350	34	(1,000)	(57)	(66)	958	892	751
Resources	Alan Gay	145	2	882	329	26	0	(358)	1,017	(1,205)	(188)	0
Legal Services	Robert Pritchard	657	1	23	9	3	0	0	692	(756)	(64)	83
Planning, Policy and Improvement	James Rogers	0	0	0	0	0	0	0	0	0	0	0
Total		2,617	198	(3,892)	453	1,464	9,090	(734)	8,746	1,024	9,770	10,008
Corporate issues												
Debt											-2600	-2600
Total											7,170	7408

- 3.2 As part of the budget monitoring process, action plans built into budgets have been reviewed and the above projections assume the continuing delivery of action plans both corporately and within directorates.

3.3 Details of directorate variations are attached as Appendix 1 which show that the position is largely unchanged from last month.

3.4 Housing Revenue Account (HRA)

3.4.1 At the half year stage the HRA is projecting a surplus of £947k. This is a net movement of £467k from the position reported at Period 5. This movement is due to an increase in the recharge for Sheltered Wardens (£147k) offset by a projected increase in dwelling rents (£179k), savings on the provision for disrepair (£79k) and net savings arising from the delay to the Little London, Beeston Hill & Holbeck PFI Project (£350k).

3.5 Other Financial Performance

3.5.1 The level of council tax collected at the end of Sept 2011 is 55.88% of the debit for the year of £260.6m. This is consistent with the same period last year, and on track to achieve the target of 96.7%.

3.5.2 The collection of non-domestic rates for the first six months is 60.26% of the current net debit of £349.1m. The collection rate is 1.25% behind the rate at the end of the second quarter last year. However 0.6% of reduced collection rate is directly attributable to Leeds Teaching Hospitals moving from lump sum payment in August to 12 monthly instalments. It is likely that current economic situation will have had some adverse impact on collection, but difficult to quantify at present, and the forecast remains that collection is on track to achieve the target of 98.0%.

3.5.3 In terms of Sundry income, the collection rate at the end of Sept is 93.49% of the amount due of £51.1m. This is slightly behind the half year position in 2010/11 although collection during September has improved. The expectation is still that final position will be approaching the target of 98.0%.

3.5.4 The prompt payment result at the half year is 90.62% of undisputed invoices processed within 30 days against a target of 92%. During the period 267,000 invoices were paid, of which 27,419 were paid after 30 days. Overall 92.76% of invoices are paid within 40 days and 100% of small suppliers are paid within 20 days.

4. Corporate Considerations

4.1 Consultation and Engagement

4.1.1 This is a factual report and is not subject to consultation

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Council's revenue budget for 2011/12 was subject to Equality Impact Assessments where appropriate and these can be seen in the papers to Council on 23rd February 2011.

4.3 Council Policies and City Priorities

4.3.1 The 2011/12 budget targeted resources towards the Council's policies and priorities. This report comments on the financial performance against this budget.

4.4 Resources and Value for Money

4.4.1 This is a revenue financial report and as such all financial implications are detailed in the main body of the report.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications arising from this report. In accordance with part 4 (f) of the Council's Constitution (Budget and Policy Framework Procedure Rules) Executive Board shall be entitled to vire across budget headings subject to value limits set out in the Financial Procedure Rules. There are no requests this month.

4.6 Risk Management

4.6.1 The Council has prepared and maintained a financial risk register for a number of years. The register details the risk and consequences, existing controls to mitigate against the risk, the value in monetary terms of the risk, review dates and progress towards managing the risk within existing resources. The register is prepared before the start of each financial year and is monitored on a regular basis.

The updated register shows there are 3 very high risks and 7 high risks which is one less than last month, although three risks have changed. The very high risks are as follows:-

Risk	Key Budget Impacted	Quarter 1		
		P	I	Rating
Procurement savings for residential and nursing placements.	Commissioning adult social care	5	5	Very High
The increase in the fostering budget (£3.3m) may not be sufficient to meet demand. In addition, slippage on the budgeted action plan around recruiting additional in-house carers and reducing the use of externally provided Independent Fostering Agency placements may not be achieved.	Children and Young People Social Care	5	5	Very High
The increase in the externally provided residential placement budget £4.7m may not be sufficient to meet demand	Children and Young People Social Care	3	5	Very High

4.6.2 The high risks that have changed are:

- Provision for legal costs within Children's services may not be adequate and the risk has been promoted to high
- Within City Development the impact of the shortfall in planning and building fees has been reduced to medium, as has the risk on non achievement of the staffing budget.

4.6.3 However given the scale of budget reductions which need to be made to deliver the 2011/12 budget, there is inevitably an increased risk that the overall budget is not achieved.

5. Recommendations

- 5.1 Members of the Executive Board are asked to note the projected financial position of the authority after six months of the financial year.

6. Background Documents

- 6.1 Financial risk register 2011/12

Directorate Adult Social Care

			(Under) / Over Spend for the current period										Previous Month
Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	(Under) / Overspend £000
G	Partnership & Organisational Development	Deputy Director Partnership & Organisational Effectiveness	0	0	0	0	0	0	0	0	0	0	0
G	Access & Inclusion	Chief Officer Access and Inclusion	(433)	(24)	(294)	(35)	97	(3,596)	(80)	(4,366)	(55)	(4,420)	(3,792)
R	Strategic Commissioning	Deputy Director Strategic Commissioning	103	0	(64)	3	(36)	6,050	0	6,056	(119)	5,937	5,746
G	Resources	Chief Officer Resources & Strategy	(240)	6	(67)	0	0	0	0	(301)	0	(301)	(191)
R	Learning Disabilities Service	Chief Officer Learning Disabilities	77	198	81	16	66	540	0	977	482	1,459	1,151
R	Total		(493)	180	(344)	(16)	127	2,993	(80)	2,366	309	2,675	2,913

ADULT SOCIAL CARE DIRECTORATE: 2011/12 BUDGET – PERIOD 6 REPORT

1.0 Introduction

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

The 2011/12 budget included additional resources for Adult Social Care in recognition of the level of demand experienced in 2010/11. £19m was added to the community care packages budgets, but in order to fund this within the context of the Council's very challenging financial settlement substantial net savings amounting to £18.4m had to be identified.

2.0 Overall Summary

The Period 6 position for the Adult Social Care Directorate is a projected overspend of £2.7m compared with the Net Managed Budget of £178m. This takes account of the projected delivery of £11m of budgeted savings and those contingency savings identified to date. The main shortfall in the delivery of budgeted savings relates to procurement savings and had these been on target the directorate would be projecting an overall underspend for 2011/12.

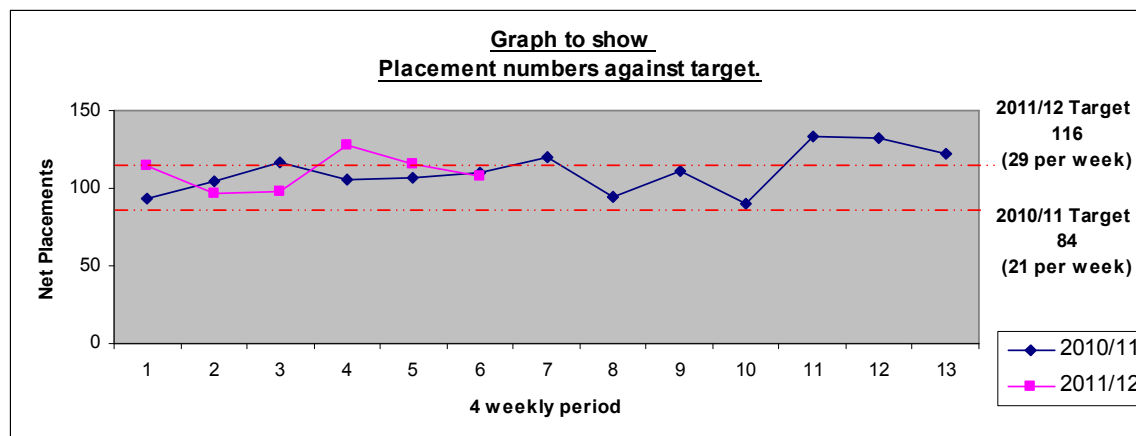
3.0 Explanation of the Projected Overspend

The main variations are explained below:

- **Community Care Packages - £2.5m**

Residential and Nursing Care Placements - £2m

Placement numbers for the first quarter averaged three per week (10%) less than the budgeted numbers. Although placement numbers in the second quarter were higher, overall placements to date this year remain below the budgeted target. This, together with the full-year effect of 2010/11 placements, is reflected in spend being less than budgeted in respect of placement numbers. There is some volatility around placement numbers as several key drivers are outside the direct control of Adult Social Care and relatively small variations in numbers equate to a significant cash variation over a full year. The 2011/12 budget also included significant procurement savings amounting to £5.75m that are not now expected to be achieved this year.



Independent Sector Domiciliary Care - £0.1m

The overall home care budget comprises independent sector provision and the directly provided Community Support Service. The projected overspend on the independent sector budget reflects a slightly different allocation of work across the two sectors than the budget assumed.

Direct Payments & Personal Budgets – (£0.1m)

This expenditure reflects the extent to which customers choose to receive their services as a cash payment rather than through traditional services and the level of need being met by the care package. This expenditure is projected to be £0.1m lower than budgeted.

Learning Disability Pooled Budget - £0.5m

This reflects the Council's proportion of the number of clients and the costs of their care packages being higher overall than budgeted. Discussions are ongoing with NHS Leeds about its level of funding for continuing health care cases.

• **Staffing – (£0.5m)**

There has been some slippage on delivering budgeted savings within the older people's residential and day care programme. However, this has been more than offset by other savings, mainly within assessment and care management.

• **Service User Income - £0.3m**

This mainly reflects higher than budgeted voids within the directly provided residential care service associated with the closures that are now approved.

Directorate Children's Services

														(Under) / Over Spend for the current period		Previous Month	
Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Capital £000	Appropriations £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	(Under) / Overspend £000		
G	Partnership Dev & Business Support	Chief Officer of Partnership Development & Business Support	(352)	13	82	(1)	89	(66)	24	(450)	0	(661)	(108)	(769)	(1,579)		
G	Learning, Skills & Universal Services	Deputy Director of Learning, Skills & Universal Services	(1,190)	(65)	(2,833)	(11)	(96)	(1,637)	2	0	0	(5,830)	799	(5,032)	(4,810)		
R	Safeguarding, Targeted & Specialist Services	Deputy Director of Safeguarding, Targeted & Specialist Services	2,090	96	(335)	(47)	843	8,799	(43)	0	0	11,402	(422)	10,980	10,316		
G	Strategy, Commissioning & Performance	Chief Officer of Strategy, Commissioning & Performance	(343)	3	(114)	(3)	74	0	(195)	0	0	(578)	309	(269)	988		
R	Total		205	47	(3,200)	(62)	911	7,096	(212)	(450)	0	4,334	577	4,911	4,915		

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CHILDREN'S SERVICES: 2011/2 BUDGET – PERIOD 6 REPORT

1. Overall Budget Position

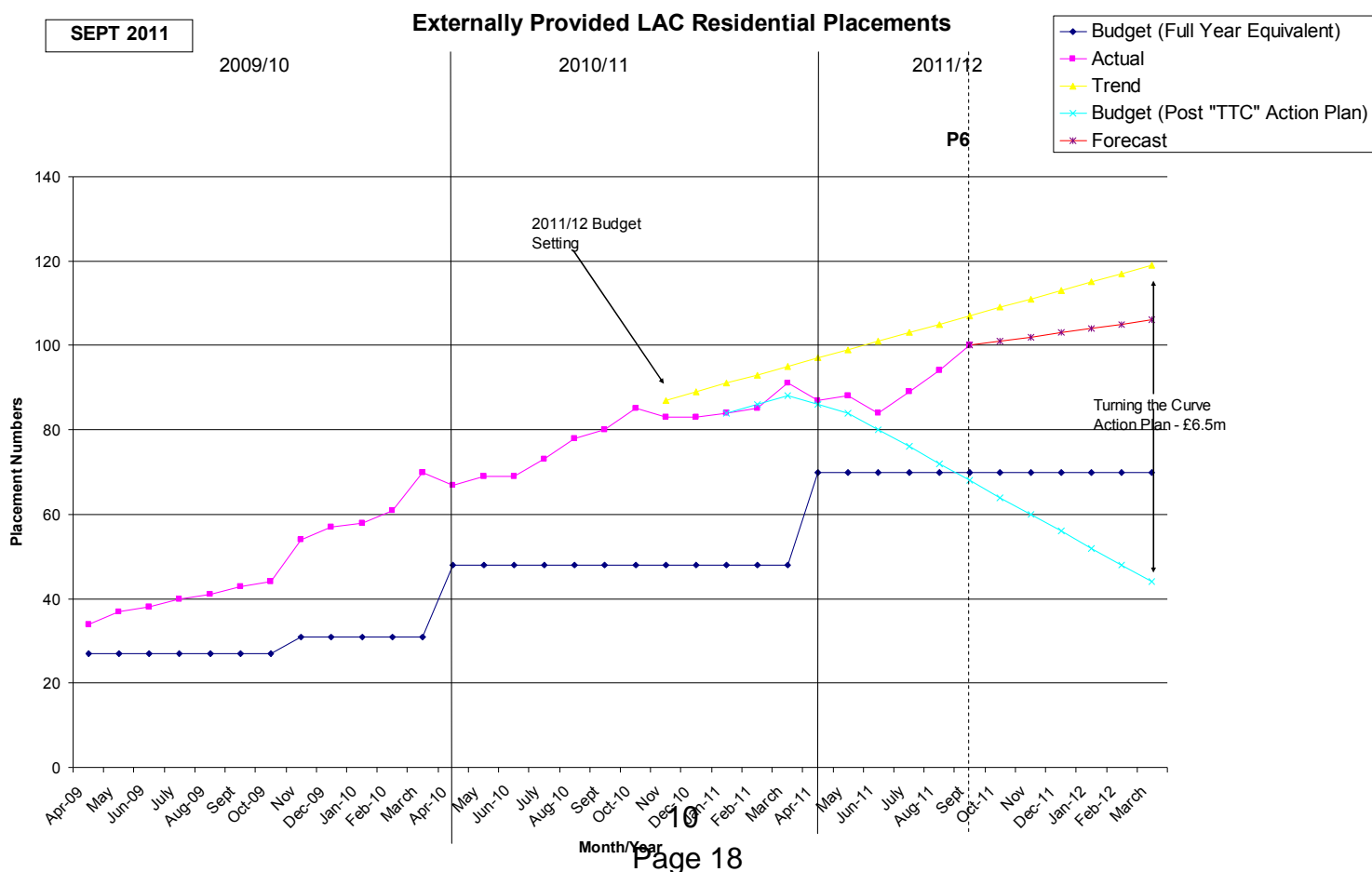
1.1 The Period 6 position for Children's Services is a projected overspend of £4.9m which represents a stable position from period 5.

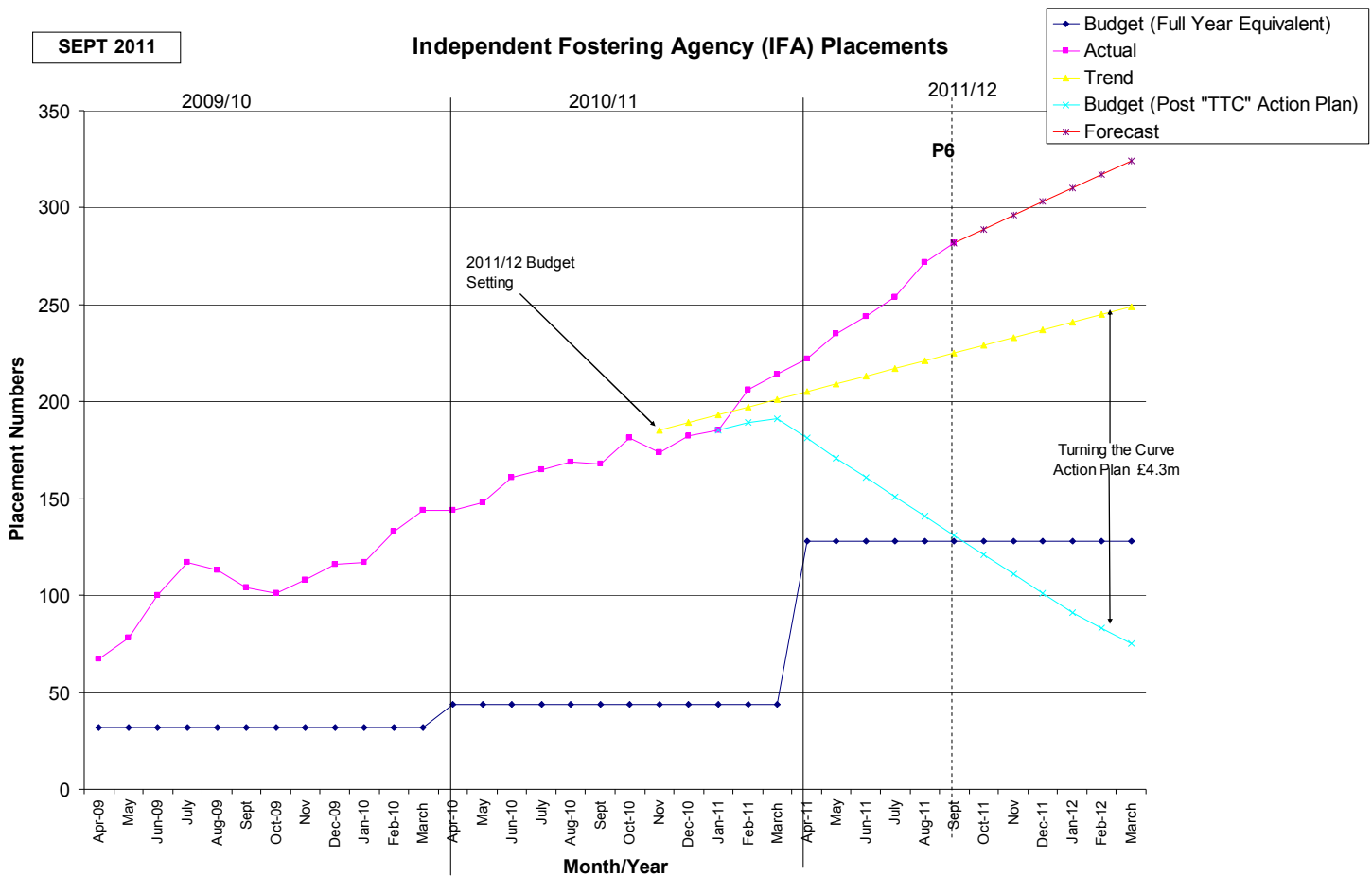
2. Explanation of Main Variations

2.1 The main pressure on the budget continues to be around the high number of looked after children and in particular the externally provided residential and fostering placement budgets.

2.2 At the end of September 2011, there were 100 children & young people in externally provided residential placements (a net increase of 6 placements from period 5), and 282 children & young people in placements with Independent Fostering Agencies which is a net increase of 10 placements from period 5. After making provision for some continued growth in numbers to the end of March 2012, the net spend on external placements this financial year is now forecast at £25.9m which, against a corresponding budget of £16.5m, gives a forecast overspend of £9.3m.

2.4 The graphs below show the growth in placement numbers for both the externally provided residential & fostering placements.





2.5 The pressures on the external placement budgets continue to be partly offset by projected savings of £0.6m on the in-house fostering allowances & fees budgets, which reflects the changing mix of placement provision.

2.6 The 2011/12 budget for externally provided placements was calculated on the basis of informed forecasts around potential increased demand together with a plan to 'turn the curve' and reduce placement numbers/costs over the course of the 2011/12 financial year. In light of the continuing demand and pressure on the placements budgets, the action plan for reducing the numbers of looked after children numbers has been revisited and updated with additional capacity put in place to help to drive through delivery of the actions. This plan is focussing on the key issues around;

- The impact of early intervention and prevention services on the number of looked after children and business cases to support additional investment.
- The statutory sufficiency plan for looked after children placements.
- More robust contracting and procurement arrangements.
- Improved decision making and governance.
- Better activity monitoring
- Better forecasting – immediate & medium-term (placement numbers and financial impact)
- Finalising the in-house residential review.
- Increasing in-house foster carer capacity
- Improving arrangements for supporting care leavers back into the community.

Directorate City Development

														(Under) / Over Spend for the current period	
Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Capital £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	Previous Month (Under) / Overspend £000	
R	Planning and Sustainable Development	Chief Planning and Sustainable Development Officer	147	(20)	(14)	41	(28)	0	0	0	126	1,106	1,232	1,452	
G	Economic Development	Chief Economic Development Officer	67	3	(69)	3	15	0	0	0	19	114	133	12	
R	Asset Management	Chief Officer Asset Management	298	(81)	62	(23)	(131)	0	0	0	125	370	495	641	
G	Highways and Transportation	Chief Officer Highways and Transportation	(89)	121	(141)	(181)	454	0	0	7	171	(500)	(329)	(484)	
G	Libraries, Arts and Heritage	Chief Libraries, Arts and Heritage Officer	(635)	101	(5)	53	6	0	0	0	(480)	342	(138)	(226)	
R	Recreation	Chief Recreation Officer	660	(92)	176	(44)	32	1	(27)	0	706	(294)	412	339	
G	Resources and Strategy	Chief Officer Resources and Strategy	4	0	(277)	(6)	16	0	0	0	(263)	2	(260)	(388)	
R	Total		451	32	(269)	(157)	364	1	(27)	7	403	1,141	1,544	1,347	

CITY DEVELOPMENT DIRECTORATE: 2011/12 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 shows a projected overspend of £1.54m. This is £0.2m more than the Period 5 position of £1.34m. The major budget pressures are planning and building fee income, markets income, advertising income, planning appeal costs and staffing in some service areas. These budget issues total over £3m and in some cases income trends are looking worse than in previous months. To offset these additional budget pressures all service areas have been asked to review planned spend for the rest of the year with a view to identifying further savings. The projection assumes proposed budget saving plans will be implemented to largely offset these pressures and also assumes further staff will leave the directorate under the corporate Early Leaver Initiative scheme.

3.0 Explanation of the Projected Overspend

The main reasons for the projected overspend are an overspend on staffing of £0.45m based on current staffing numbers, known leavers and assumed further leavers from the corporate ELI scheme, additional costs of £0.35m arising from ongoing planning appeal cases and an overall shortfall in income of £1.1m.

Good progress has been made in implementing the £13m savings and budget actions included in the 2011/12 budget. These include significant reduction to the staffing budget, rationalisation of Sport and Library buildings, reduction in Highways spend, energy and procurement efficiency savings, reduction to contributions to external organisations and additional income generation proposals

The continuing poor economic conditions are having a significant impact and achieving the Directorate's £94m income target is looking increasingly difficult. It is possible that the situation could improve later in the year and although planning income is showing some signs of increasing in the last few months other income areas are not showing signs of improvement. The projected variation by Service is shown below:

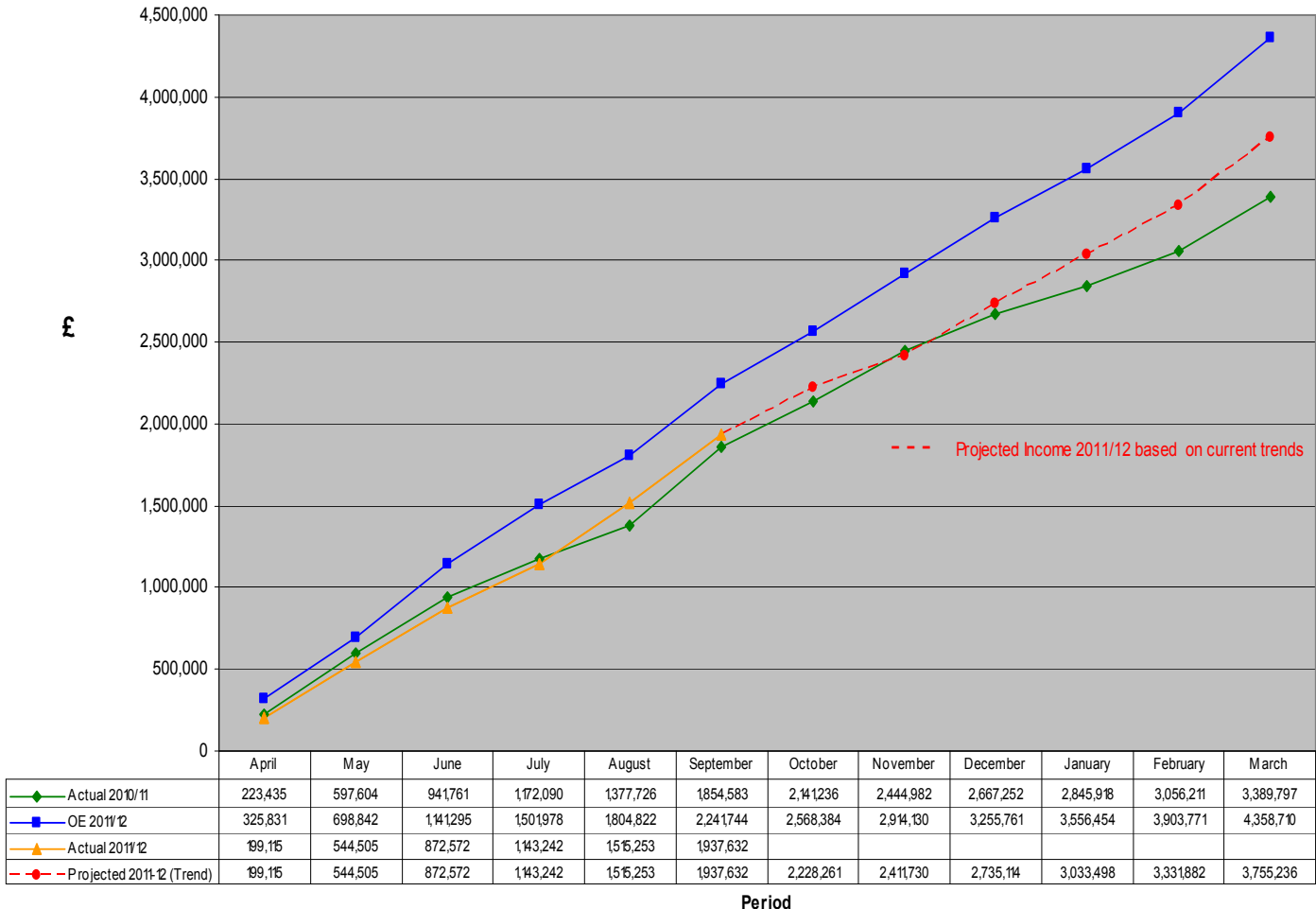
Income

Overall there is a projected income shortfall of £1.1m.

All income targets were reviewed as part of the 2011/12 budget process but in some cases income levels are falling short of the revised targets. The most significant shortfalls are projected to be on Planning and Building fees. At period 6 the combined shortfall is £329k, the projected shortfall for the year is forecast to be just under £0.8m. The graph over the page shows the position to date for planning

and building fee income. The budget assumed that there will be an increase in the amount collected in 2011/12 over that in 2010/11 and the last few months have seen an improvement in the amount of planning fees collected although building fee

Planning and Building Fee Income (Cumulative)



income continues to be at a low level.

Staffing

Currently it is projected that staffing will overspend the budget by £0.45m, mainly because the saving assumed in the budget on weekend enhancements in Sport are unlikely to be made. The staffing projection now assumes that staffing levels will reduce further than the initial budget assumptions but the additional savings will be in the last quarter of 2011/12. It is envisaged that this reduction will be achieved through a combination of managing vacancies, new Early Leaver Initiative business cases and restructures in some services with the major Sport restructure having recently been concluded. Numbers are expected to reduce by an additional 70 FTEs from the current level of 2,363 FTEs as at the end of September 2011. The directorate has received just over 170 expressions of interest in the current Early Leaver Initiative scheme and Human Resources staff are working closely with service managers to prioritise progressing business cases for staff who wish to leave before the 31st December. Control measures to actively manage staffing continue to be exercised in the directorate.

Directorate Environment & Neighbourhoods

(Under) / Over Spend for the current period

Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Transfer Payments £000	Capital £000	Appropriations £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	Previous Month (Under) / Overspend £000
A	Health and Environmental Action	Chief Environmental Services Officer	(42)	29	(146)	107	(5)	0	0	0	(57)	96	39	277
R	Car Parking Services	Chief Environmental Services Officer	(209)	28	(41)	(2)	(4)	0	0	0	(229)	530	301	188
R	Community Safety	Chief Community Safety Officer	162	0	3	19	0	0	0	0	184	85	269	288
R	Regeneration Management	Chief Regeneration Officer	(20)	(11)	117	(2)	1	0	0	0	85	312	397	414
R	Employment Skills	Chief Regeneration Officer	90	(2)	61	2	(3)	0	0	0	148	(47)	101	162
G	Strategy and Commissioning	Chief Regeneration Officer	7	(79)	(187)	1	19	(1,000)	0	0	(1,239)	(257)	(1,496)	(1,474)
R	Statutory Housing	Director of Environment and Neighbourhoods	312	1	(84)	39	(24)	0	0	0	244	79	323	248
G	General Fund Support Services	Chief Officer Resources and Strategy	393	0	(13)	0	0	0	0	0	380	0	380	338
G	Waste Management	Chief Environmental Services	959	(29)	(693)	187	50	0	(57)	0	418	161	579	310
G	Safer Leeds Drugs Team		0	0	0	0	0	0	0	0	0	0	0	0
R	Total		1,653	(63)	(983)	350	34	(1,000)	(57)	0	(66)	958	892	751

ENVIRONMENT AND NEIGHBOURHOODS: 2011/12 BUDGET PERIOD 6 REPORT

1.0 Introduction

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

2.0 Overall Summary

The projected position for Environment and Neighbourhoods Directorate is an overspend of £0.89m, which is £0.141m higher than the previous position reported to Executive Board. This is mainly due to reduced income from car parking.

3.0 Explanation of the Projected Overspend

Staffing +£1,613k

The forecast shows a slight improvement from the month 5 position. The cost of staff in managing workforce change following the implementation of restructures is £828k and slippage in the implementation of a number of restructures within the Directorate will result in a variation of £341k.

Within Refuse Collection, ongoing route support and attendance being slightly above the budgeted target is projected to cost £464k. Additional cost incurred for front line cover required for refuse staff training/appraisals £78k. However, by using existing spare capacity on the new Garden routes to collect SORT from Hard to Access properties (£168k).

Additional spend has been incurred in providing front line cover within Refuse Collection and Street Cleansing whilst recruitment to front line posts was progressed, however savings in vacant posts in Car Parking and Waste Management helped offset this pressure,.

The staffing budget remains under considerable short term pressure whilst work continues on progressing a number of restructures which will ultimately deliver significant long term savings to the Directorate.

Premises & Supplies and Services (£906k)

Significant savings of over £1m which were budgeted for in waste disposal from new contracts continue to be on target to be delivered. In addition, further savings are being achieved from projected reductions in total waste arising, targeted recycling improvements at HWSS and the effect of not all waste contractors taking up the inflationary uplift. Together this is a total projected saving of (£281k).

Projections assume a spending freeze across the Directorate to contribute to minor overspends.

Transport +£384k

Rising fuel prices are estimated to cost £135k across Environmental Services.

The cost of back up route support vehicles is £206k, although more effective use of normal spare vehicle cover and lower external hire will save (£251k) across the Environmental Services Division.

Vehicle repairs, mainly associated with landfill damage are projected to be an additional £148k.

Income + £1,125k

Income is projected to be £300k less than reported at month 5. Car Parking income is currently projected to be £529k short of the budget overall. However, this comprises a number of variations mainly further reductions in PCN numbers £102k, a further reduction in both on and off street fee income £317k and the expected non achievement of conversion of short stay spaces to long stay £100k.

Income in Waste Management is anticipated to be £185k below budget as a result of not receiving any income from recycled glass, lower gas generation at Gamblethorpe landfill site and a reduction in FPN income.

Directorate Resources

			(Under) / Over Spend for the current period										Previous Month	
Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Capital £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	(Under) / Overspend £000
G	Financial Management	Chief Officer Fin Management	(113)	(1)	32	(2)	6	0	0	0	(77)	(79)	(156)	(81)
G	Business Support Centre	Chief Officer Fin Management	(180)	1	(12)	0	0	0	0	0	(191)	(34)	(225)	(111)
G	Financial Development	Chief Officer Fin Development	(74)	0	13	0	0	0	0	0	(62)	(10)	(72)	(61)
G	Revenues and Benefits	Chief Revenues and Benefits Officer	(66)	2	(148)	37	0	0	(139)	0	(313)	18	(295)	(188)
G	Information Technology	Chief ICT Officer	12	0	(118)	0	0	0	(150)	0	(256)	250	(5)	25
G	Human Resources	Chief Officer HR	(580)	(43)	137	3	94	0	0	0	(389)	25	(363)	(384)
G	Audit & Risk	Chief Officer Audit and Risk	11	0	(20)	(3)	(1)	0	0	0	(10)	(2)	(12)	7
G	CORS Directorate	Chief Officer Resources and Strategy	9	0	4	0	0	0	0	0	13	(7)	6	7
R	Public Private Partnership Unit	Chief Officer PPPU	128	0	12	0	0	0	0	0	139	(17)	122	66
G	Procurement		247	0	4	0	0	0	0	0	252	(300)	(49)	(52)
G	Democratic and Central Services	Chief Officer Democratic and Central Services	28	51	193	(10)	35	0	0	(8)	289	(267)	22	(47)
R	Commercial Services	Chief Officer Commercial Services	723	(12)	784	303	(108)	0	(69)	0	1,622	(782)	840	818
G	Total		145	2	882	329	26	0	(358)	(8)	1,017	(1,205)	(188)	0

Directorate Legal Services

		(Under) / Over Spend for the current period											Previous Month	
Traffic Light	Service	Chief Officer	Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Total Expenditure £000	Income £000	Total Under /Overspend £000	(Under) / Overspend £000	
G	Legal Services	Chief Legal Services Officer	657	1	23	9	3	0	0	692	(756)	(64)	83	
G	Total		657	1	23	9	3	0	0	692	(756)	(64)	83	

Directorate **Planning, Policy and Improvement**

Traffic Light	Service	Chief Officer	(Under) / Over Spend for the current period											Total Under / Overspend £000	Previous Month (Under) / Overspend £000	
			Staffing £000	Premises £000	Supplies & Services £000	Transport £000	Internal Charges £000	Payments to External Bodies £000	Transfer Payments £000	Capital £000	Appropriations £000	Total Expenditure £000	Income £000			
G	Customer Services	Chief Officer Customer Services	0	0	0	0	0	0	0	0	0	0	0	0	0	(1)
G	Leeds Initiative & Partnerships	Chief Officer LIP	0	0	0	0	0	0	0	0	0	0	0	0	0	(46)
G	Business Transformation	Chief Officer Business Transformation	0	0	0	0	0	0	0	0	0	0	0	0	0	1
G	PPI Management & Support	Assistant Chief Executive	0	0	0	0	0	0	0	0	0	0	0	0	0	46
G	Area Management	Area Leader	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G	Total		0	0	0	0	0	0	0	0	0	0	0	0	0	0

CENTRAL AND CORPORATE FUNCTIONS: 2011/12 BUDGET – PERIOD 6 REPORT

1.0 Introduction

This report sets out the financial position for Central and Corporate Functions at period 6 of 2011/12.

2.0 Overall Summary

The Central and Corporate budget for 2011/12 reflects savings and efficiencies amounting to £15.7m representing a considerable challenge for services to deliver.

The projection at month 6 is an underspend of £252k to be achieved by the end of the year.

3.0 Explanation of the projected overspend

Resources (£188k underspend)

Staffing (+£145k)

The most significant area of savings for Resources is staffing; the pay budget was reduced by £8.2m in 2011/12. The biggest challenge has been achieving the ambitious staffing reductions within the traded services in Commercial Services and it is currently anticipated that pay will overspend by £723k in this area. However savings across most other services total £578k resulting in an overall overspend of £145k.

Supplies and Services (+£882k)

The majority of the variation is caused by additional turnover within the Property Maintenance service which has caused an increase in spend on materials and sub-contractors.

Transport (+£329k)

The impact of the increase in fuel prices amounts to £660k. This cost is passed directly onto directorate budgets (shown as additional income). In addition predicted savings on tyre contracts are not now expected to materialise (£60k). Set against these costs, savings amounting to £420k are now expected on 'private hire' budgets within Passenger Services, which again are passed directly back to client budgets.

Income (-£1,205k)

This has been achieved through:

- -£900k additional turnover within Property Maintenance
- -£660k recharge of increased fuel costs to services
- -£150k additional 'court fee' income

As described in the section on Transport, the income projection is reduced by £324k mainly due to lower spend on private hire charges within Passenger Services.

Planning, Policy and Improvement (balanced position)

No significant variations in spend or income are apparent at month 6 and the Directorate have plans in place to ensure that the budget is brought in on-line.

Legal Services (£64k underspend)

There are no significant changes from the month 5 position.

Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 7th November 2011

Subject: Large Casino – Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010 - 2012

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The development of a Policy under the Gambling Act 2005 is a matter for full Council and follows the Budget and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Resources and Council Services) and then for it to be further considered by Executive Board before being recommended to full Council for approval.
2. The report to Executive Board refers the Revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the Consultation Report - Large Casino Section - Gambling Act 2005 Statement of Licensing Policy to this Scrutiny Board. These documents are attached.
3. Any comments made by this Board will be fed back to Executive Board when it reconsiders the policy prior to submission to full Council for approval.

Recommendations

4. Members are asked to offer comment on the Revised Gambling Act 2005 Statement of Licensing Policy 2010-2012 and the Consultation Report - Large Casino Section - Gambling Act 2005 Statement of Licensing Policy.

Background documents.

5. None used

Report of the Director of Resources

Report to Executive Board

Date: 2 November 2011

Subject: Large Casino - Approval of revised Gambling Act 2005 Statement of Licensing Policy 2010-2012

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The Gambling Act 2005 provides Leeds City Council with the opportunity to grant a Large Casino Premises Licence. Over the last year officers from Entertainment Licensing and City Development have been preparing the process and related documents. This includes a new section to be inserted in the Gambling Act 2005 Statement of Licensing Policy ("the Policy") and a full application pack.
2. The council has undertaken a public consultation on the revised Policy, and the application pack. Approval of the revised Policy is a matter reserved to Full Council. Budgetary and Policy Framework requires Executive Board to consider the revised Policy, refer the matter to Scrutiny Board (Resources and Council Services) and then for the revised Policy to be further considered by Executive Board before being considered for approval by full Council.

Recommendations

3. Consider the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012;
4. Consider the consultation report as the council's response to the public consultation; and,
5. Refer both documents to Scrutiny Board (Resources and Council Services) for their consideration.

1.0 Purpose of this report

- 1.1 To present the revised Gambling Act 2005 Statement of Licensing Policy which contains a statement of the principles the council will apply when making the determination of the large casino licence (background papers).
- 1.2 To present the Consultation Report (background papers) which is the proposed Council response to the public consultation on the large casino section in the Policy, and the draft application pack.

2.0 Background information

- 2.1 The Gambling Act 2005 (the Act) changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which are to be significantly larger than existing casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.
- 2.2 In April 2008 Parliament approved the eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.
- 2.3 The Act, associated regulations and a Code of Practice describe the process the council and the applicant must complete before issuing a large casino licence. This includes:
 - Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
 - Development of an application pack which describes the procedure the council proposes to follow and the principles that will be applied when determining the licence.
 - Commencement of the application process with an advertisement of the “competition” and a two stage application process:
 - Stage 1 follows the same process as for any other premises licence application under the Act.
 - Stage 2 in which the council’s Licensing Committee determines which of the competing applications would provide the greatest benefit to the area.
- 2.4 The approval of the revised Policy is a matter reserved for full Council and follows the Budgetary and Policy Framework.
- 2.5 The approval of the application pack is a matter for the Licensing Committee. The draft application pack is available as background papers.
- 2.6 Providing the policy receives approval by Council and the application pack approval by Licensing Committee in January, it is intended that Stage 1 of the competition will commence in February and complete at the end of June 2012. If there are no appeals, Stage 2 will commence at the end of July and it is planned to complete the process and grant the licence within the 2012/13 financial year.

3.0 Main issues

- 3.1 The legislation requires that councils develop a statement of the principles that the licensing authority proposes to apply in making any determination at Stage 2 of the process. These principles have been developed in line with the direction received from Executive Board (3rd March 2010, minutes: <http://democracy.leeds.gov.uk/mgConvert2PDF.aspx?ID=4290&T=1>) and centre on the three main principles of:

Economic	To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds
Financial	To seek to maximise the financial return to the Council, and
Social	To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's Narrowing the Gap agenda, for the benefit of the Leeds area.

- 3.2 These principles underpin the revisions to the Policy and in turn inform the structure of the application process, including the evaluation of the applications. The new section has been consulted upon with the public, the industry, interest groups, faith groups and ward members. The consultation lasted for twelve weeks and ended on 29th July 2011. More details are provided at section 4.1.

- 3.3 Alongside this the council undertook a non-statutory four week consultation on the application pack. Many of the respondents to the policy consultation also commented on the content of the application pack, and the Consultation Report combines the responses to both consultations.

3.4 Consultation Responses

- 3.5 The council received 14 responses to the consultation on the large casino section of the Gambling Act 2005 Statement of Licensing Policy and the application pack.

- 3.6 All the responses to the consultation were carefully considered. The section in the Policy relating to social impact was amended to clarify the council's position on the mitigation of social impact and a section in the Evaluation Methodology (which forms part of the application pack) was amended to specifically include health impact assessments.

3.7 Debt

- 3.8 Two respondents described the links between casinos and problem gambling and suggested there were better ways of improving local economy than by providing a casino.

- 3.9 The consultation on the policy considered the principles that will be used to determine how the licence will be granted rather than to determine if Leeds should grant a casino licence. Notwithstanding this, the Council has the powers to pass a no casino resolution if the benefits do not meet the aspirations for the local area.

- 3.10 At Stage 2 of the application process each applicant will be required to undertake a detailed equality and health impact assessment to detail the impact of their proposals and to outline a comprehensive mitigation strategy for any negative effects caused by the casino. The mitigation measures will form part of a contractual arrangement, incurring a penalty should those commitments not be met.
- 3.11 The Social Inclusion Fund - funded as a consequence of the casino - will also help deliver projects that help mitigate the affects of gambling and financial, economic and social exclusion.
- 3.12 Amendments were made to the Policy to strengthen the commitment to mitigating negative effects.
- 3.13 **Locality to regeneration area/location of casino**
- 3.14 A number of respondents were concerned that the Large Casino may be situated in or close to a regeneration area and that this should not be seen as good for that area or a social good.
- 3.15 All applications must pass through Stage 1 of the application process. This stage follows the same regulatory checks that every gambling licence application goes through. Along with other checks, the application is evaluated against the licensing objectives, which are:
- w Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - w Ensuring that gambling is conducted in a fair and open way.
 - w Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.16 At Stage 2 of the application process all applicants will be required to provide a detailed social and health impact assessment, along with mitigation for their proposals. This must include a comprehensive evaluation of the location of the proposed venue. This will be evaluated alongside other criteria.
- 3.17 The Council will not have a preference for a large casino location. In the modern casino market, it is not expected that large casino applications will be placed in housing areas.
- 3.18 The Policy was amended to strengthen the commitment to mitigating negative effects.
- 3.19 **Economic benefits**
- 3.20 The response from the Diocese of Ripon and Leeds commented specifically that applicants should be required to demonstrate the local economic benefits as well as those for the whole city.
- 3.21 When determining which application should be granted the licence, the council must judge which application, if granted would provide the greatest benefit to the local

authority area. This is the test prescribed in the legislation and underpins the evaluation process. During Stage 2, each application will be evaluated against a set criteria which has been developed to test the benefit to the area, not just the area directly impacted by the location of the casino. However applicants will be expected to outline their vision and strategy for the development, which includes strategies for maximising jobs for those living in areas nearby to the casino. Raising the amount of local benefits (e.g. benefits from those nearby to the site) will be encouraged and monitored.

3.22 **Social costs and Health Impacts**

- 3.23 There was general concern that the council has concentrated on the benefits of a casino, and that there is not enough emphasis placed on potential harm, and ways of mitigating that harm.
- 3.24 A number of respondents commented that the licence should be awarded on the basis of demonstrating how the negative impacts of a casino would be mitigated as well as demonstrating the intended benefits.
- 3.25 There were comments that the Social Inclusion Fund (funded by the casino operator) should indicate that this will be used to mitigate the social costs.
- 3.26 NHS Leeds specifically raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos.
- 3.27 The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process rather than look at the mitigation of harm.
- 3.28 However, the Stage 2 evaluation considers negative effects in a number of ways:
- w Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
 - w The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.
- 3.29 During the stage 2 evaluation process, a number of criteria are considered including:
- w health impacts
 - w strategies and safeguards to negative impacts.
 - w employment and skills strategies
 - w details on how the most disadvantaged could benefit from their proposal

w job ring-fencing proposals

- 3.30 These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.
- 3.31 The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health). It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators and may be used to fund such activities away from the boundary of the casino..
- 3.32 In addition, the social impact of the casino will be monitored through research using a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new casino licences.
- 3.33 Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from www.gamblingcommission.gov.uk.
- 3.34 The policy was amended to include the following additional paragraph:
- The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.*
- 3.35 In addition officers from City Development met with NHS Leeds to discuss their specific concerns relating to the issuing of a large casino licence and as a result of that meeting it is hoped that NHS Leeds will be able to provide expert advice on health mitigation during the evaluation process.
- 3.36 **Trade response**
- 3.37 The council received a comprehensive response to both the policy and the application pack from Joelson Wilson who represent Rank Organisation. Only the parts of their letter relevant to the policy are discussed below.

- 3.38 Joelson Wilson, on behalf of Rank, commented on the section in the policy which relates to the right to make a no casino resolution. They queried the circumstances under which a no casino resolution could be used to stop the process should applications be received which do not meet the aspirations for the benefit to the Leeds area.
- 3.39 The ability to pass a 'no casino' resolution is a general power within the statute and not dependent upon the provisions of schedule 9, upon the council having the ability to licence a casino at all or upon starting a licensing process pursuant to that ability under part 8 or schedule 9. It follows that the council retains the right to pass a 'no casino' resolution at any stage of the process.
- 3.40 Joelson Wilson commented on the timing of the initial payment to the Social Inclusion fund and suggested this should be at the conclusion to Stage 2, once the licence is granted, rather than on signing of the legal agreement.
- 3.41 It is the intention for the payment to be received upon the schedule 9 being signed regardless of whether it is a provisional or full premises licence. The up front payment is non-refundable and is a one off payment made upon the end of the process and once the schedule 9 is signed - whether giving effect to the provisional statement or premises licence. No other up front payment will be considered in the evaluation. It is for the applicant to determine if they want to offer the benefit sought or not.
- 3.42 If the development does not arise, the council requires that the provisional licence holder must provide payments for non-delivery and the applicant will not be refunded for any upfront payment. It is a commercial risk applicants must consider. The council needs commitment to deliver any development within 5 years in all instances, along with payments for non-delivery.
- 3.43 Net economic impact will score 14% in the evaluation and a new development has a good chance of scoring higher marks due to the economic impacts from the construction.
- 3.44 Joelson Wilson asked for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".
- 3.45 A contractual commitment is required to secure benefits for the local area in the schedule 9 agreement. Payments are required for non-delivery of said benefits. An application that commits to both will score more highly. This is made clear in the application pack.
- 3.46 However, paragraph 16.52 in the policy was amended to make this clear.
- 3.47 Joelson Wilson sought clarification on paragraph 16.53 which talks about the scoring of the wider development. They wanted clarity on whether this would favour existing sites.

- 3.48 The respondent infers that development sites would be less favoured than existing sites. However this is not the case. The evaluation methodology was specifically developed to ensure that no particular type of development, would be favoured more highly than another.
- 3.49 The paragraph in the policy that relates to this was amended to provide clarification.
- 3.50 The full Consultation Report is provided as background papers and is available from the author of the report. The Consultation Report and the revised Statement of Licensing Policy have been circulated to the Executive Board.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The large casino section of the Policy underwent a public consultation which ran from 9th May to 29th July 2011. The consultation was advertised through Talking Point and with posters placed in public spaces such as libraries, one stop shops and leisure centres. A press release was produced, and the consultation was advertised on the council's website.
- 4.1.2 The consultation was advertised by letter directly to 457 people and organisations including:

Organisations which represent the general public

- w Elected Members, Members of Parliament
- w Parish and Town Councils, Citizen Advice Bureaux

Partner Agencies

- w West Yorkshire Police and British Transport Police
- w West Yorkshire Fire and Rescue Service
- w West Yorkshire Trading Standards Service
- w Health and Safety Executive
- w HM Revenue and Customs and The Border Agency
- w LCC Development Department and Environmental Health Services
- w Local Safeguarding Children Board
- w NHS Leeds

Special interest groups

- w Individual members of the public who had expressed an interest during the development of the revised Policy
- w Special interest groups, specifically gambling addiction services
- w Support organisations such as Alcoholics Anonymous, Victim Support, The Samaritans, Alcohol and Drugs Service
- w Faith groups

Organisations which represent businesses in Leeds

- w Business support organisations such as Federation of Small Businesses
- w Businesses currently operating as gambling establishments

- w Licensing Solicitors who had expressed an interest during the development of the revised Policy, or who are known to represent gambling establishments.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 The Gambling Act 2005 has three licensing objectives:

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

4.2.2 The licensing authority, in exercising their functions under the Act, shall aim to permit the use of premises for gambling in so far as it thinks its reasonably consistent with the licensing objectives.

4.2.3 Therefore the council has produced the revised Policy with this in mind and has taken special consideration of the protection of children and vulnerable people.

4.3 Council Policies and City Priorities

4.3.1 The revised Policy sets out the principles the council will use to exercise its functions under the Gambling Act 2005. Applicants for the large casino are expected to read the Policy before making their application and the council will refer to the Policy when making its decisions.

4.3.2 The licensing regime contributes to the following aims:

By 2030, Leeds will be fair, open and welcoming

- Local people have the power to make decisions that affect them
- There is a culture of responsibility, respect for each other and the environment
- Our services meet the diverse needs of our changing population
- Everyone is proud to live and work

By 2030, Leeds' economy will be prosperous and sustainable

- Opportunities to work with secure, flexible employment and good wages

By 2030, all Leeds' communities will be successful

- Communities are safe and people feel safe

4.3.3 The licensing regime contributes to the following city priorities:

Best city... for communities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.4 Resources and Value for Money

- 4.4.1 Legal Services has provided advice at each stage of the policy development. They have also provided advice during the composition of the consultation report and the development of the application pack.
- 4.4.2 The large casino provides the council with the opportunity to secure benefits for the city. Although the development of the revised Policy and application pack, as well as the upcoming application process has had a cost associated with it, the project is being delivered within the budget approved at Executive Board on 3rd March 2010.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The development of a Policy under the Gambling Act 2005 is a matter for full Council and follows the Budgetary and Policy Framework which requires that Executive Board refers this matter to Scrutiny Board (Resources and Council Services) and then for it to be further considered by Executive Board before being recommended to full Council for approval. As such this report is exempt from call in by Scrutiny.
- 4.5.2 The revised Policy and the associated documents (i.e. the application pack and the consultation document), have received internal legal assurance from Legal Services and external legal assurance from Counsel.
- 4.5.3 The only recourse for applicants is appeal to the Magistrates Court at the end of Stage 1 and Judicial Review of the decision made at the end of Stage 2. Therefore, the revised Policy, application pack, public consultation and the consultation report have been developed with transparency and fairness as a prime consideration.

4.6 Risk Management

- 4.6.1 Executive Board has the option of not referring the revised Policy to Scrutiny Board at this time, and requesting that further work is undertaken. This would impact on the project timescales and may incur additional costs for the council.

5 Conclusions

- 5.1 A revised Gambling Act 2005 Statement of Licensing Policy has been developed to include a section on the large casino in accordance with the DCMS Code of Practice and the Gambling Act 2005. The revised Policy describes the principles the council will use when determining a large casino licence, particularly at stage two of the process where the test is which application would provide the greatest benefit to the city. The council has consulted with the public in accordance with the legislation and HM Government Code of Practice on Consultations. The responses to the consultation, plus suggested amendments are attached in the Consultation Report.
- 5.2 The revised Policy is now following the Budgetary and Policy Framework. The next step is for Executive Board to refer the matter to Scrutiny Board before receiving it back for further consideration before recommending approval to full Council.

6 Recommendations

- 6.1 That Executive Board members are asked to:
- Consider the revised Gambling Act 2005 Statement of Licensing Policy 2010-2012;
 - Consider the consultation report as the council's response to the public consultation; and,
 - Refer both documents to Scrutiny Board (Resources and Council Services) for their consideration.

7 Background documents (available from the report author)

- 7.1 Revised Gambling Act 2005 Statement of Licensing Policy 2010-2012
- 7.2 Consultation Report - Large Casino Section - Gambling Act 2005 Statement of Licensing Policy
- 7.3 Gambling Act 2005 Statement of Licensing Policy 2010-2012 (as currently published)
- 7.4 Insert into the Gambling Act 2005 Statement of Licensing Policy - This report accompanied the public consultation. It explains the background to the legislation, and how the draft policy was developed.
- 7.5 Equality, Diversity, Community Cohesion Impact Screening (October 2011)
- 7.6 Draft Application Pack

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Statement of Licensing Policy 2010 – 2012

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
Web: www.leeds.gov.uk/licensing

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

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Executive Summary

The Gambling Act 2005 obtained Royal Assent in 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 31st 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).

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.

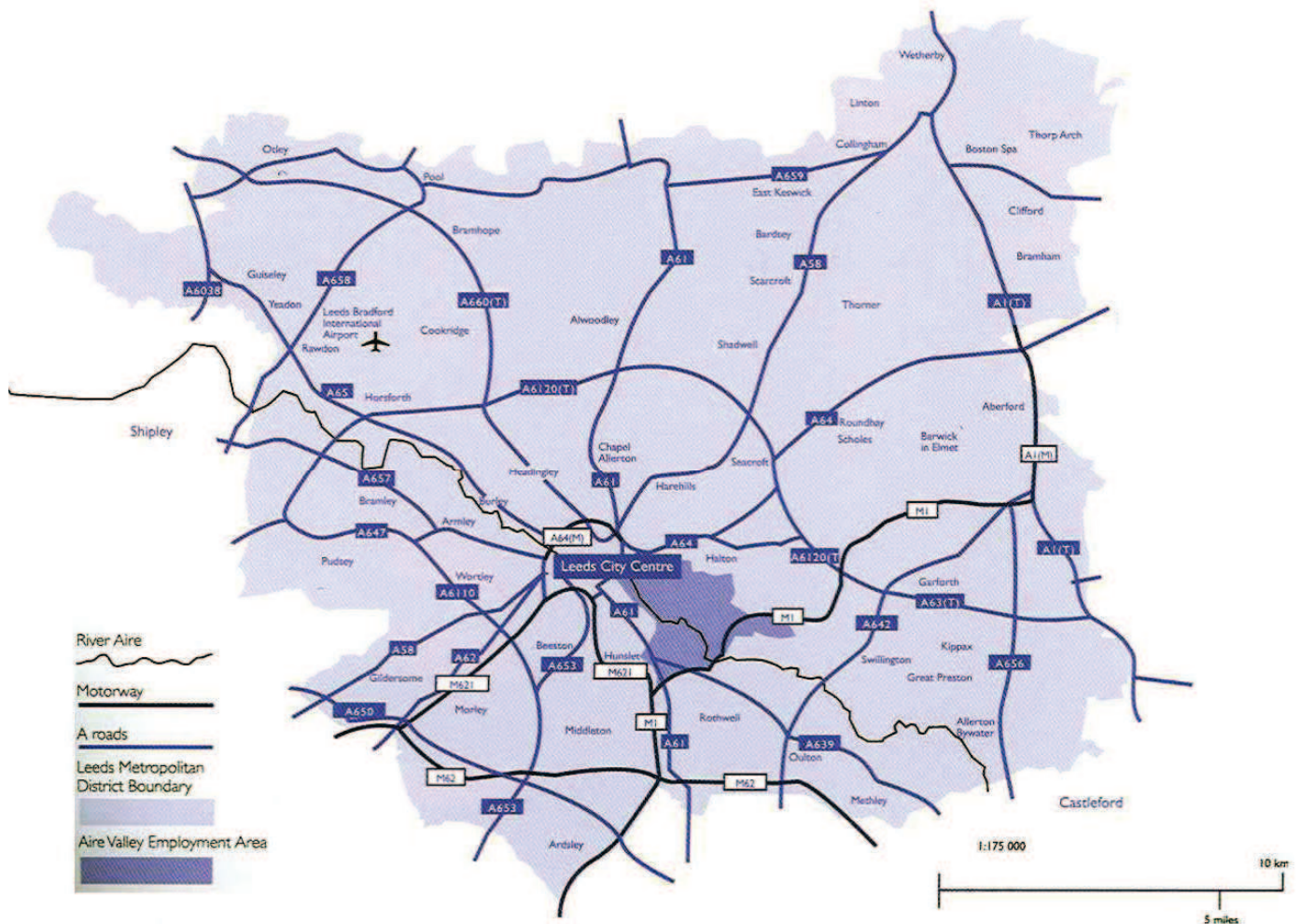
2. The Leeds district

- 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 2011-2030 is published by the Leeds Initiative, as the city's strategic partnership group. It sets the overall aim that by 2030 Leeds will be the best city in the UK. It has three main aims:
- Leeds will be fair, open and welcoming
 - Leeds' economy will be prosperous and sustainable
 - All Leeds' communities will be successful
- 2.7 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 2011-2030.

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
- NHS Leeds
- 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

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 18th November 2009.

3.6 The policy was revised in 2011 to include a section on the large casino, to update information on the Vision for Leeds and to update Appendix 1. The revised policy was adopted by Full Council on **xxxx**.

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
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West Yorkshire Police Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX	T: 0113 241 4023
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Leeds Safeguarding Children's Board Leeds City Council 7 th Floor East Merrion House Leeds LS2 8DT	T: 0113 395 2610 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
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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

Background

- 16.5 The Act introduces three new categories of casino; one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 16.6 On 15th May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 16.7 On 26th February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
- a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
 - b. matters to which the Licensing Authority should have regard in making these determinations.
- 16.8 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
- a. hold or have applied for an operating licence from the Gambling Commission; and
 - b. have the right to occupy the premises in question.
- 16.9 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 16.10 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 16.11 Where a provisional statement application is successful, the council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.
- 16.12 The council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant.

- 16.13 In making a decision on both stages the council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Culture, Media and Sport and the Gambling Commission.
- 16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.
- 16.15 As per Part 8, Section 210 of the Gambling Act 2005 the council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the council under the law relating to planning or building.
- 16.16 The council does not have a preferred location for the new large casino. Applicants can submit proposals for any site or location within the Leeds metropolitan area and each will be judged on its own individual merits.

Application Process

Stage 1

- 16.17 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 16.18 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
- Guidance for applicants
 - Application form for Stage 1
 - Example notices
- 16.19 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.
- 16.20 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.
- 16.21 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

Stage 2

- 16.22 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.
- 16.23 The part of the application pack which relates to stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
 - Details of current Licensing Committee
 - Details of the Advisory Panel
 - Terms of reference for Advisory Panel

- Example Schedule 9 agreement
- Glossary
- Vision for Leeds 2011 to 2030

16.24 At stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual councils to determine the detail of their own procedure.

16.25 The council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicants risk.

Advisory Panel

16.26 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.

16.27 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.

16.28 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

16.29 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Leeds metropolitan area that would result from it (were it granted).

16.30 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.

16.31 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.

16.32 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.

16.33 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:

- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
- b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,

- c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.

16.34 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will

- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
- prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

Principles

16.35 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.

16.36 The council will seek to determine the greatest benefit through the following principles:

Financial To seek to maximise the financial return to the council.

Social To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

Economic To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

Evaluation Criteria

16.37 The council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.

16.38 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.

16.39 In line with paragraph 5.7.4 of the Code of Practice, and the principles stated at 16.37 of this policy, the council has selected the following criteria which they will use to evaluate and score applications:

Financial Contribution This criterion relates to 16.33a and the first and second principles

Socio-economic This criterion relates to 16.33b and the second and third principles

Risk and deliverability This criterion relates to 16.33c and all three principles

Financial Contribution

- 16.40 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.
- 16.41 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- 16.42 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 16.43 The scoring of financial contributions will be weighted as follows:

1.0	1.0 Financial Contribution	33%
1.1	Net Present Value of total financial offer	
1.2	Upfront capital payment paid on signature of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

- 16.44 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

Socio-economic

- 16.45 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.
- 16.46 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.
- 16.47 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed developed is situated in their strategy and vision documents.
- 16.48 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

16.50 The scoring of the socio-economic benefits will be weighted as follows:

2.0 Socio-economic	34%
2.1 Strategy and vision for proposed development	
2.2 Economic Benefits (Gross):	
- Net contribution to local economy (including direct employment and GVA)	
- Credibility of economic assumptions	
2.3 Net social impacts	

16.51 Further detail including the information required, its format, data requirements and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

Risk and deliverability

16.52 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.

16.53 The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant provides damages for non delivery are likely to receive greater weight in the evaluation process.

16.54 The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

16.55 The scoring of risk and deliverability will be weighted as follows:

3.0 Risk and deliverability	33%
3.1 Contents of the Schedule 9 Agreement	
3.2 Deliverability:	
- Financing	
- Financial Standing	
- Right to occupy the site/premises	
- Credibility of approach to implementation	

16.56 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

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
¹ 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

¹ 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 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Adult gaming centre					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories 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	
	A	B1	B2	B3	B4	C	D	

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.

Bingo premises and adult gaming centres are entitled to make available a number of Category B3/B4 gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Bingo premises in existence before 13 July 2011 are entitled to make available eight category B3/B4 gaming machines, and adult gaming centres are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater.

Bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of eight category B3/B4 gaming machines and adult gaming centres are entitled to make available four category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

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"> preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to

Term	Description
	<p>support crime</p> <ul style="list-style-type: none"> • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling.
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>

Term	Description
	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

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	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 & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	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
Maximum participation fees – per person per day	<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
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	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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Consultation Report

Large Casino Section

Statement of Licensing Policy 2010 – 2012

Gambling Act 2005

Executive Summary

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.

In April 2008 Leeds City Council was awarded the right to issue a new style of casino licence. The Gambling Act and associated regulations set out the process the council and applicants must undertake before the large casino licence can be granted.

Under the Act the Licensing Authority must publish a statement of the principles that they propose to apply in exercising their functions under the Act. Leeds City Council's Statement of Licensing Policy for the Gambling Act 2005 was last consulted upon in 2009 and was published in January 2010. Licensing authorities are required to review and republish their policy every three years.

The council developed a new section to insert into the Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications. The council sought the views of residents and interested parties on the content of the section during a public consultation which ran from 9th May to 29th July 2011. The council developed an application pack which details the two stage process required by the legislation and the evaluation methodology to be used to determine which application would provide the best benefit to the city. The application pack was provided for comment between 4th and 29th July 2011.

The council received 13 responses to the public consultation. This report provides the council's response to the consultation and describes any changes made as a result of the comments received.

The policy will be taken through the approval process, being presented to Executive Board for referral to Scrutiny and Overview Panel with final approval by full council in January 2012.

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 equal chance gambling, for limited periods.

Local authorities can issue premises licences once they are notified that the applicant has secured operating licences from the Gambling Commission. However operators are able to apply for a provisional statement before they apply for their operating licence but they are not able to open their premises until they have successfully secured a premises licence.

The Gambling Act and Casinos

The Gambling Act 2005 changed the legislation governing the licensing of casinos significantly. Under the Act seventeen new casino licences were to be granted, each of which to be significantly larger than existing casinos. The licences are broken down as follows: one regional casino, eight large casinos, and eight small casinos. The DCMS formed a special Casino Advisory Panel (CAP) to recommend where the new casinos should be located.

In April 2008 Parliament approved the locations of eight small and eight large casinos in line with the CAPs original recommendations. Leeds was awarded the right to issue a large casino licence.

The Act describes the process the council and the applicant must complete before issuing a large casino licence. This includes:

- Updating the Statement of Licensing Policy to include a statement of the principles the council will apply when determining the casino applications.
- Advertisement of the "competition"
- A two stage application process:
 - Stage 1 follows the same process as for any other premises licence application under the Act
 - Stage 2 in which the council determines which of the competing applications would, in the authority's opinion, be likely if granted, to result in the greatest benefit to the authority's area
- At the conclusion of Stage 2 the council may enter into a written agreement with the applicant

Purpose of the consultation

The council has developed a new section to insert into the current Statement of Licensing Policy in order to describe the principles it will apply when determining the large casino applications.

As part of the Act, if the council amends the Statement of Licensing Policy it is required to consult with:

- a) the chief officer of police for the authority's area
- b) one or more persons who appear to the authority to represent the interests of person carrying on gambling businesses in the authority's area, and
- c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

The consultation methodology has been designed to provide a wide selection of the Leeds population with the opportunity to comment on the revised content. In addition comments are 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 industry, plus representatives of local businesses.

Consultation Methodology

The consultation ran from 9th May to 29th July 2011. This was a twelve week consultation. The HM Government Code of Practice on Consultation specifies that a 12 week consultation is good practice.

The consultation has been advertised by:

- A mailing to an extensive list of identified stakeholders. This includes existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups.
- A colour poster in all libraries, one stop shops and leisure centres.
- A news items to appear on the leeds.gov.uk homepage on the first day of the consultation.
- This report to be uploaded to www.leeds.gov.uk/gpc where it will be possible to access an online form to make responses.
- A press release will be issued by the press office advertising the consultation.

Application Pack

Alongside the policy, the council developed a detailed application pack which applicants can use to assist them in applying for the large casino licence. This pack provides details on how to make an application, the two-stage process, the evaluation at second stage, details of the Advisory Panel and other information.

The council ran a four week non-statutory consultation on the contents of the application pack to the industry at the end of June 2011. This consultation was placed on the website at www.leeds.gov.uk/gpc and trade representatives were informed in writing.

Public consultation themes

The council received 14 responses to the consultation on the large casino section of the Gambling Act 2005 Statement of Licensing Policy and the application pack (appendix 1).

There were a number of repeating themes:

Debt

Web response 6042061

Written response 010

Web response 6042061 linked casinos with problem gambling and felt strongly that Leeds should not go ahead with the Large Casino application process. There is a better way of making our economy grow than by providing a casino.

Leeds Citizens Advice Bureau in written response 010 describe their concerns about the possible impact of a large casino in the city especially in relation to an increase in the number of people with gambling problems in the Leeds area.

Response

This consultation considers the principles that will be used to determine how the licence will be granted rather than to determine if Leeds should grant a casino licence. Notwithstanding this, the Council has the powers to pass a no casino resolution if the benefits do not meet the aspirations for the local area.

At Stage 2 of the application process each applicant will be required to undertake a detailed equality and health impact assessment to detail the impact of their proposals and to outline a comprehensive mitigation strategy for any negative effects caused by the casino. The mitigation measures will form part of a contractual arrangement, incurring a penalty should those commitments not be met.

The Social Inclusion Fund - funded as a consequence of the casino - will also help deliver projects that help mitigate the affects of gambling and financial, economic and social exclusion.

Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

Locality to regeneration areas/location of casino

Web response 6045262, 6045339

Written response 004, 005, 008, 009

A number of respondents were concerned that the Large Casino may be situated in or close to a regeneration area and that this should not be seen as good for that area or a social good.

Response

All applications must pass through Stage 1 of the application process. This stage follows the same regulatory checks that every gambling licence application goes through. Along with other checks, the application is evaluated against 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.

At Stage 2 of the application process all applicants will be required to provide a detailed social and health impact assessment, along with mitigation for their proposals. This must include a comprehensive evaluation of the location of the proposed venue. This will be evaluated alongside other criteria.

The Council will not have a preference for a large casino location. In the modern casino market, it is not expected that large casino applications will be placed in housing areas.

Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

Social costs

Web response 6045262, 6045339

Written response 004, 005, 006, 007, 008, 009

There was general concern that the council has concentrated on the benefits of a casino, and that there is not enough emphasis placed on potential harm, and ways of mitigating that harm.

A number of respondents commented that the licence should be awarded on the basis of demonstrating how the negative impacts of a casino would be mitigated as well as demonstrating the intended benefits.

There were comments that the Social Inclusion Fund (funded by the casino operator) should indicate that this will be used to mitigate the social costs.

Response

Stage 2 of the application process, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- ▶ Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ▶ The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator.

Applicants will be asked to outline and commit to mitigation measures as part of their stage 2 application. The Social Inclusion Fund will be used to deliver projects that assist the economic and financial inclusion agenda. It is anticipated that some aspects of the Social Inclusion Fund will be used to mitigate social costs brought about by the casino, above and beyond the commitments from operators.

Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects.

Economic benefits

Written response 006

The response from the Diocese of Ripon and Leeds commented specifically that applicants should be required to demonstrate the local economic benefits as well as those for the whole city.

Response

When determining which application should be granted the licence, the council must judge which application, if granted would provide the greatest benefit to the local authority area. This is the test prescribed in the legislation and underpins the evaluation process. During Stage 2, each application will be evaluated against a set criteria which has been developed to test the benefit to the area, not just the area directly impacted by the location of the casino. However applicants will be expected to outline their vision and strategy for the development, which includes strategies for maximising jobs for those living in areas nearby to the casino. Raising the amount of local benefits (e.g. benefits from those nearby to the site) will be encouraged and monitored.

Action

No change.

Health Impacts

Written response 007

NHS Leeds raised the concern that the policy does not acknowledge the potential negative impact that a large casino development could have. Their comprehensive response describes the potential health impacts associated with gambling, problem gambling and casinos and goes on to make a number of recommendations:

- ▶ Assessment criteria should acknowledge the impact of health within the each of the existing headings (Financial, Social & Economic) but ideally with a separate heading entitled 'Health Impacts'.
- ▶ Applicants should be encouraged and assessed upon their strategies and safeguards around minimising the negative impact to individual and community health.

- ▶ Provide flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- ▶ Provide information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- ▶ Provide information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join LCU to encourage financial capability through savings provision.
- ▶ Ensure information about alcohol dependency and brief intervention support is available.
- ▶ Maximise the social benefits of having casino as meeting point by providing a venue for social interaction that does not involve gambling, for example, a venue for local community groups to run healthy living activities at a reduced cost.
- ▶ Ensure that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- ▶ Ensure that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- ▶ Consider schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.
- ▶ The document should present a more neutral position in relation to the impacts of a Large Casino on Leeds rather than only including positive impacts a casino could bring in key LCC documentation. LCC should clearly include the potential negative impacts of a Large Casino on health.

Response

The licensing process is undertaken in two stages. Stage 1 is the same regulatory process undertaken by all premises licence applicants. Stage 2, as dictated by legislation, is an assessment of which application would, if granted, provide the greatest benefit to the local authority area. Therefore, the Statement of Licensing Policy and Stage 2 Application Pack have been developed to evaluate the benefits that will arise from the casino process.

The Stage 2 evaluation considers negative effects in a number of ways:

- ▶ Applicants must provide a comprehensive equality and health impact assessment and provide mitigation. Contractual commitments will be sought on mitigation measures. The commitment to mitigation is present throughout the evaluation.
- ▶ The social inclusion fund will help mitigate negative affects generally and is worth 33% of the overall evaluation scoring.

In addition, the council will monitor the social impact of the casino through a toolkit developed by leading academics. This will be used to ensure the impact of the casino on the local area will be closely scrutinised independently of the licensed operator. The council is already working on this with leading academics and the other 15 authorities who will grant new style casino licences.

During the stage 2 evaluation process, a number of criteria are considered including:

- ▶ health impacts
- ▶ strategies and safeguards to negative impacts.
- ▶ employment and skills strategies
- ▶ details on how the most disadvantaged could benefit from their proposal
- ▶ job ring-fencing proposals

These are considered under the socio-economic criteria, whilst commitments on mitigation are required in the schedule 9 agreement (risk and deliverability). Contractual commitments will be sought to ensure that any strategies promised by applicants are delivered.

The large casino licence operator will fund a Social Inclusion Fund which will support projects that help the financial and economic inclusion agenda (which will include work on health) and may be used to fund such activities away from the boundary of the casino.

Before a premises licence can be granted, which is required before the casino can open, the operators must have an operating licence - a highly regulated licence that requires commitments to mitigating negative effects. More information on the requirements of an operators licence can be obtained from www.gamblingcommission.gov.uk.

The Gambling Act 2005 requires all large casinos to provide non-gambling facilities.

Action

Amend 16.48 in the Statement of Licensing Policy and amend the Stage 2 Evaluation Methodology Criteria 2.3 in the application pack to strengthen the commitment to mitigating negative effects. Include an extra paragraph in the Policy as follows:

The applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area.

Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

Include recommendations in the stage 2 application pack as a suggested benefit or mitigation applicants may propose. The council does not intend to prescribe the benefits applicants should offer but will encourage innovative proposals on mitigation.

Written response 011

Joelson Wilson, on behalf of Rank, provided a comprehensive consultation response.

No Casino Resolution

We note the reference at paragraph 16.14 to the power of Local Authority to pass a "no casino" resolution under s.166 of GA 2005. The Policy indicates that the Local Authority may choose to exercise the "no casino" resolution option in circumstances either where there is only one application for a large casino premises licence or where there is more than one application "those applications fail to meet the Council's aspirations for the benefit for the Leeds Metropolitan Area".

It is Rank contention that a "no casino" resolution may only be adopted in circumstances where there is only one successful applicant at the conclusion of stage 1 of the competition. Rank's reason for this assertion arises from Schedule 9 to GA 2005. Paragraph 4 of Schedule 9 provides that, at the first stage of the bidding process, the Licensing Authority shall consider in respect of each application whether they would grant such application under s.163 of GA 2005. Paragraph 5 of Schedule 9 then provides that if the Licensing Authority determines under paragraph 4 that they would grant a number of competing applications, then they shall determine which of those applications to grant (see paragraph 5(2) of schedule 9) and in reaching that decision they shall determine which of the competing applications would, in their opinion, be likely, if granted, to result in the greatest benefit to the Authority's area (see paragraph 5(3) of Schedule 9).

It therefore follows that, if more than one bid is successful at Stage 1, the Licensing Authority is obliged to enter Stage 2 of the application process and is obliged to consider which of the competing applications would in their opinion be likely, if granted, to result in the greatest benefit to the Authority's area and to grant a licence accordingly. These requirements are mandatory. It appears to follow that, in the circumstances, a "no casino" resolution would be in conflict with that statutory provisions which are triggered by a "provisional" decision to grant more than one licence at Stage 1. The power to pass a "no casino" resolution by virtue of s.166 of GA 2005 will only arise once the application process has commenced, if only one bid emerges as successful at the end of Stage 1, since there is no mandatory requirement imposed by GA 2005 to grant a licence if there is only one successful applicant at Stage 1.

Response

The Council does not agree with this analysis of the legislation. The council believes that the ability to pass a 'no casino' resolution is a general power within the statute and not dependent upon the provisions of schedule 9, upon the council having the ability to licence a casino at all or upon starting a licensing process pursuant to that ability under part 8 or schedule 9. It follows that the council believes it retains the right to pass a 'no casino' resolution at any stage of the process.

Action

No action

Rank notes at point 16.40 that payment will be required "upon the signing of any agreements" and at point 6.46 of the application pack under the heading "Finalisation of Schedule 9 Agreement" "upon the signing of the Schedule 9 Agreement" and payment will be taken "once the Committee make their final decision". Rank believes that the payment falls due at the conclusion of Stage 2 and not at the conclusion of the process, that is when the premises licence is approved in circumstances where a provisional statement has been granted initially. Rank would be grateful for clarification on this point. Further, in circumstances where the development cannot proceed because for example, planning permission was not subsequently granted, would the payment which is required "upon the signing of the Schedule 9 Agreement" be forfeited or refunded?

Response

The payment will be received upon the schedule 9 being signed regardless of whether it is a provisional or full premises licence. The up front payment is non-refundable and is a one off payment made upon the end of the process and once the schedule 9 is signed - whether giving effect to the provisional statement or premises licence. No other up front payment will be considered in the evaluation. It is for the applicant to determine if they want to offer the benefit sought or not.

If the development does not arise, the council requires that the provisional licence holder must provide payments for non-delivery and the applicant will not be refunded for any upfront payment. It is a commercial risk applicants must consider. The council needs commitment to deliver any development within 5 years in all instances, along with payments for non-delivery.

Net economic impact will score 14% in the evaluation and a new development has a good chance of scoring higher marks due to the economic impacts from the construction.

Action

No action

At 16.5.2 Rank would be grateful for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".

Response

The council requires a contractual commitment to secure benefits for the local area in the schedule 9 agreement. The council requires payments for non-delivery of said benefits. An application that commits to both will score more highly. This is made clear in the application pack.

Action

Clarify this paragraph in the policy as follows:

The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation and where the applicant

provides damages for non delivery are likely to receive greater weight in the evaluation process.

In circumstances where the Local Authority is considering a bid from a proposed site which is part of a wider development and not one from an existing site, Rank seeks to clarify point 16.53. Development sites, as the point accepts, will involve certain aspects outside the control of the operator. By contrast, an existing site will not face such constraint. It is proposed that the reference to “development outside the control of the applicant will not be considered” means to favour existing sites, either by suggesting a development site, despite possible regenerative benefits, will not be entertained or because an existing site can guarantee delivery in a way that a proposed site may not?

Response

Page 7 to 14 of the Stage 2 Evaluation Methodology clarifies the process. The respondent infers that development sites would be less favoured than existing sites. However this is not the case. The evaluation methodology was specifically developed to ensure that no particular type of development , would be favoured more highly than another.

Action

Clarify this paragraph in the policy as follows:

The council is aware that the casino application may form part of a wider development proposal or be a new development. A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. Applicants must demonstrate that all development proposals are credible.

DRAFT APPLICATION PACK

On page 4.4, there is further reference to the “no casino” resolution under s.166 of GA 2005 and the same comments apply as made in relation to the Statement of Licensing Policy as mentioned previously.

Response

As before

Action

As before

At page 6.3 it is stated that “applicants must not publicise their plans or make public statements about their involvement in the Stage 2 process”. Although Rank appreciates the confidential nature of the process and the requirement to keep all details of Stage 2 confidential, involvement in Stage 2 would be a matter for public record and Rank seeks clarification that this point does not seek to prohibit disclosure about participation in the process at Stage 2 by contrast with the content of the proceedings.

Response

To clarify, Stage 1 applications are a matter of public record as all premises licence applications are available for public inspection. However the DCMS Code of Practice: Determinations under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 relating to Large and Small Casinos, places a number of obligations on the licensing authority to maintain confidentiality:

5.4.5. A licensing authority may not, during the second stage, discuss the details of a person’s application with the other competing applicants without the person’s permission.

5.4.6. A licensing authority must put in place a protocol governing the storage of confidential information submitted to them during the second stage, so as to maintain the confidentiality of that information.

It is desirable that discussions applicants may have with the council at Stage 2 will remain confidential although the council does appreciate that there is no legal or statutory requirement for applicants to maintain confidentiality about their Stage 2 application.

Action

Amend page 6-3 accordingly.

Rank notes that it is currently intended that only 5 representatives from each applicant company will be permitted to attend the hearing before the Advisory Panel. Rank suggests that no limit is placed on those who might be able to attend the hearing. Rank does not suggest that any presentation should involve more than 5 people in total, but would be keen to have representatives in attendance who would be able to assist the Panel as matters arose, since this is the only oral presentation proposed under the consultation document.

Response

It should be noted that the council does not intend to hold a hearing at Stage 2. The Advisory Panel will meet to discuss the applications in order to provide an expert evaluation of the bids for the Licensing Committee. This evaluation process will include dialogue sessions where the Advisory Panel will ask applicants to clarify or enhance their bid in order to maximise the benefits for the city. The application pack describes the process. The reference to 5 representatives refers to the dialogue sessions where the Advisory Panel would permit 5 attendees at any one dialogue session.

Action

No action

On page 6.6 under the heading "Licensing Committee Stage" the policy states that "applicants will not be permitted to present to the Licensing Committee". Rank should be grateful for clarification in relation to the omission of any reference to hearings at Stage 2 of the process, particularly since it is envisaged that conditions will be attached to any licence during Stage 2. This is made clear at point 6 of the introduction of the draft agreement, where it is stated that "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

SI Number 173 of 2007 ("the Hearing Regulations") applies to proceedings of the Licensing Committee in the exercise of its functions under GA 2005 and a hearing complaint with those regulations is required when the Licensing Authority intends to impose conditions on a licence under GA 2005 s.169. Rank would be grateful to receive clarification as to how it is proposed to impose such conditions without a hearing before the Licensing Committee.

Response

It is clear that Part 8 of the casino licensing procedure is to apply to casino licensing applications at Stage 1. This is expressly stated in Schedule 9 paragraph 4(1)(c) of the Gambling Act 2005 and in paragraph 4.1 of the DCMS Code of Practice.

It is also clear that the procedures in Part 8 of the Act do not apply to Stage 2 of the process. Rather, Schedule 9 of the Act and section 5 of the Code of Practice leave the procedure at Stage 2 to be decided by the licensing authority, subject to the minimum requirements set out in the DCMS Code of Practice. The references to Part 8 provisions in Schedule 9 do not concern the process of determination, merely its consequences.

With regards to the conditions to be attached to the licence, these will be decided at Stage 1.

The single exception is any condition to be attached under Schedule 9 paragraph 5(3)(c). Any difference between the authority and the applicant as to this condition will have been explored during the dialogue process at Stage 2 so that when the council comes to make its final decision as to which application offers the greatest benefit the council will have before it the applicant's proposed written agreement and condition. Based on that material, it will then decide which is the winning applicant. The reference to section 169 in Schedule 9 paragraph 5(3)(c) was not intended to import the requirement for a hearing in section 162. Nevertheless, as a precautionary measure, the authority will invite the winning applicant to waive any entitlement to a hearing prior to the grant.

Action

No action

Sub-criteria 1.1 at page 7.9 establishes the criterion that the benefits and impacts will be assessed over a 10 year period commencing on 1st December 2012. In cases where sites are to be developed, if the development is not completed for say, 18 months to 2 years, this could provide an advantage to the potential operator of an existing site. Rank suggests that the assessment should commence from the commencement of trade of any new build.

Response

The evaluation period is from the signing of the schedule 9 agreement and not once the casino is operational. There is no advantage to an existing site as the approach does not dictate the form of payment. For example, the methodology does not state that the payment must only be a % of gaming yield of an operational large casino. Rather it says the payments can be a mixture of a upfront lump sum payment, an annual underwritten payment and an annual variable payment (see page 7-9 of the Stage 2 Evaluation Methodology). There is nothing stopping an applicant making an annual underwritten payment whilst the casino is in construction.

Furthermore, it is made clear in 1.1.4 that payments throughout the duration of the schedule 9 (which is beyond 10 years) will form part of the evaluation. The level of financial benefits will also be evaluated in 3.1, which will include an evaluation of financial benefit beyond the 10 year NPV period. Therefore, for the avoidance of doubt, it should be noted that applicants are expected to provide financial benefits in perpetuity and all financial payment will be considered in the evaluation.

Action

No action

At page 7.10 Rank would be grateful for clarification of weighting assessment. Rank has assumed that the weighted score is calculated by multiplying the mark out of 10 score by the appropriate factor eg. Where the weighted score is out of 80, the mark out of 10 score is multiplied by 8.

Response

The weighting for Criteria 1.1.1, 1.1.2. 1.1.3 is made clear on pages 7-3 and 7-4 - which is a pro-rata assessment. Rank assumes correctly that this is how weighted scores are calculated.

Action

No action

At paragraph 7.19 the reference to planning permission is not qualified in the way that it is at page 7.1 under the heading "background information". Rank suggested that the reference at page 7.19 should be qualified for the avoidance of doubt.

Response

Agreed.

Action

Amend 7.19 in the Stage 2 Evaluation Methodology.

DRAFT AGREEMENT UNDER SCHEDULE 9 OF THE GA 2005

At "Introduction Point (6)" of the draft agreement it states – "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

And at Clause 6.3 – "the parties acknowledge that a variation of this agreement shall only have effect if it is accompanied by a variation of the condition which is attached to the licence/provisional statement under s.169 of the Act, such variation being under s.187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act. The same comments apply in relation to the imposition of conditions as at point 8 of this letter.
licensing

Response

See before

Action

See before

FINAL DETERMINATION

Rank would welcome confirmation that the same Licensing Committee members will consider and determine all applications at Stage 2.

Response

The Licensing Committee comprises of 15 members all appointed by full Council, all of whom will be trained. The quorum for the Licensing Committee is 5 members. It is currently expected that the determination will be made by the full Licensing Committee and not by a sub committee however that is a matter for the Licensing Committee to determine and no guarantees can be given as to the numbers of Councillors who will make the decision or whether it is to be full Committee or a sub committee.

The Stage 2 determination may be undertaken over several days and will be influenced by the number of applications at stage 2. It is expected to include a 'minded to grant' decision followed by confirmation of grant. It is expected that only members who have been present throughout the evaluation process of all applications will be involved in the 'minded to grant' decision.

Action

No action.

PLANS

Rank would be grateful if you could confirm the procedure should the layout drawings have to be altered by reasons beyond their control, during Stages 1 and 2. As you will appreciate, in the normal course of events in relation to a development site, a developer, separate and distinct from the operator of the gaming licence, will be responsible for building the premises to a certain stage. On completion of the "shell" of the building, it is then handed over to the operator who fits out the internal building to its own requirements. Therefore, for some considerable time, the final layout of the premises is a matter which is outside the absolute control of the operator. Clearly, any alterations are kept to a minimum, not least because otherwise considerable costs can be involved. However, if alterations are necessary, which as indicated, would be out of the control of the operator, Rank would be grateful for details as to the procedure to be followed at Stage 2 vis a vis the production of plans, in such circumstances.

Response

The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 place a requirement on applicants to provide plans with a specific level of detail. This requirement is placed on both applicants for premises licences and provisional statements.

The council will not be able to accept altered plans after the completion of Stage 1 as this would lead to plans being assessed at Stage 2 that had not been available for consultation during Stage 1. Should an applicant wish to vary the plans after the completion of Stage 2, and the grant of the licence/provisional statement, they can do so in accordance with the Act.

Action

No action.

Changes in red

Large Casino

Background

- 16.5 The Act introduces three new categories of casino; one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 16.6 On 15th May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 16.7 On 26th February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
- a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
 - b. matters to which the Licensing Authority should have regard in making these determinations.
- 16.8 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
- a. hold or have applied for an operating licence from the Gambling Commission; and
 - b. have the right to occupy the premises in question.
- 16.9 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 16.10 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 16.11 Where a provisional statement application is successful, the council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.
- 16.12 The council will ensure that any pre-existing contract, arrangement or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant.
- 16.13 In making a decision on both stages the council will take heed of any current Codes of Practice, current Regulations and guidance issued by the Secretary of State for the Department of Culture, Media and Sport and the Gambling Commission.

- 16.14 The council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. It may choose to exercise this option should there be only one application for a large casino premises licence or should, where there is more than one application, those applications fail to meet the council’s aspirations for benefit for the Leeds metropolitan area. Should the council decide in the future to pass such a resolution, it will update this policy with details of that resolution and any such decision will be made by full Council.
- 16.15 As per Part 8, Section 210 of the Gambling Act 2005 the council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building and any licensing decision will not constrain any later decision by the council under the law relating to planning or building.
- 16.16 The council does not have a preferred location for the new large casino. Applicants can submit proposals for any site or location within the Leeds metropolitan area and each will be judged on its own individual merits.

Application Process

Stage 1

- 16.17 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 16.18 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
- Guidance for applicants
 - Application form for Stage 1
 - Example notices
- 16.19 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.
- 16.20 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.
- 16.21 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

Stage 2

- 16.22 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.
- 16.23 The part of the application pack which relates to stage 2 will include, as a minimum, the following:
- Stage 2 evaluation methodology, including scoring matrix
 - Details of current Licensing Committee
 - Details of the Advisory Panel
 - Terms of reference for Advisory Panel

- Example Schedule 9 agreement
- Glossary
- Vision for Leeds 2011 to 2030

16.24 At stage 2, the procedure will follow the DCMS Code of Practice. However, the Code leaves individual councils to determine the detail of their own procedure.

16.25 The council will not bear any abortive costs of the unsuccessful applicants and their participation in all phases of the licence process is conducted entirely at the applicants risk.

Advisory Panel

16.26 It is recognised that the Licensing Committee does not necessarily have specialised expertise required to fully evaluate each application. It will seek professional expertise from officers of the council. Where this expertise is not available, it may seek independent expertise from outside the council.

16.27 For this purpose, the Licensing Committee will appoint a non-statutory panel to assist it in the evaluation of the stage 2 application process. This panel will be called the "Advisory Panel". The Advisory Panel will evaluate each application using the evaluation methodology and scoring provided in the application pack.

16.28 To ensure there are no conflicts of interest, applicants will be provided with a list of Advisory Panel members. Where objections are made, it will be necessary to give details of the substance of such objection. These objections will be considered by the Licensing Committee before the evaluation of stage 2 applications commence.

16.29 The Advisory Panel will engage in discussions with each second stage applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Leeds metropolitan area that would result from it (were it granted).

16.30 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.

16.31 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.

16.32 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.

- 16.33 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:
- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
 - b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,
 - c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.
- 16.34 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will
- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
 - prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

Principles

16.35 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.

16.36 The council will seek to determine the greatest benefit through the following principles:

- Financial** To seek to maximise the financial return to the council.
- Social** To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- Economic** To secure a positive and significant economic impact for the local economy through the provision of a Large Casino in Leeds.

Evaluation Criteria

- 16.37 The council will publish a detailed evaluation methodology, which includes the information applicants are required to supply in order to support their application, and the weight that will be placed on each criterion. This evaluation methodology will be included in the application pack.
- 16.38 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.

16.39 In line with paragraph 5.7.4 of the Code of Practice, and the principles stated at 16.37 of this policy, the council has selected the following criteria which they will use to evaluate and score applications:

- Financial Contribution** This criterion relates to 16.33a and the first and second principles
- Socio-economic** This criterion relates to 16.33b and the second and third principles
- Risk and deliverability** This criterion relates to 16.33c and all three principles

Financial Contribution

- 16.40 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.
- 16.41 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council’s social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.
- 16.42 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.
- 16.43 The scoring of financial contributions will be weighted as follows:

1.0	1.0 Financial Contribution	33%
1.1	Net Present Value of total financial offer	
1.2	Upfront capital payment paid to the Council on signature of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

16.44 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

Socio-economic

- 16.45 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.
- 16.46 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.

- 16.47 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable persons from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed developed is situated in their strategy and vision documents.
- 16.48 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

New paragraph

16.49 Applicants must demonstrate a firm commitment to mitigation of negative impacts and ensuring residents' safety and health is not put at risk by the large casino. In particular, attention should be focussed on mitigation for the most vulnerable in society and for those living closest to the proposed casino and applicants must ensure that problem gambling issues do not increase in the Leeds area. Applicants must provide an assessment of the social, equality and health impacts of their proposed casino developments and provide mitigation plans to minimise and eliminate negative impacts. Applicants should also commit to supporting the ongoing monitoring of negative social, equality and health impacts of the large casino and make contractual commitments in the schedule 9 agreement on all mitigation measures proposed.

16.50 The scoring of the socio-economic benefits will be weighted as follows:

2.0 Socio-economic	34%
2.1 Strategy and vision for proposed development	
2.2 Economic Benefits (Gross):	
- Net contribution to local economy (including direct employment and GVA)	
- Credibility of economic assumptions	
2.3 Net social impacts	

16.51 Further detail including the information required, its format, data requirements and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack.

Risk and deliverability

- 16.52 At stage 2 the council will assess the risk and deliverability of the proposed scheme. In particular the council will wish to consider what legal and financial assurances there are that the proposed development will be delivered within 5 years, and that the promised benefits will both materialise and be maintained. Firm evidence is required that all benefits and development proposed can be funded and a contractual obligation with penalties for non-delivery is required.
- 16.53 The application pack will include a template agreement under paragraph 5(3)(b) of Schedule 9 to the 2005 Act ('a schedule 9 agreement'). Such an agreement will be negotiated with the applicants during the stage 2 evaluation process. This agreement will include a list of the benefits proposed, along with delivery targets and details of the penalties for non-delivery. Applications where the benefits, including delivery of the development itself, are made subject of contractual obligation ~~as opposed to merely damages for non-delivery and where the~~

applicant provides damages for non delivery are likely to receive greater weight in the evaluation process.

16.54 The council is aware that the casino application may form part of a wider development proposal or be a new development. ~~The stage 2 evaluation will only take into consideration parts of a development that the applicant is willing to make a firm contractual commitment to deliver within a set timescale. Any benefits not supported by a contractual commitment in the schedule 9 agreement along with meaningful proposed penalties on non delivery or delay and without proof of funding will receive little, if any, weight.~~ A casino development with firm contractual commitment to be fully operational within a 5 year timescale with proof of funding and with meaningful payment proposed for late or non delivery will score more highly than a casino development that is not supported by a contractual commitment and/or meaningful payments for late or non delivery and/or proof of funding. Any part of a wider development proposal which is not directly required for the delivery of the casino will score more highly if the applicant commits to completing the wider development within a 5 year timescale, proposes meaningful payment for late or non delivery and provides proof of funding. These commitments will be contained within the schedule 9 agreement and the five year timescale will start from the signing of the schedule 9 agreement. ~~Development outside of the control of the applicant will not be considered.~~ Applicants must demonstrate that development proposals are credible.

16.55 The scoring of risk and deliverability will be weighted as follows:

3.0 Risk and deliverability	33%
3.1 Contents of the Schedule 9 Agreement	
3.2 Deliverability:	
- Financing	
- Financial Standing	
- Right to occupy the site/premises	
- Credibility of approach to implementation	

16.56 Further detail including the information required, its format and how the submission will be evaluated can be found in the evaluation methodology included in the stage 2 application pack along with a template schedule 9 agreement.

Changes to the Stage 2 Evaluation Methodology

Changes in red.

There are likely to be further changes to clarify and simplify some of the terminology in the application pack, especially in the Stage 2 Evaluation Methodology. These changes will be considered by Licensing Committee during approval of the full application pack prior to the commencement of the application process. These changes will not impact on the Statement of Licensing Policy.

Criteria 2.3: Net social impacts

Potential maximum weighted score = 50

This criterion will assess the net social (including health) impacts that could result from the development of a casino and related developments and the approaches to be adopted by applicants to mitigating any negative social impacts resulting from these developments. It will consider:

- ♦ The nature and scale of potential economic benefits and any negative social impacts.
- ♦ Any health impacts for the local area
- ♦ The approach applicants will adopt to mitigation of effects and the credibility to do so.
- ♦ The role the applicants and their developments could play in the regeneration of the chosen location and the Leeds metropolitan area.

Applicants should identify and provide an assessment of the potential social, health and equality impacts for their proposed location and detail their approaches to mitigating any negative impacts.

In particular, the council considers it important that applicants work in partnership with local employment and social programmes and have a detailed strategy that ensures educational, employment and training opportunities arise for disadvantaged communities. The council also requires that measures are in place to restrict problem gambling issues, and that measures protect residents living closest to the site.

In accordance with the requirements of the DCMS Code of Practice guidance applicants should take into consideration proximity to the following:

- ♦ Schools.
- ♦ Other facilities for children and vulnerable adults.
- ♦ Deprived areas.
- ♦ Places of worship.
- ♦ Large young or elderly populations.

The council requires innovative proposals on mitigation. Applicants may wish to consider some of the following mitigation measures, although these are not prescriptive:

- ♦ Providing flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- ♦ Providing information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- ♦ Providing information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join Leeds Credit Union to encourage financial capability through savings provision.

- Ensuring information about alcohol dependency and brief intervention support is available.
- Ensuring that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- Ensuring that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- Providing schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.

Information required:

A strategy setting out the applicant's:

- Assessment of diversity issues for the chosen location including identification and assessment of potential positive and negative impacts of establishing the casino (and wider developments where applicable) at this location.
- Any mitigating factors to reduce the negative impact of the development at their chosen location.
- Approach to how measures/mitigations of negative impacts will address the requirements outlined in the policy and the Code of Practice.
- Management arrangements to address social, **health** and equality issues including monitoring of mitigation of potential adverse effects of the development
- Key areas of where cooperation could take place, specifying the nature of activities/programmes, partners to be involved, the role expected of the council.
- The form that this cooperation would take (e.g. funding/sponsorship, staff time/benefits in kind, development, management/administrative support, facilities, etc).
- Who will be responsible for the costs of mitigation.
- Any constraints or dependencies (e.g. support and input from the council or other organisations).

Where applicants already have an Operating Licence they should identify where the actions set out in their strategy are additional to those already required under the DCMS Code of Practice, which are at the discretion of the applicant and which will form part of the Schedule 9 Agreement to be signed with the council

Case study examples of existing co-operation with local partners and organisations, including the outcomes of these examples, with appropriate references.

Format of information:

An Equality Impact Assessment providing a detailed description and analysis of the:

- Social mix of the location.
- Equality characteristics considered (should cover as a minimum assessment of age, race, sex, carers, disability, religion or belief, sexual orientation, gender reassignment).
- Identification of potential impacts and their remedial action/mitigation.
- Details of key stakeholders and partners.
- Community consultations undertaken (with groups who may be affected and feedback from consultation).
- Research studies undertaken, e.g. into the potential barriers individuals may face based on different equality strands.
- Details of individuals responsible for management of equality and diversity, and of those with lead responsibility for actions detailing type of action, likely timescales, measures to be implemented.

A health impact assessment providing a detailed description and analysis of the:

- ◆ Health impacts of the proposed development and details of the remedial action/ mitigation
- ◆ Health statistics of the local wards closest to the casino and of the intended customer base
- ◆ Research studies undertaken, e.g. research of health matters in the Leeds area and research that substantiates analysis provided in the health impact statement
- ◆ Details of individuals responsible for management of health issues, and of those with lead responsibility for actions detailing type of action, likely timescales, measures to be implemented.
- ◆ Consultation undertaken with health professionals

Appropriate diagrammatic and graphical representation to underpin analysis and commentary.

Detailed description of proposed activities, including case studies of previous examples, with plans for how the applicant proposes to involve and cooperate with the council and local partners to support and deliver local social programmes.

Submissions will be evaluated in terms of:

The innovative nature of the strategy and the approaches to mitigating negative impacts which provide net additional benefit to the proposed location over and above the 'costs' of mitigation.

The quality of analysis of the social, health and equality matters and impacts in the local area

The degree of pro-activity in working with city wide partnerships and organisations, e.g. the third sector, to maximise economic impact and minimise negative social impacts.

The degree of commitment – as evidenced in the Schedule 9 Agreement – to:

- ◆ Working with the council to support the activities of the SIF.
- ◆ Outputs and outcomes that can be measured and substantiated with appropriate evidence, e.g. service level agreements with city organisations who can work in partnership with organisations, agreements to work together with city partners, contractual documentation, example templates, delivery plans or other relevant evidence.
- ◆ **Mitigating against social, health and equality issues.**
- ◆ **Commitment to cover any costs of negative impacts and mitigation**

The quality and deliverability of detailed strategies and approaches to addressing potential negative social impacts resulting from the proposed developments with a clear commitment from management to undertake the required remedial actions.

Evidence based case study examples of existing approaches to remedying negative social impacts, including cooperation and collaboration with local partners and support for the implementation and delivery of these activities – particularly where this is in the Leeds metropolitan area - supported by evidence of outputs/outcomes and references.

The council is interested in applicants detailing approaches and activities which are additional to those required under the DCMS Code of Practice.

In line with the details provided in the policy the council has no preferred site for the large casino/related development.

Annex A - Consultation responses

Web response 6042061

Unfortunately, casinos benefit not just from those who can afford to lose money, but benefit also from those who cannot control their gambling habit. Having met several people who are destroying their lives through gambling, I feel strongly that Leeds should not go ahead with this. Yes, it would bring in some tax revenue, but what about those lives it destroys. The gambling industry will not be there to pick up the pieces of those who wrecked their finances by gambling. The money that people spend on gambling would be much better spent on buying products and services from the local economy more likely be less destructive! I leave you with the words of a gambler, Eileen, I spoke to: *"I have a good job, but through gambling, I am now in more debt than I can ever pay back. I dare not tell my family, because I am ashamed of what I have done. I like gambling, but cannot help myself. I know that overall I lose, but I can't stop myself from playing. I wish I had never discovered this game (the one she plays in the casino)".* Surely there is a better way of making our economy grow than by providing a noose for such people to hang themselves with.

Web response 6045262

Apologies if you have had this already (computer crash a significant send moment!) Members of Leeds Churches Social Responsibility Forum continue to have concerns about the human cost of a large casino. As Leeds City Council considers the principles underlying the licensing policy, we urge you to ensure that

- 1) applicants for a licence are not encouraged to assume implicitly or explicitly that locating a casino in or close to a regeneration area is a social good and
- 2) the licence is awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefit

Web response 6045339

I have 2 concerns about the large casino licensing policy. Both are related to the location of casinos. The first concern is that those applying for and granting licences should not be allowed to assume that locating a casino near to a deprived area is good for that area, but should be required to provide evidence. The second concern is that licences should take into account the potential social costs associated with casinos (and strategies to address these costs), and not just potential benefits.

Written response 001 - by email

[Responsible Gambling Fund - Responsible Gambling Strategy Board](#)

Many thanks for offering RGF/RGSB the opportunity to comment on this matter.

On reflection, we feel that we do not have sufficient knowledge of local conditions to make a meaningful response.

However, and apologies if you know this already, we are closely involved in consultation on the commissioning and development of an impact assessment tool for use by all 16 LAs authorised to license 'new' casinos under the terms of the GA05.

Written response 002 - by email

I am writing with regard to the consultation for the large casino in Leeds. I have no problems with the casino if it means jobs are created in Leeds.

Written response 003 - by letter

Thank you for your letter of the 3rd May about the Statement of Licensing Policy in respect of a large casino.

I am not in favour of a large casino and I would be grateful if you could take my comments into account.

Written response 004 - by email

I write as Rector of St Georges Church, Leeds, and chair of the Trustees of St George's Crypt.

We are concerned that if a licence is issued to a large casino, people vulnerable to gambling addiction should be protected.

In particular:

1. One of the criteria for being granted the licence should be a robust plan to mitigate the social costs of having a large casino in Leeds.
2. It should not be assumed that the best location is close to a regeneration area; better to have it further away as there is a high proportion of the most vulnerable people living in regeneration areas.

Written response 005 - by letter

West Yorkshire Ecumenical Council

A number of Christian churches in Leeds are concerned at proposals to establish a large casino in the city. We feel that the social and human costs could exceed any benefits, and as such many of us would argue that the large casino should not be established at all.

If such an establishment is to go ahead, however, then it is essential that the Statement of Licensing Policy indicates clearly that the local authority is aware of the potential harm that could be caused by the casino and is determined that any future operator should minimise the risks of harm to the most vulnerable people.

There is a possibility that applicants for a licence would wrongly assume that the benefits of urban regeneration would necessarily outweigh the social and human costs of siting the casino in areas of deprivation. The most vulnerable people are likely to be resident in or adjacent to those brownfield sites which would be most attractive for a casino developer. The Statement of Licensing Policy should indicate that applicants must not only argue a case for regeneration; they must also give serious consideration to the social cost to vulnerable people in the vicinity.

Indeed, the Statement of Licensing Policy should go beyond simply ensuring that applicants are aware of the potential social costs. It should require that applicants give specific and costed indications of how they will mitigate the risks and reduce the negative impact of the casino for the more vulnerable people, especially in that locality. The choice of preferred applicant would be made not only on the basis of regeneration potential, but on the guarantee that the applicant would take concrete steps to minimise the social harm, especially to the most vulnerable people.

These protective steps would cover the full range of the casino's activities. Within that, specific examples could include but not be confined to: minimising the area used for slot machines, arguably the most harmful and dehumanising feature of a large casino, restricting the number of such machines, limiting the time and money which an individual could spend on them, and providing a well advertised counselling service for people with gambling addiction.

I trust these factors will be taken into account in the drawing up of a Licensing Policy.

Written response 006 - by letter

Diocese of Ripon and Leeds

I write on behalf of the Church of England diocese of Ripon and Leeds to contribute to the public consultation on the Large Casino Section Statement of Licensing Policy 2011-13.

- a) It is important that proper account is taken of the social costs for local communities of having a casino in their midst. These can be self-evident such as noise, or hidden, such as damage to social cohesion (see Hall Aitken: Social and Economic Casinos in the UK (2006) p.5), and harm to those with gambling addiction. Licence applicants should be required to indicate both intended social benefits, and ways of mitigating social costs (see: Casino Impact Assessment Study - Leeds City council 2006).
- b) There appears to be an assumption that a Casino will lead to local regeneration. The 2006 study makes it clear that this is by no means inevitable. Applicants should be required to demonstrate the local economic benefits, as well as those for the whole city.

I hope these points will be helpful so that the policy indicates clearly a concern for the welfare of the locality in which any casino is set.

Written response 007 - by letter

NHS Leeds

NHS Leeds' response to the Leeds City Council public consultation exercise regarding the amendment to the Large Casino Section of the Statement of Licensing Policy.

Proposed changes to the Large Casino Section of Leeds City Councils (LCC) Statement of Licensing Policy, state that LCC intend to appraise potential Large Casino applicants using the following criteria:

Financial - To seek to maximise the financial return to the council

Social - To use any financial return accrued to facilitate the delivery of programmes and projects that support the Council's social and economic inclusion agendas via the Social Investment Fund (SIF)

Economic - To secure a positive and significant economic impact for the local economy through the provision of a large casino in Leeds

NHS Leeds would like to raise their concerns that nowhere within the 'Statement of Licensing Policy' document do LCC acknowledge the potential

negative impacts that a Large Casino development in Leeds could have on both community and/or individual health. As a result of this, assessment criteria for applicants does not include an assessment of health impacts which NHS Leeds believes should be an essential assessment component.

The following outlines the potential health impacts of a Large Casino.

1. Socio economic related health impacts of casinos and problem gambling.

Leeds City Council (2010) state that the three main drivers for the development of a Large Casino sites are (i) Positive local Economic Impact (ii) Financial return to the Council and (iii) Accrualment of Social Investment to Fund (SIF) activities which contribute towards the 'Narrowing the Gap' agenda. All three objectives could have a positive socio economic impact.

However patterns have emerged across the country which reveal that many proposed development sites for Large Casinos are situated within areas ranking within the top 10% in relation to the Governments Index of Multiple Deprivation (IMD) data (2007).

People living in areas of deprivation are disproportionately affected by higher levels of income deprivation, employment deprivation, higher rates of ill health and disability, lower rates of education, skills and training, lack of social housing, high levels of crime and poor living environments.

Individuals living in areas of deprivation are at much greater risk of negative impacts associated with gambling. The British Gambling Prevalence Survey, (2007) reveals that specific socio-demographic risk factors associated with gambling addiction/problem gambling which include being male, having a parent who was or who has been a problem gambler, being separated or divorced and having a low income.

Low income is one of the most consistent factors associated with problem gambling worldwide (Centre for Social Justice, 2008).

2. Impact on finance and debt

Alongside this, rates of declared bankruptcy amongst regular gamblers have been found to be significantly elevated (Getstein *et al*, 1999); with between 18% and 28% of males and 8% of females having declared bankruptcy (Thompson, Gazel and Rickman 1996; Lesieur and Anderson 1995). Debt can result from gambling directly (debt as a result of money spent gambling) or indirectly (individual cannot make other financial payments due to using money for gambling) (Downs and Woolrych, 2010). Research completed by MIND (2008) showed that debt is an indicator of mental health problems as it can result in problems such as depression and anxiety and can be a risk factor for suicide. Downs and Woolrych (2010) also highlight the negative impact this has on relationships and the wider family. A lower disposable income could result in less money being prioritised on healthy living activities such as fresh fruit and vegetables.

Gamblers are also more likely to lose employment as a result of poor concentration, lowered efficiency, impaired judgment, faulty decision-making, lateness and absences from work and abuse of the telephone and internet to place bets and deal with creditors (Department for Culture Media and Sport, 2005).

3. Lifestyle

The causal relationship between gambling severity and certain medical conditions is poorly understood. This is due to other factors such as low socioeconomic status that may affect the relationship between pathological gambling and some medical conditions;

as people from low socioeconomic backgrounds are more likely to suffer increased rates of a range of health problems (Luo & Waite 2005; Must *et al.*, 1999, cited in Morasco *et al.*, 2006).

4. Impact on alcohol consumption

Evidence taken from the National Research Council (1999) signifies an overlap between addictive disorders such as alcohol, smoking, drug dependence and problem gambling. There is a correlation between higher levels of alcohol consumption and poorer health outcomes (Rolfe *et al* 2009).

The National Research Council reports that those individuals admitted to addiction treatment programmes were three to six times more likely to be problem gamblers than individuals in the general population. Morasco *et al* (2006) report a range of adverse physical problems including angina, cirrhosis and liver disease to be significantly associated with individuals who gamble.

As in the UK where there is a culture of binge drinking (Measharn 2006), extended opening hours seems to encourage consumption of alcohol (Scottish Government 2007) which in turn may be linked to increased problems with alcohol related crime and disorder (Babor 2003). However, in contrast, a review into the attitudes and perceptions of the public in relation to licensing laws concluded that as alcohol is seen as a substance that is already available, extended licensing laws would not alter the current situation surrounding problem drinking (Lancaster & Dudleston 2002).

5. Impact on smoking levels

As well as alcohol and substance use, gambling is also associated with cigarette smoking (Bergh & Kuhlhorn., 1994, cited in Morasco *et al.*, 2006), which is directly linked to heart disease; a condition which is frequently co-morbid with pathological gambling. This cycle evidences a direct link between smoking prevalence and heart disease amongst gamblers. The study also showed that increased gambling severity was also associated with nicotine dependence.

6. Impact on Family Cohesion

The families of problem gamblers often experience difficulties including emotional distress, financial problems and health problems (Dickson *et al*, 2005). Spouses of gambling addicts often report physical and emotional problems similar to those of the gambler including stress and insomnia. Gambling can have serious financial and emotional effects on families (Jacobs, 2000). Rates of separation and divorce are significantly higher amongst gambling addicts (US National Research Council, 1999) as well as an increase in domestic violence. Social learning theory theorises that often children model, learn and maintain behaviours that parents and family members display reinforce. In research conducted by Gupta & Derevensky (1997) with young people aged between the ages of 9 and 14, 86% admitted that experiencing a parent or family member gambling legitimised it as an acceptable activity.

7. Mental Health

In a review of the relationship between gambling and mental health, Shaffer and Korn (2002) state that it is difficult to determine cause and effect. They give examples of studies that suggest that people who already experience psychological problems are gambling as a result of their mental health issues, and conversely, other studies that show the psychological problems occur as a result of gambling. Either way, a super casino readily accessible is likely to increase both these scenarios.

8.a Impact on mental health conditions

In the past it was suggested that gambling may be a buffer for mental health problems (Rado, 1933) as it can provide a distraction and therefore stop progression to a more distressed state. However the majority of evidence shows a negative relationship (Shaffer and Korn, 2002). In a 1981 epidemiology study (Renee *et al*, 1998) gamblers showed higher rates of psychiatric disorders than people who do not gamble even after they adjusted for sex, age and race. This predicted increase in problem gamblers as a result of the super casino will impact on mental health services though increased rates of referral (Ricketts and Bliss, 2003).

A study by Moodie and Finnigan (2006) found higher rates of depression among pathological gamblers than among those who gamble less frequently. Shaffer and Korn (2002) suggest that anxiety is often obvious among gamblers but as anxiety disorders include a wide range of distinct diagnostic categories, there has been insufficient research into the links with each anxiety disorder (e.g. obsessive compulsive disorder).

Mental health problems cause understandable distress to the individual and their families; 34% of people experiencing mental health problems give their life a rating of 'poor' compared to only 4% of people without mental health problems (Singleton and Lewis, 2003). Mental and physical health is inextricably linked with mental health problems increasing physical health problems and vice versa (NICE, 2009). The risk of hypertension and heart disease are among the number of stress-related physical illnesses associated with pathological gamblers (Lesieur 1998; Volberg 2001).

8.b Impact on Suicide Rates

Suicide attempts amongst pathological gamblers are second only to those individuals with major affective disorders and schizophrenia (Rosenthal & Fung 2004). Newman and Thompson (2007) show that suicide attempts by pathological gamblers are 3.4 times the rates of the general population (but cannot determine causal pathway). Wong *et al* (2010) used psychological autopsy to show that 17 pathological gamblers who committed suicide all had unmanageable debt, with 10 suffering from major depression. Despite the small sample size they suggest that pathological gambling is a one risk factor for suicide that can be modified, supporting the case for interventions for pathological gamblers.

8.c Impact to society relating to cost of mental health

Mental health problems also have wider implications to society; the Sainsbury Centre for Mental Health (2003) show that mental health problems account for £77 billion loss to the economy per year due to lost productivity at work, benefit costs etc. In 2008 the total amount spent on mental health services for adults in England was £5.892 billion (Mental Health Strategies, 2009). A key way to reduce the cost of mental health services is to support people with mental health problems into employment (MHDU, 2010)

8.d Impact on social isolation

Korn and Shaffer (1999) suggest that community cohesiveness as a result of a casino may bring about a sense of belonging/connectedness and respite from social isolation. This may be particularly relevant for older people (Shaffer and Korn, 2002) however the quality of the social interaction is questioned in a study by Zaranek and Chapleski (2004). They found that those that visited the casino occasionally attended for social reasons, but this group already tended to enjoy other social interaction outside of the casino; in contrast the frequent attendees of the casino had less social support suggesting the casino was an alternative way to interact socially. However the nature of this interaction is in itself isolating and therefore does not result in a benefit to

the mental well-being of socially isolated individuals. To support this they found that this group had lower levels of mental health, though they do acknowledge that this is a cross sectional study so cause and effect can not be proven.

9. Impact on employment opportunities

The development of the super casino is estimated to create 700 new jobs for local people (Leeds City Council, 2010). Employment is argued by many to have the single largest positive impact on individual's health and wellbeing (Thomas *et al*, 2005). This positive impact applies to men and women and there is no disparity between ethnicity, culture or marital status (Ross & Mirowsky, 1995). A regular income from employment increase household income and reduces economic hardship.

A key recommendation for reducing health inequalities within the Marmot Report (2010) is an increase in access to focal jobs for people living in deprived areas. Marmot argues that there is a direct correlation between employment and the amount of control and support and individual feels that they have, these two factors can have a biological effect on health and wellbeing.

Evidence suggests (Shaffer *et al*. 1 999) that casino employees display higher rates of gambling than the general population as well as higher rates prevalence of alcohol consumption, smoking, problems, and depression. However the benefits likely to happen include the creation of jobs and economic activity to the area which can have a positive impact on health of those people who gain employment. As poverty, aspirations and employment have a relatively heavy influence on health, through the wider determinants (Marmot, 2010).

NHS Leeds recommendations

The document should present a more neutral position in relation to the impacts of a Large Casino on Leeds rather than only including positive impacts a casino could bring in key LCC documentation. LCC should clearly include the potential negative impacts of a Large Casino on health.

With this in mind the following recommendations are made:

- Assessment criteria should acknowledge the impact of health within the each of the existing headings (Financial, Social & Economic) but ideally with a separate heading entitled 'Health Impacts'.
- Applicants should be encouraged and assessed upon their strategies and safeguards around minimising the negative impact to individual and community health.
- Provide flyer/campaign specific to the Leeds area assists patrons to recognise the early signs of gambling addiction and how to access help and support.
- Provide information about mental health services and self help materials in the entrance areas and offer training to the workforce (e.g. Mental Health First Aid).
- Provide information about debt advice within the casino and work with Leeds Credit Union to consider encouraging Casino users to join LCU to encourage financial capability through savings provision.
- Ensure information about alcohol dependency and brief intervention support is available.

- Maximise the social benefits of having casino as meeting point by providing a venue for social interaction that does not involve gambling, for example, a venue for local community groups to run healthy living activities at a reduced cost.
- Ensure that Positive Activities for Young People (PAYP) are available in the local area which will educate, stimulate and raise aspirations of local young people.
- Ensure that a proportionate quota of jobs within the casino are 'ring fenced' for local people.
- Consider schemes that promote employment in the casino to vulnerable people who stand to gain the most from employment, e.g. Long term unemployed or people with mental health problems.

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18th July 2011

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Written response 008 - by email

Financial Inclusion Steering Group

The casino policy and application pack was considered by The Financial Inclusion Steering Group (a Leeds Initiative Partnership Group) at its meeting on the 14th July. The meeting agreed to respond to the consultation and made the following comments:

1. That applicants for a licence should not be encouraged to assume implicitly or explicitly that locating a casino in or close to a regeneration area is a social good.
2. That the licence should be awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefits.
3. If the Social Inclusion Fund is the key means whereby social costs are mitigated, the Council have an obligation to indicate that this will be used to mitigate the social costs of having a casino, especially if it is located close to or within an area where levels of debt and financial illiteracy are known to be high.

Written response 009 - by letter

Leeds Churches Together in Mission

On behalf of Leeds Churches Together in Mission (LCTiM) I am writing to contribute to the public consultation on the Large Casino Section Statement of Licensing Policy 2011-13.

LCTiM has particular concern to see two areas addressed in the Licensing Policy. These are -

1. **That applicants for a licence should not be encouraged to assume implicitly to explicitly that locating a casino in or close to a regeneration area is a social good.** Hall Aitken in *Social and Economic Impact of Regional Casinos in the UK (2006)* states that the negative social impacts of casinos are felt more strongly in local communities closest to the casino. Therefore any encouragement to locate a Casino within a regeneration area could have negative social impacts in that area.
2. **That the licence should be awarded on the basis of demonstrating how social costs will be mitigated as well as demonstrating intended benefits.** The Leeds City Council 2006 Casino Impact Assessment Study states "*The extent to which negative or positive impacts are generated by a casino development will crucially rest upon the type of licensing and accompanying management/mitigation measures which are in place*". Licence applicants should therefore be required to indicate both intended social benefits and ways of mitigating social costs.

I hope these points will be a useful contribution to the public consultation.

Written response 010

Leeds CAB

Thank you for the opportunity to comment on Leeds City Council's plans regarding a large casino in the city. As the main provider of free, independent debt advice services in Leeds, Leeds CAB has serious concerns about the possible impact of a large casino in the city. Based on evidence from the Gambling Commission, Leeds CAB has concerns that the development of a large casino in Leeds will lead to an increase in the number of people with money problems, with those on low incomes being the most vulnerable to the adverse effects of such a development.

The British Gambling Prevalence Survey of 2010, published by the Gambling Commission, assessed the prevalence of participation in gambling, the prevalence of problem gambling and the socio-demographic and other factors associated with gambling and problem gambling. The survey reported a number of findings that give cause for concern among those of us working with people on low incomes and with money problems, as they evidence a correlation between gambling problems, money problems and low income.

- Prevalence of problem gambling is highest:
 - In areas of high deprivation;
 - Among the unemployed;
 - Among those with very severe money problems.
- High time/high spend gamblers (i.e. those who spend a lot of time and a lot of money on gambling) show a preference for betting on horse races, fixed odds betting terminals (i.e. gaming machines) and playing casino games.
- Problem gambling is also more prevalent among young people (16-24 years olds) and people with serious health problems.
- 0.9% of the population in Britain can be defined as problem gamblers, suggesting that in Leeds there may be around 7,000 people who are already problem gamblers. International comparisons also indicate that the rate of problem gambling is higher where gambling is more readily accessible (1.4% in South Africa and 1.4-2.1% in Australia).

Even a small increase in the number of people with gambling problems in Leeds is likely to have a significant negative economic impact for the city. For example, if the development of a large casino in Leeds results in an increase in problem gambling of only 0.1% that would mean an additional 800 people becoming problem gamblers with the likely corresponding money problems described above. Given that the average value of debts owed by CAB clients is £15,500, that could amount to an additional £12,000,000 of debt in the local population, created as a result of the casino.

If we then take into account further costs to the local economy as a result of these debt problems, such as eviction and homelessness, the potential negative costs of a casino are considerable.

Under the proposed evaluation criteria, impacts such as an increase in the number of local people with debt problems will be assessed under Criterion 2.3 Net social impacts, and will not be taken account of under Criterion 2.2.1 Net contribution to the local economy. The latter criterion has been given a weighting of 140 points, while the former has only a weighting of 50 points. We would therefore like to see a higher weighting given to Criterion 2.3 to reflect the seriousness of likely negative financial effects of a large casino.

If a large casino development does go ahead we believe it is vital that it is contingent on a Social Inclusion Fund making a significant contribution to dealing with these negative effects, for example:

- Making an ongoing contribution to funding debt advice in Leeds, proportionate to the likely increase in debt problems as indicated by the Gambling Commission research.
- Making an ongoing contribution to other services likely to be affected such as counselling services and public health services.

Written response 011

Joelson Wilson

We act on behalf of Rank Group PLC ("Rank"). Further to Rank's response dated 1 October 2009 to the draft revisions to Leeds City Council's Statement of Licensing Principle, we welcome the opportunity to comment upon your draft Statement of Licensing Policy 2011-2013 and Draft Application Pack.

STATEMENT OF LICENSING POLICY 2011-2013

1. No Casino Resolution

We note the reference at paragraph 16.14 to the power of the Local Authority to pass a "no casino" resolution under s.166 of GA 2005. The Policy indicates that the Local Authority may choose to exercise the "no casino" resolution option in circumstances either where there is only one application for a large casino premises licence or where there is more than one application those applications fail to meet the Council's aspirations for benefit for the Leeds Metropolitan Area".

It is Rank's contention that a "no casino" resolution may only be adopted in circumstances where there is only one successful applicant at the conclusion of Stage 1 of the competition. Rank's reason for this assertion arises from Schedule 9 to GA 2005. Paragraph 4 of Schedule 9 provides that, at the first stage of the bidding process, the Licensing Authority shall consider in respect of each application whether they would grant such an application under s.163 of GA 2005. Paragraph 5 of Schedule 9 then provides that if the Licensing Authority determines under paragraph 4 that they would grant a number of competing applications, then they shall determine which of those applications to grant (see paragraph 5(2) of Schedule 9) and in reaching that decision they shall determine which of the competing applications would, in their opinion, be likely, if granted, to result in the greatest benefit to the Authority's area (see paragraph 5(3) of Schedule 9).

It therefore follows that, if more than one bid is successful at Stage 1, the Licensing Authority is obliged to enter Stage 2 of the application process and is obliged to consider which of the competing applications would in their opinion be likely, if granted, to result in the greatest benefit to the Authority's area and to grant a licence accordingly. These requirements are mandatory. It appears to follow that, in the circumstances, a "no casino" resolution would be in conflict with the statutory provisions which are triggered by a "provisional" decision to grant more than one licence at Stage 1. The power to pass a "no casino" resolution by virtue of s. 166 of GA 2005 will only arise once the application process has commenced, if only one bid emerges as successful at the end of Stage 1, since there is no mandatory requirement imposed by GA 2005 to grant a licence if there is only one successful applicant at Stage 1.

2. Rank notes at point 16.40 that payment will be required upon the signing of any agreements" and at page 6.46 of the application pack under the heading "Finalisation of Schedule 9 Agreement" "upon the signing of the Schedule 9 Agreement" and payment will be taken "once the Committee make their final decision". Rank believes that the

payment falls due at the conclusion of Stage 2 and not at the conclusion of the process, that is when the premises licence application is approved in circumstances where a provisional statement has been granted initially. Rank would be grateful for clarification on this point. Further, in circumstances where the development cannot proceed because for example, planning permission was not subsequently granted, would the payment which is required "upon the signing of the Schedule 9 Agreement" be forfeited or refunded?

3. At 16.5.2 Rank would be grateful for clarification as to the distinction the Council seeks to make between "contractual obligations" as opposed to "merely damages for non-delivery".

4. In circumstances where the Local Authority is considering a bid from a proposed site which is part of a wider development and not one from an existing site, Rank seeks to clarify point 16.53. Development sites, as the point accepts, will involve certain aspects outside the control of the operator. By contrast, an existing site will not face such constraint, Is it proposed that the reference to "development outside the control of the applicant will not be considered" means to favour existing sites, either by suggesting a development site, despite possible regenerative benefits, will not be entertained or because an existing site can guarantee delivery in a way that a proposed site may not?

DRAFT APPLICATION PACK

5. On page 4.4, there is further reference to the "no casino" resolution under s. 166 of GA 2005 and the same comments apply as made in relation to the Statement of Licensing Policy as mentioned previously.

6. At page 6.3 it is stated that "applicants must not publicise their plans or make public statements about their involvement in the Stage 2 process". Although Rank appreciates the confidential nature of the process and the requirement to keep all details of Stage 2 confidential, involvement in Stage 2 would be a matter for public record and Rank seeks clarification that this point does not seek to prohibit disclosure about participation in the process at Stage 2 by contrast with the content of the proceedings.

7. Rank notes that it is currently intended that only 5 representatives from each applicant company will be permitted to attend the hearing before the Advisory Panel. Rank suggests that no limit is placed on those who might be able to attend the hearing. Rank does not suggest that any presentation should involve more than 5 people in total, but would be keen to have representatives in attendance who would be able to assist the Panel as matters arose, since this is the only oral presentation proposed under the consultation document.

8. On page 6.6 under the heading "Licensing Committee Stage" the policy states that "applicants will not be permitted to present to the Licensing Committee". Rank should be grateful for clarification in relation to the omission of any reference to hearings at Stage 2 of the process, particularly since it is envisaged that conditions will be attached to any licence during Stage 2. This is made clear at point 6 of the introduction of the draft agreement, where it is stated that "the parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

SI Number 173 of 2007 ("the Hearings Regulations") applies to proceedings of the Licensing Committee in the exercise of its functions under GA 2005 and a hearing compliant with those regulations is required when the Licensing Authority intends to impose conditions on a licence under GA 2005 s.169. Rank would be grateful to receive clarification as to how it is proposed to impose such conditions without a hearing before

the Licensing Committee.

9. Sub-criteria 1.1 at page 7.9 establishes the criterion that the benefits and impacts will be assessed over a 10 year period commencing on 1 December 2012. In cases where sites are to be developed, if the development is not completed for say, 18 months to 2 years, this could provide an advantage to the potential operator of an existing site. Rank suggests that the assessment should commence from the commencement of trade of any new build.

10. At page 7.10 Rank would be grateful for clarification of the weighting assessment. Rank has assumed that the weighted score is calculated by multiplying the mark out of 10 score by the appropriate factor e.g. where the weighted score is out of 80, the mark out of 10 score is multiplied by 8.

11. At paragraph 7.19 the reference to planning permission is not qualified in the way that it is at page 7.1 under the heading "background information". Rank suggests that the reference at page 7.19 should also be qualified for the avoidance of doubt.

DRAFT AGREEMENT UNDER SCHEDULE 9 OF THE GA 2005

12. At "Introduction Point (6)" of the draft agreement it states — lithe parties acknowledge that the licence/provisional statement will contain a condition attached to the licence/provisional statement under s.169 of the Act so as to give effect to the Licensees obligations contained in this agreement".

and at Clause 6.3 — "the parties acknowledge that a variation of this agreement shall only have effect if it is accompanied by a variation of the condition which is attached to the licence/provisional statement under s.169 of the Act, such variation being under s.187 of the Act, as is specified in paragraph 7(2)(c) of Schedule 9 of the Act. The same comments apply in relation to the imposition of conditions as at point 8 of this letter.

FINAL DETERMINATION

13. Rank would welcome confirmation that the same Licensing Committee members will consider and determine all applications at Stage 2.

PLANS

14. Rank would be grateful if you would confirm the procedure should the layout drawings have to be altered by reasons beyond their control, during Stages I and 2. As you will appreciate, in the normal course of events in relation to a development site, a developer, separate and distinct from the operator of the gaming licence, will be responsible for building the premises to a certain stage. On completion of the "shell" of the building, it is then handed over to the operator who fits out the internal building to its own requirements. Therefore, for some considerable time, the final layout of the premises is a matter which is outside the absolute control of the operator. Clearly, any alterations are kept to a minimum, not least because otherwise considerable costs can be involved. However, if alterations are necessary, which as indicated, would be out of the control of the operator, Rank would be grateful for details as to the procedure to be followed at Stage 2 *vis a vis* the production of plans, in such circumstances.

We look forward to hearing from you with your responses to the above points.

Report of Director of Resources

Report to Scrutiny Board (Resources and Council Services)

Date: 7th November 2011

Subject: Fleet Services: Additional Information

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Summary of main issues

This report provides an update for Scrutiny Board on a number of issues raised at a meeting on 3 October. These include;

1. Vehicle down time issues, particularly for the Refuse service
2. Progress on more sustainable fuelling strategies
3. The financial performance of the service
4. The exercise of powers to charge within Commercial Services
5. The outcome of a visit by Scrutiny Members to Fleet Services on 21 October

Recommendations

6. Members are asked to note this report

1 Purpose of this report

- 1.1 This briefing note is provided to members of Scrutiny Committee in response to outstanding queries raised at the Scrutiny meeting on 3 October.

2 Background information

- 2.1 This report covers a range of additional information requested by members including

- Vehicle down time issues, particularly for the Refuse service
- Progress on more sustainable fuelling strategies
- The financial performance of the service
- The exercise of powers to charge within Commercial Services
- The outcome of a visit by Scrutiny Members to Fleet Services on 21 October

3 Main issues

3.1 Fleet Down Time and VOR (Vehicle off Rd) Requirements for Clients

- 3.1.1 Fleet Maintenance provide a proactive and reactive maintenance service for the Council's 1200 fleet. The requirements of the Operator Licence (a legal undertaking) requires stringent service schedules for the Council's fleet vehicles; such as refuse vehicles, which are serviced at 8 weekly intervals.
- 3.1.2 In order to carry out maintenance without impacting on the service, the Traffic Commissioner states that a municipal refuse fleet vehicle should be equipped with up to 20% of spare vehicles, for cover purposes.
- 3.1.3 Leeds City Council are operating between 10% and 12% spare vehicles. This spare capacity, or pool fleet cover, front line vehicles during maintenance, services, MOT's, DoE's, fleet checks and accident or tip damage where possible. Occasionally should vehicle failures exceed the spare capacity, then cover is provided through a hire system minimising any downtime.
- 3.1.4 Service and MOT's are combined to reduce downtime. All VOSA MOT's and DoE tests are carried out at York Road.
- 3.1.5 5 mobile vehicles workshops operate during client operating hours (operating on live Tom Tom and GPS.)
- 3.1.6 Appendix 1 shows an average 4 week period of maintenance on Leeds City Council refuse collection fleet and includes daily breakdown numbers specifically on refuse vehicles. The mobile workshops deal with all roadside breakdowns.

3.2 Development of Alternative Fuelling Strategy

- 3.2.1 Fleet Services and colleagues in Development have been working closely since 2007, to investigate how LCC can contribute to lessen the environmental impacts of fleet activity.

- 3.2.2 The general aim of current initiatives has been to determine the most suitable, reliable and cost effective applications of the alternative vehicle and fuel technologies available, before making major procurement decisions.
- 3.2.3 Leeds has become pro-active in the investigation, testing and promotion of alternative fuels and low emission vehicle technology and has attracted significant positive press, and has regularly been approached for advice by both Central Government and other Local Authorities.
- 3.2.4 A timeline of action around Leeds City Council and alternative fuel vehicles summary is shown in appendix 2.
- 3.2.5 Leeds successfully applied to be one of 6 Local Authorities to be accepted on to the DfT funded Low Carbon Vehicle Emission Procurement Programme (LCVPP). The programme funded the incremental cost of all Electric or diesel-electric hybrid vans to operate in the front line service as part of a nationwide fleet demonstration programme. This has effectively removed the financial risks of the Authority gaining first hand experience in operating and evaluating the technology.
- 3.2.6 As a result, Leeds now has 19 diesel-electric hybrid and 5 all electric vans operating in the front-line fleet. In addition the LCVPP provided 5 dedicated electric vehicle recharging points, 4 based at Seacroft offices and 1 at Knowsthorpe Gate (A total external investment in excess of £500,000.)
- 3.2.7 A full list of alternative vehicle technologies currently being operated within the Leeds fleet to be tested for reliability, suitability and financial performance are appended at appendix 3.

3.3 Powers to Trade and Charge

- 3.3.1 The Local Government Act 2003 gave the local authorities the power to trade and charge for discretionary activities. It also provided powers to charge for any discretionary services discharged under the local authority's general powers of promoting 'wellbeing.'
- 3.3.2 Extensive legal advice was taken by Commercial Services on the opportunities this legislation provided. In general the advice, summarised by the LGA was

“Deciding whether to use the new power to trade is based on whether the additional income generated from a company structure outweighs the cost of governance, financial risk, control and tax issues.”
- 3.3.3 Unless external trading was to be the core objective of a function the advice has been that the ability to charge achieves a comparable outcome without the financial risk.
- 3.3.4 The powers to charge enable a service to recover all direct costs, overheads and an element of contingency. This reduces costs to internal clients in terms of both contingency planning and overhead recovery.

It also can yield greater economies of scale and reduce procurement costs (eg in charging for procurement support for vehicles to neighbouring authorities and consequently letting a larger value contract.)

- 3.3.5 Fleet Maintenance for manufacturers (who subcontract warranty work to it) and private contractors deploying fleet for ALMOs) are further examples of charging under wellbeing powers.
- 3.3.6 Joint working like this is also positive reputationally for the Council eg reducing costs in procurement with other public providers and demonstrating value for money (particularly where private contractors opt to buy fleet maintenance from the Council in an open market.)
- 3.3.7 The downtime on passenger transport vehicles is sold to the hospital trust. Passenger transport vehicles' peak requirement is at the beginning and end of the day. When the service transferred to Commercial Services, unproductive time in the middle of the day (highly specialist vehicles and drivers) was effectively sold to the hospital trust. The resource is used to help transport patients discharged from hospital. Staff and unions fully supported this initiative. The contract for this work has been renewed, again in an open market, and generates £400,000 net a year, which goes directly to Adult Social Care to defer other pressures in providing care.

3.4 Fleet Services Financial Performance 2008-09 to 2011-11

- 3.4.1 The financial performance for Fleet Services over the last three trading years is as follows:-

2008-09	£48k return
2009-10	£430k return
2010-11	£435k return

The projected return for 2011-12 is £627k.

These returns go through to the general fund account, to offset pressures on other frontline services across the Council.

- 3.4.2 The key driver for the improved financial performance of this service has been reducing staffing costs, whilst at the same time maintaining a similar fleet size of 1200 vehicles within the authority.
- 3.4.3 Staffing numbers in 2007 were 86 full time equivalents, a decrease of 21; almost a quarter of the workforce. The majority of these were workshops technicians who had obsolete skills. Through training up existing staff, changing shift patterns and better scheduling of vehicles, this has resulted in increased efficiencies with no impact on any clients.
- 3.4.4 Over the last three years, the vehicle safety unit has been developed to meet new legislative requirements. Income for this unit is around £200k.

3.4.5 Pressures arising over the last few years were prices for parts, oils & lubricants and sub-contractor costs. These continue to be pressures going forward. Through effective procurement these have been contained.

3.4.6 The 2010-11 return includes accounting depreciation charge for £65k. This is an accounting entry reflecting a charge for the year of the premises based on the building's asset value.

3.5 Scrutiny Members Visit to Fleet Services

3.5.1 A scrutiny visit to fleet services took place on 21 October and attendees included Cllr Pauleen Grahame, Cllr Ron Grahame and Cllr Hardy

3.5.2 Members were shown the range of fleet activity including procurement and regulatory activity, fleet safety management and training, fleet maintenance, inspection and stores operations.

3.5.3 A wide ranging discussion covered

- current and future opportunities for improving turnover, internal and external
- a potential expansion of public MOT services
- opportunities for wider community engagement in the local ward, particularly around training and placement opportunities for young people

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Members provided a range of ideas to fleet services to improve consultation and engagement with local residents (see 3.5.3) which fleet services will respond to.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 No issues arising

4.3 Council Policies and City Priorities

4.3.1 The fuelling and procurement strategy of the service supports the Council priority to reduce carbon emissions.

4.4 Resources and Value for Money

4.4.1 Evidence was provided as part of this review exercise about resource allocation and market performance.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no implications

4.6 Risk Management

4.6.1 Not applicable

5 Conclusions

5.1 This report covers a range of additional information requested by members including

- Vehicle down time issues, particularly for the Refuse service
- Progress on more sustainable fuelling strategies
- The financial performance of the service
- The exercise of powers to charge within Commercial Services
- The outcome of a visit by Scrutiny Members to Fleet Services on 21 October

6 Recommendations

6.1 Members are asked to note this report

7 Background documents

7.1 Appendix 1 Refuse Maintenance and Breakdown Data Sept 2011

7.2 Appendix 2 Timeline: Environmental Improvements

7.3 Appendix 3 Alternative Fuel, Vehicles on Fleet

Period of Maintenance for refuse fleet

	September 2011																				
	10 th	11 th	12 th	13 th	14 th	15 th	16 th	17 th	18 th	19 th	20 th	21 st	22 nd	23 rd	24 th	25 th	26 th	27 th	28 th	29 th	30 th
	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
Maintenance VOR	7	7	7	6	6	5	6	6	7	8	9	7	5	7	7	7	6	8	9	9	12
Breakdowns	5		0	2	1	2	0	3	0	3	0	5	3	1	2	0	5	2	4	2	0

Additional Notes:

- This information includes all VOR including tip damage/accidents.
- Breakdowns can be chassis or ancillaries and the majority are repaired on site or vehicle replaced with pool fleet.

NB: 30th September 2011 (3) inspections, (2) DoE and (7) defects.

Timeline Summary of Key Events and Initiatives achieved between Transport Policy and Fleet Services

2007

- Leeds host Cenex's first UK low carbon vehicle exhibition and conference at Elland Road

2008

- Leeds work with EST to complete a "Green Fleet Review".
Leeds successfully apply to be one of 6 UK Local Authorities included in the Low Carbon Vehicle Procurement Programme (LCVPP)

2009

- Leeds start the trial of the first UK Gas powered refuse collection vehicle.
First UK dual-fuel bin wagon started trials in Leeds

2010

- First vehicles under the LCVPP started to arrive
Leeds host 2nd Low Emission Vehicle and Conference in Millennium Square.
(£5,000 external funding.)
Leeds became certified member of the EST/DfT's "Motorvate" fleet carbon reduction programme

2011

- Leeds became first UK local authority to install a permanent quick fill gas vehicle refuelling station.
(The station got 50% (£75,500) funding from DfT's and (25% funding through LTP.)
- ENEH announce intention to order/operate 6 CNG powered vans
- Leeds Biomethane Project awarded a "Green Apple"

Alternative Fuel Vehicles at Fleet

- **6 Mercedes Sprinters Welfare Minibuses using Eco Stop/Start**
 - Vehicles appear to be performing more economically than standard variations.
- **Toyota Prius hybrid**
- **On-board hydrogen generator in a diesel powered HGV**
 - Technology is not performing as manufacturers claimed
- **19 Ford van based Ashwoods diesel-electric hybrids.**
 - Performing reliably, appears to be producing a saving compared to similar sized vans, though vehicles are larger than would otherwise have been bought in Leeds.
- **5 Ford based Smiths All-Electric vans**
 - Some teething troubles with the vehicles but appear to be performing satisfactorily.
- **1 Dennis–Eagle “dual-fuel” Diesel/CNG RCV**
 - Technology proven in trunk haulage, not performing as well as expected in RCV Application. System has recently been adjusted and is still being assessed.
- **1 Mercedes Econic dedicated gas RCV**
 - Vehicle has performed reliably and appears to be showing good potential to pay for itself within the expected lifespan of the vehicle.
- **6 small VW Caddy CNG vans recently ordered by ENEH**
 - Due to begin operation within 16 weeks (will uses LCC gas station).
 - A further 30 diesel version fitted with speed limiters.

Fleet have held consultation meetings with Heads of Service in all transport related departments and a transport forum has been established looking specifically at transport related spend within the Authority and any transport integration possibilities to further reduce the environmental footprint of the service.

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Report of Head of Scrutiny and Member Development

Report to Scrutiny Board (Resources and Council Services)

Date: 7th November 2011

Subject: Work Schedule

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. A draft work schedule is attached as appendix 1. The work programme has been provisionally completed pending on going discussions with the Board. The work schedule will be subject to change throughout the municipal year.

2. Also attached as appendix 2 and 3 respectively are the minutes of Executive Board 12th October 2011 and the Council's current Forward Plan relating to this Board's portfolio.

Recommendations

3. Members are asked to:
 - a) Consider the draft work schedule and make amendments as appropriate.
 - b) Note the Executive Board minutes and Forward Plan

Background documents

4. None used

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Scrutiny Board (Resources and Council Services) Work Schedule for 2011/2012 Municipal Year

Area of Review	Schedule of meetings/visits during 2011/12		
	June	July	August
Contact Centre Working Group (missed bins)	Consider potential scope of review		Site visit Knowsthorpe depot 5 th August for working group members
Budget Monitoring		Receive Outturn report -SB	
ICT			Site visit – Apex house 2 nd August – all members invited
Customer Care	Consider potential scope of review	Receive presentation on customer access strategy -SB	
Officer registration of interests			
Vehicle maintenance			
Cost of Publications			
Discussion with Leader of Council	Leader of Council -SB		
Budget & Policy Framework Plans			
Recommendation Tracking			
Performance Monitoring			

Key: SB – Scrutiny Board (Resources and Council Services) Meeting

WG – Working Group Meeting

Scrutiny Board (Resources and Council Services) Work Schedule for 2011/2012 Municipal Year

Area of Review	Schedule of meetings/visits during 2011/12		
	September	October	November
Contact Centre Working Group (missed bins)			
Budget Monitoring	Financial report - SB		
ICT	Consider external review of ICT -SB	Update on working group	
Customer Care			
Officer registration of interests	To receive and Consider request from former City Development Scrutiny Board - SB	Consider draft report	
Vehicle maintenance		Present initial data/budgetary information	
Cost of publications			
Discussion with Leader of Council		Leader of Council -SB	
Budget & Policy Framework Plans			Licensing Policy
Recommendation Tracking			
Performance Monitoring			

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Scrutiny Board (Resources and Council Services) Work Schedule for 2011/2012 Municipal Year

Area of Review	Schedule of meetings/visits during 2011/12		
	December	January	February
Contact Centre Working Group (missed bins)			
Budget Monitoring			Financial Report-SB
ICT	Discussion on Consultants report following CLT		
Customer Care			
Officer registration of interests			
Vehicle maintenance			
Cost of publications			Leader of Council -SB
Discussion with Leader of Council		Leader of Council -SB	
Budget & Policy Framework Plans		Initial Budget Proposals - SB	
Recommendation Tracking			
Performance Monitoring	Council Business Plan -SB	Council Business Plan	

Scrutiny Board (Resources and Council Services) Work Schedule for 2011/2012 Municipal Year

Area of Review	Schedule of meetings/visits during 2011/12		
	March	April	May
Contact Centre Working Group (missed bins)			
Budget Monitoring			
ICT			
Customer Care			
Officer registration of interests			
Vehicle maintenance			
Staff Appraisals and PDPs	To consider the Councils approach to Personal Development Plans for staff		
Cost of publications			
Discussion with Leader of Council			
Budget & Policy Framework Plans			
Recommendation Tracking			
Performance Monitoring	Council Budget Plan		

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EXECUTIVE BOARD

WEDNESDAY, 12TH OCTOBER, 2011

PRESENT: Councillor K Wakefield in the Chair

Councillors J Blake, M Dobson,
R Finnigan, S Golton, R Lewis, A Ogilvie
and L Yeadon

Councillor G Hyde – Substitute Member
Councillor J Procter – Substitute Member

86 Substitute Member

Under the terms of Executive Procedure Rule 2.3, Councillors G Hyde and J Procter were invited to attend the meeting on behalf of Councillors Gruen and A Carter respectively.

87 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That the public be excluded from the meeting during the consideration of the following parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- (a) Appendix 1 to the report referred to in Minute No. 96 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any person or company (including the authority holding that information) which may result in prejudicial trading of that company. It is therefore considered that it is not in the public interest to release this information at this time, as this would compromise the Council's position.
- (b) Supplementary Information in the form of correspondence referred to in Minute No. 95 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that it contains information relating to the financial or business affairs of any person or company (including the authority holding that information). It is therefore considered that it is not in the public interest to release this information at this time, as this would compromise the Council's position.

88 Late Items

There were no late items as such, however, it was noted that supplementary information had been circulated to Board Members following the despatch of the agenda as follows:-

Draft minutes to be approved at the meeting
to be held on Wednesday, 2nd November, 2011

- (a) Correspondence relating to the report entitled, 'Leeds Bradford International Airport – Taxi Access' designated as exempt under Access to Information Procedure Rule 10.4(3) (Minute No. 95 refers).
- (b) A report detailing the outcomes from the Ofsted Inspection into Safeguarding Services and Safeguarding Outcomes for Children and Young People which accompanied the report entitled, 'Findings of the Announced Ofsted Re-Inspection of Safeguarding Services for Children and Young People in Leeds' (Minute No. 103 refers).
- (c) A table detailing the suggested amendments to the Council's response to the Draft National Planning Policy Framework, as resolved by the Development Plan Panel at its meeting on 11th October 2011, which was in relation to the report entitled, 'Draft National Planning Policy Framework – Consultation Response' (Minute No. 100 refers).

89 Declaration of Interests

There were no declarations of interest made at this point in the meeting, however a declaration was made at a later point in the meeting (Minute No. 99 referred).

90 Minutes

RESOLVED – That the minutes of the meeting held on 7th September 2011 be approved as a correct record, subject to the following:-

- (a) Reference being made within Minute No. 66 (Leeds Holt Park Wellbeing Centre Project – Submission of the Final Business Case and Execution of the Contract for the new Holt Park Wellbeing Centre) to a request that correspondence be forwarded on behalf of the Council to Greg Mulholland MP in respect of the development.
- (b) With regard to Minute No. 67 (Better Lives for Older People: Future Options for Long Term Residential and Day Care Services), that greater emphasis be placed upon the commitment made during the discussion that residents would not be moved until it was confirmed that they were happy with the alternative accommodation proposed.

RESOURCES AND CORPORATE FUNCTIONS

91 Discretionary Rate Relief for Social Enterprises

The Chief Officer (Revenues and Benefits) submitted a report which detailed the current guidelines regarding the determination of applications for discretionary rate relief for social enterprises. In addition, the report also proposed amendments which aimed to make the process more transparent, whilst also encouraging increased applications from this sector. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members emphasised the need to ensure that the approach adopted was as enabling as possible.

RESOLVED – That the changes to the Business Rates discretionary relief scheme be approved in order to clarify the criteria by which applications from Social Enterprises will be assessed, and also to increase the maximum level of relief awarded from 50% to 80% in specific cases.

92 Welfare Reform Update

The Director of Resources submitted a report providing an update on the Government's proposals regarding Welfare Reform, which included information on current developments in policy and the implications of such developments upon the Council and the citizens of Leeds. In addition, the report also provided information on the consultation process launched by the Department for Communities and Local Government on proposals regarding the replacement of the current Council Tax Benefit scheme with a new localised scheme of support from April 2013. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members welcomed the move to simplify the welfare processes, however, concerns were raised in respect of the disproportionate impact that the proposals could have upon the poorer sections of the community, the lack of incentives which existed in respect of returning people to employment and the intention to pay the rent element of Universal Credit directly to claimants. In addition, concerns were also raised regarding the abolition of Council Tax Benefit and its replacement with a localised scheme of support, with a reduction of 10% in funding for such support and the potential impact upon collection rates, together with the timescales associated with the introduction of the proposed reforms.

The Board considered the specific impact upon a number of case studies provided, and in respect of the implications regarding child protection matters, Members noted that such matters were being picked up by the Child Trust Board.

Members highlighted the need for further update reports to be submitted to the Board, as issues in respect of the proposed welfare reforms developed.

It was requested that stronger emphasis within the final version of the Council's response to the Government's consultation paper was placed upon the unrealistic timescales which had been set in respect of the reforms.

RESOLVED -

- (a) That the updated information detailed within the submitted report be noted.
- (b) That the proposed response to the localisation of support for Council Tax which is to be submitted on behalf of all Group Leaders be noted,

subject to the inclusion of the points raised by the Board during the consideration of this matter.

- (c) That officer-level discussions with West Yorkshire councils be approved, which will explore the scope for commonality in scheme design in relation to localisation of support for Council Tax.
- (d) That a further report on the welfare reform programme be received by the Board in January 2012 which included a strategic plan for preparing for and dealing with the welfare reforms, with further update reports being submitted in the future, as issues in respect of the proposed welfare reforms were developed.

93 Financial Health Monitoring 2011/12 - Month 5

The Director of Resources submitted a report setting out the authority's projected financial health position, after five months of the 2011/12 financial year. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Having responded to Members' questions, the Board welcomed the successful resolution of VAT matters with the HMRC.

RESOLVED –

- (a) That the projected financial position of the authority after five months of the financial year be noted.
- (b) That the budget adjustments, as detailed within paragraph 3.6.1 of the submitted report, be approved.

94 Capital Receipts Incentive Scheme

The Director of Resources submitted a report setting out a proposal for the establishment of a capital receipts incentive scheme for local areas. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the proposal for localities to retain a proportion of the capital receipts generated in an area and received assurances that existing commitments would be honoured.

RESOLVED –

- (a) That the establishment of a Capital Receipts Incentive scheme, as set out within section 3 of the submitted report, with effect from April 2012, be approved.
- (b) That a period of consultation with elected Members on the proposed scheme be approved.

DEVELOPMENT AND THE ECONOMY

95 Leeds Bradford International Airport - Taxi Access

Further to Minute No. 217, 18th May 2011, the Director of City Development submitted a report providing further information and advice in respect of the provision of taxi access at Leeds Bradford International Airport (LBIA), following the Executive Board's previous consideration of the recommendations arising from the former Scrutiny Board (City Development) inquiry into 'Leeds Bradford International Airport: Provision for Public Hire Taxis'. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Emphasis was placed upon the differing estimates which had been received in respect of the development of a taxi rank on Whitehouse Lane and it was suggested that such figures be submitted to the relevant Scrutiny Board for consideration.

Members highlighted their concerns in respect of the introduction of a £2 charge for all non-contracted vehicles dropping off passengers at the terminal, considered whether the concession made in respect of the increased waiting time within the 'voyager' area had gone far enough and highlighted the extensive costs associated with establishing a rank on Whitehouse Lane. The Board then emphasised the need for the Surface Access Strategy to be progressed in order to address the concerns raised and to ensure that public access to the airport was maximised. In response, Members comments were acknowledged, together with undertaking that discussions in respect of the Airport's Forecourt Management Plan would continue.

Following consideration of supplementary information in the form of correspondence relating to this matter, designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, it was

RESOLVED –

- (a) That the contents of the submitted report, together with the work undertaken to identify a way forward in terms of provision for public hire taxis at Leeds Bradford International Airport be noted.
- (b) That the option detailed within the report to develop a taxi rank on Whitehouse Lane not be progressed at this time, with further work being progressed on the Surface Access Strategy, in order to address the concerns raised during the discussion and also to ensure that public access to the airport was maximised.
- (c) That officers be instructed to liaise with LBIA about the development of their Forecourt Management Plan in order to ensure that the negative impact of current parking arrangements on the highway, especially Whitehouse Lane, are mitigated as part of the process of discharging planning conditions relating to the Airport Terminal Building.

96 Design and Cost Report for Relocation of West Yorkshire Archives, Leeds

The Director of City Development submitted a report advising of the need to improve storage facilities for Leeds' archives and outlining proposals to relocate the archives from the former Sheepscar Library to the Central Archive Store in Morley. In addition, the report also sought the necessary authority to declare the former Sheepscar Library surplus to requirements together with an injection into the capital programme as a contribution towards the construction works at the Morley site. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The report detailed the following options which had been identified following a feasibility study undertaken by Norfolk Property Services in respect of future archive provision:

- Option 1 – The relocation of the Sheepscar archives only to the Central Archive Store in Morley;
- Option 2 - The relocation of both the Sheepscar and Nortech archives to the Central Archive Store in Morley.

Following consideration of Appendix 1 to the submitted report, designated as exempt under Access to Information Procedure Rule 10.4(3), which was considered in private at the conclusion of the meeting, it was

RESOLVED –

- (a) That the former library at Sheepscar be declared surplus to requirements.
- (b) That the sale of the Sheepscar property currently housing the archive be agreed, together with the ringfencing of the receipt value, as identified within exempt Appendix 1, to fund works at Morley West Yorkshire Joint Services.
- (c) That the funds detailed in the exempt appendix to the submitted report be injected into the capital programme, as a contribution to fund the adaptation of the premises in Morley.
- (d) That expenditure of the funds, as detailed within the exempt appendix to the submitted report, as a contribution towards the project be authorised.

97 South Bank Planning Statement and City Centre Park

Further to Minute No. 48, 21st July 2010, the Director of City Development submitted a report summarising the results of the consultation exercise undertaken upon the South Bank Planning Statement, providing an update on the proposed changes to the planning statement as a result of such consultation, and seeking approval for the adoption of the document as informal planning guidance for this important area of change within the city centre. In addition, the report also provided an update on the work undertaken on the outline business case to facilitate the delivery of developments in the South Bank, including the new City Centre Park. In determining this matter,

Draft minutes to be approved at the meeting
to be held on Wednesday, 2nd November, 2011

the Board took into consideration all matters contained within the accompanying report.

In responding to enquiries, officers undertook to provide the Member in question with details regarding the number of public car parking spaces which would be lost as a result of the proposed approach.

The Chief Executive suggested that if Government proposals were announced in the future which brought a high speed rail link to the area, then the Board may wish to revisit the issues detailed within the submitted report at this time.

RESOLVED -

- (a) That the adoption of the South Bank Planning Statement (October 2011) be approved as informal planning guidance for the area.
- (b) That the future work on the development of an Outline Business Case to assist with the delivery of the City Centre Park on the basis of a phased implementation plan including the potential for a footbridge link to the Sovereign Street area, be noted.

98 Woodkirk Academy

The Director of City Development submitted a report detailing of the proposed Heads of Terms for the leasehold disposal at nil consideration of Woodkirk High Specialist Science School to Woodkirk Academy Trust. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED - That the disposal of Woodkirk High Specialist Science School for the proposed Academy on a 125 year lease at nil consideration be agreed and that the Director of City Development be authorised to agree the final terms.

99 Planning Applications Highways Issues (White Paper 16)

Further to Minute No. 52, 27th July 2011, the Director of City Development submitted a report responding to the Council resolution of 6th April 2011 which requested the Executive Board to instruct the Council's Highways Department to ensure that consultation with Ward Members took place on Planning Applications' highways matters before the Highways Department passed formal comment to Planning Officers. Specifically, the report sought approval of a revised proposal which would ensure that Ward Members' views on highways matters were taken into account before a planning application was determined. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed the proposal detailed within the report and highlighted the importance of Members being afforded the opportunity to be consulted on such matters, with their comments being considered as part of any decision making process.

RESOLVED - That in response to the Council resolution of the 6th April 2011, the following revised proposal be agreed:-

- (a) Supplement the existing public consultation on planning applications with the additional notification (by e-mail) for all Ward Members of those planning applications which have been sent to Highways and Transportation for a consultation response, giving them the additional opportunity to raise any highways concerns they may have with the highways officer directly and that Members' concerns be added to the report to be submitted to the relevant Plans Panel.
- (b) That at the end of the three month trial period, a further report be submitted to Executive Board for consideration.

(Under the provisions of Council Procedure Rule 16.5, Councillor Golton required it to be recorded that he abstained from voting on the decisions taken above)

(Councillor Finnigan declared a personal interest in relation to this matter, due to being a member of Plans Panel (East))

100 Draft National Planning Policy Framework - Consultation Response

The Director of City Development submitted a report inviting consideration of the Council's response to the Draft National Planning Policy Framework (NPPF), which was published on 25 July 2011. The response detailed within the submitted report summarised the key issues from a Leeds perspective, which had arisen from the consultation document and the proposed response. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

A table detailing the suggested amendments made by the Development Plan Panel at its meeting on 11th October 2011 to the Council's response to the Draft National Planning Policy Framework was circulated to Board Members at the meeting.

In considering this matter, Members made several comments both in terms of the details within the submitted report and the proposed response. These included:-

- Widening the reference regarding the number of windfall units delivered in Leeds to reflect the figures over the past decade;
- Members highlighted that the draft NPPF did not broadly reflect Council policies and City Priorities;
- Emphasis was placed upon the fact that the NPPF would not simplify and streamline the planning process;
- Members highlighted the lack of recognition made by such an approach towards the diversity of economies which existed across the UK.

RESOLVED -

- (a) That the response to the draft National Planning Policy Framework, as set out in the submitted report, be approved subject to the inclusion as

Draft minutes to be approved at the meeting
to be held on Wednesday, 2nd November, 2011

appropriate of the comments which had been made by the Board during the discussion, in addition to those previously made by the Development Plan Panel.

- (b) That the submission, as detailed within the submitted report and subject to resolution (a) above, be endorsed as the City Council's formal response to the national consultation, on an all party basis.
- (c) That the responses, as set out within the consultation questionnaire at Appendix 1 to the submitted report, be approved.
- (d) That the draft letter, as detailed at Appendix 2 to the submitted report, for MPs and relevant parties, be approved, subject to the inclusion as appropriate of the comments which had been made by the Board during the discussion, in addition to those previously made by the Development Plan Panel.
- (e) That a copy of the report be forwarded to the Secretary of State (Communities & Local Government), shadow party spokesmen, Leeds MPs and other relevant organisations including the Local Government Association.

ENVIRONMENTAL SERVICES

101 Leeds Home Insulation Scheme

The Director of Environment and Neighbourhoods submitted a report providing an update on the development of the Home Insulation Scheme and outlining the impact of changing policies upon the Council's previous proposed approach. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members considered the proposed resource which had been allocated towards this scheme and discussed those sections of the community which may benefit the most from being prioritised recipients.

The report presented the following five options to progress the initiative and sought approval of the option which would offer free insulation across the whole city, supported by marketing campaigns targeting excluded people and disadvantaged geographies:

- Option 1 – Development of the scheme as initially planned (free cavity wall and loft insulation for all private homes regardless of income level, to be delivered over 3-4 years by the Council);
- Option 2 – To stop the insulation scheme entirely;
- Option 3 – Procurement of a partner through DEEP to offer discounted insulation, with no free insulation;
- Option 4 – Procurement of a partner through DEEP to offer free insulation only in selected wards (with door to door marketing to areas with good technical potential), with the offer of discounted insulation to all other Wards;

- Option 5 – Procurement of a partner through DEEP to offer free insulation across the whole of Leeds. Door to door marketing for selected neighbourhoods with good technical potential in more deprived Wards, backed up by a campaign across the city.

RESOLVED –

- (a) That Option 5, to offer free loft and cavity wall insulation to all private sector households across the whole city, supported by marketing campaigns targeting excluded people and disadvantaged geographies, be supported.
- (b) That the Leeds Neighbourhood Index combined with a high level assessment of insulation potential be used to prioritise Wards for door-to-door marketing campaigns, but to exclude technically unsuitable areas from intensive marketing in order to avoid falsely raising expectations.
- (c) That the outcome of the current Leeds City Region DEEP tender process be used to award a contract to the highest scoring bidder to manage and deliver the Home Insulation Scheme.
- (d) That the cavity wall and loft insulation offer be supplemented with a scheme providing solid wall insulation in some of the most deprived areas via the Community Energy Saving Programme, if suitable areas can be found.
- (e) That £1,000,000 of the existing budget be moved to 2012/13.
- (f) That work be undertaken with Leeds City Region authorities, in order to develop a follow up Green Deal/Energy Company Obligation (ECO) scheme to be available from 2013.

NEIGHBOURHOODS, HOUSING AND REGENERATION

102 Submission to Homes and Communities Agency 2011-2015

The Director of Environment and Neighbourhoods submitted a report advising of the development and review of the Leeds Housing Investment Plan (LHIP), together with its purpose and priorities. In addition, the report specifically sought approval of the investment priorities, as set out within the Plan. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members received responses to enquiries raised regarding the proposed provision for Gypsy and Travellers. Discussion was also had in relation to the term 'New East Leeds' and it was undertaken that clarity on this matter would be provided.

Copies of the LHIP had been provided to Board Members for their information, prior to the meeting.

RESOLVED - That the investment priorities set out within the Leeds Housing Investment Plan, as highlighted within sections 4 and 5 of the submitted report, be approved.

CHILDREN'S SERVICES

103 Findings of the Announced Ofsted Re-Inspection of Safeguarding Services for Children and Young People in Leeds

The Director of Children's Services submitted a report presenting the findings of the announced Ofsted re-inspection of safeguarding services for children and young people in Leeds, which followed an on-site inspection that took place between 12th and 16th September 2011. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Following its publication on 10th October 2011, Board Members were provided with the Ofsted report which detailed the results from the inspection undertaken in respect of Safeguarding Services and Safeguarding Outcomes for Children and Young People.

On behalf of the Board, the Chair and the Executive Member for Children's Services paid tribute to, and expressed their gratitude to all of those who had contributed towards the positive outcomes from the Ofsted Inspection, paying particular attention to the determination shown by all concerned and the cross party support which had been given. Members acknowledged that such good work needed to continue in order to ensure that the city's aspirations in respect of Children's Services were achieved.

RESOLVED – That the contents of both the submitted report and the Ofsted announced inspection report, as circulated to Board Members following its publication, be noted.

104 DESIGN AND COST REPORT: ROUNDHAY HIGH SCHOOL TECHNOLOGY AND LANGUAGE COLLEGE: PRIMARY ACCOMMODATION

The Director of Children's Services submitted a report seeking approval of the capital proposals for additional primary school age accommodation as part of an all-through school development for Roundhay School Technology & Language College and to incur the related expenditure. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

In responding to an enquiry, officers undertook provide the Ward Member in question with details in respect of the consultation which took place with local residents in relation to this matter.

RESOLVED -

- (a) That the capital proposals outlined within the submitted report for additional primary school age accommodation as part of an all-through

school development for Roundhay School Technology & Language College be approved.

- (b) That authorisation be given to the programme expenditure of £4,430,200 from capital scheme number 15822/ROU/000.

105 DESIGN AND COST REPORT: WYKEBECK PRIMARY SCHOOL: PRIMARY ACCOMMODATION

The Director of Children's Services submitted a report seeking approval of the capital proposals for additional primary school age accommodation as part of Wykebeck Primary School and to incur the related expenditure. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- a) That approval be given to proceed with works to provide additional education accommodation at Wykebeck Primary School at an estimated total cost of £1,584,330.
- b) That approval be given to inject a receipt into the approved capital programme, for the sum of £438,000.
- c) That authority be given to incur expenditure of £1,584,330 from capital scheme number 15822/WYK/000.

106 DESIGN AND COST REPORT: BRACKEN EDGE PRIMARY SCHOOL: PRIMARY ACCOMMODATION

The Director of Children's Services submitted a report seeking approval of the capital proposals for additional primary school age accommodation at Bracken Edge Primary School and to incur the related expenditure. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That approval be given to proceed with works to provide additional accommodation at Bracken Edge Primary School at an estimated total cost of £936,040.
- (b) That programme expenditure of £936,040 from capital scheme number 15822/BRA/000 be authorised.

107 DESIGN AND COST REPORT: CARR MANOR HIGH SCHOOL: PRIMARY ACCOMMODATION

The Director of Children's Services submitted a report seeking approval of the capital proposals for additional primary school age accommodation as part of an all-through school development for Carr Manor High School and to incur the related expenditure. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED –

- (a) That the capital proposals outlined within the submitted report for additional primary school age accommodation as part of an all-through school development for Carr Manor High School be approved.
- (b) That programme expenditure of £2,574,130 from capital scheme number 15822/CAM/000 be authorised.

108 Admissions Round 2011

The Director of Children's Services submitted a report providing statistical information regarding admissions into Reception and Year 7 for September 2011, entry into Junior school, in addition to the co-ordination of in-year transfers. In addition, the report presented the findings of a survey undertaken on why parents choose particular schools, and their views on the choices which were made available to them. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

RESOLVED – That the statistical information on the Admissions round, as presented within the submitted report, be noted, including the following:-

- The percentage of first preferences achieved was 85.4%, with 95.3% achieving one of their three preferences.
- The increasing number of primary appeals, and the further 6% improvement in the successful defence of in year appeals.
- The continued increase in use of the online application system with 70% of parents now choosing to apply online (up from 44% last year).

LEISURE

109 Home Farm, Temple Newsam

Further to Minute No. 17, 22nd June 2011, the Director of City Development submitted a report advising of the principal changes that were proposed by the Parks and Countryside Service regarding the operation of Home Farm, Temple Newsam, in light of the decision taken by full Council to include a saving of £100,000 from reductions in ancillary farming activities. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

Members discussed issues including the budgetary savings which were to be made in respect of ancillary farming activities, stock numbers and rotation, the Scrutiny Board recommendations which had been made in respect of the farm, processes in place for the purchasing of tickets and the farming methods proposed.

In response to enquiries, officers offered to provide the Member in question with a briefing regarding the reduction of costs, staffing matters and the achievement of savings.

RESOLVED – That the following be approved:-

- (a) The rationalisation of the current farming operations to Temple Newsam Estate only.

- (b) The rationalisation of non minority rare breed stock and store animals, whilst maintaining minority rare breeds and a marginal stock of visitor friendly breeds.
- (c) The reduction in supplies and services and bespoke agricultural plant and machinery.
- (d) The implementation of a farm staff restructure, based on the principles outlined within section 3.8.1 of the submitted report.

110 Long Term Burial Supply in the North East of the City and Design Cost Report for Scheme Revised Whinmoor Grange Informal Planning Statement

Further to Minute No. 231, 18th May 2011, the Director of City Development submitted a report informing Executive Board of the issues raised, and the conclusions drawn, from the consultation exercise undertaken on the Draft Informal Planning Statement for Whinmoor Grange. In addition, the report sought approval of the revised Informal Planning Statement as a guide to future potential development proposals for the site, in addition to the incurring of related expenditure. In determining this matter, the Board took into consideration all matters contained within the accompanying report.

The Board received an update in respect of the proposals regarding the site at Elmete. Following an enquiry, officers undertook to provide the Member in question with details of the specific timescales regarding the proposed development of the site.

In considering the associated consultation process, Members were verbally provided with details of comments which had been raised by relevant Ward Members in respect of the proposals and discussed the process by which Ward Member consultation had been conducted.

The Board noted the comments which had been made in respect of related highways issues and highlighted that such matters would be considered as appropriate in due course.

RESOLVED -

- (a) That the contents of the submitted report, including the outcome from the consultation undertaken on the Draft Planning Statement be noted.
- (b) That the revised Informal Planning Statement be approved as a guide to future potential development proposals for the Whinmoor Grange site.
- (c) That approval be given to incur expenditure of £358,753 from scheme 'Cemetery Exts City Wide 1358/WHM' for construction works in relation to the development of a 5 acre multi faith cemetery at Whinmoor.

DATE OF PUBLICATION: 14TH OCTOBER 2011

**LAST DATE FOR CALL IN
OF ELIGIBLE DECISIONS:** 21ST OCTOBER 2011 (5.00 P.M.)

(Scrutiny Support will notify Directors of any items called in by 12.00 p.m. on 24th October 2011)

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FORWARD PLAN OF KEY DECISIONS
(relating to Resources and Council Services Scrutiny Board)

1 October 2011 – 31 January 2012

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
<p>The Manufacture, Supply and Installation of Passenger Lifts, Stair Lifts and through the Floor Lifts to Leeds City Council Buildings Property Maintenance's procurement exercise for the award of a framework contract for the manufacture. Supply and installation of passenger lifts, stair lifts and through the floor lifts to Leeds Council Buildings</p>	<p>Chief Commercial Services Officer</p>	<p>1/10/11</p>	<p>None</p>	<p>The award report from the tender process</p>	<p>sarah.martin@leeds.gov.uk</p>

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
<p>ICT Services – Changing The Workplace - Application Deployment Infrastructure replacement Replace the council’s end of life ICT ‘Application Delivery’ technology with a modern equivalent that will allow staff to work more flexibly in line with the council’s ‘Changing The Workplace’ (CTW) programme. To be delivered under the ICT Services Essential Services Programme (ESP). This will be undertaken through existing contract arrangements.</p>	<p>Director of Resources</p>	<p>1/10/11</p>	<p>CTW Programme Board, ESP Programme Board, ICT Monthly Commissioning Board, departmental communication ongoing and planned.</p>	<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>david.maidment@leeds.gov.uk</p>

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Awarding of the Framework Agreement for vehicle bodywork repair services for a period of 3 years from the 1st April 2011 with the option to extend a further 12 months To award the Framework Agreement for vehicle bodywork services	Chief Commercial Services Officer	1/10/11	Fleet Services, Procurement Unit, Chief Officer affected	Tender Returns	Carl Snowden carl.snowden@leeds.gov.uk
Supply and Maintenance of Vehicle Tyres To agree the award of Tender for the Supply and Maintenance of Vehicle Tyres	Chief Commercial Services Officer	1/10/11	Fleet Services, Procurement Unit, Chief Officer concerned	Tender Submissions	Carl Snowden carl.snowden@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Former Beckett Park Primary School Building: Refurbishment works Approval to proceed with works to refurbish part of the former Beckett Park Primary School Building, and to incur expenditure from the approved capital programme.	Director of Resources	1/10/11	Relevant Stakeholders	Design and Cost Report	gary.milner@leeds.gov.uk
Playspaces Project Approval to proceed with works to provide new or refurbished play facilities, to inject grant funding into the approved Capital Programme, and to incur the necessary capital expenditure	Director of Resources	1/10/11	Relevant Stakeholders	Design and Cost Report	charlotte.foley@leeds.gov.uk
Supply of cleaning materials and equipment to Leeds City Council To award a contract for the provision of cleaning materials and equipment to Leeds City Council.	Director of Resources	1/10/11		Award report from the tender process	wayne.baxter@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
<p>Monthly Financial Health Report 2011/12 In noting the financial position for the month for the Authority a decision will be required as to the treatment of any variation identified</p>	<p>Executive Board (Portfolio: Resources and Corporate Functions)</p>	<p>12/10/11</p>	<p>n/a</p>	<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>Doug Meeson, Chief Officer (Financial Management) doug.meeson@leeds.gov.uk</p>
<p>Capital Receipts Incentive Scheme To approve a local incentive scheme under which a proportion of capital receipts generated can be retained for reinvestment within localities</p>	<p>Executive Board (Portfolio: Resources and Corporate Functions)</p>	<p>12/10/11</p>	<p>Proposed in the report</p>	<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>Director of Resources alan.gay@leeds.gov.uk</p>

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Review of discretionary relief scheme for Business Rates to provide assistance for Social Enterprises To approve changes to the Business Rates discretionary relief scheme to provide relief to Social Enterprises	Executive Board (Portfolio: Resources and Corporate Functions)	12/10/11	Executive Members, City Development Director, Director of Resources, Chief Finance Officer	The report to be issued to the decision maker with the agenda for the meeting	mark.amson@leeds.gov.uk
The design and build of a new electrical infrastructure for the Apex Data Centre To award a contract to an appropriate contractor following a regulated tender process	Chief ICT Officer	30/10/11	N/A	Delegated Decision Report	andrew.byrom@leeds.gov.uk
Sport Prices 2012 To approve a pricing schedule for Sport and Active Recreation Services 2012	Chief Officer Resources and Strategy	30/10/11	Executive Member, sports managers, finance and equalities staff	Latest income and usage forecasts, latest activity levels and numbers enrolled for lessons, prices of authorities and local competitors	david.oloan@leeds.gov.uk

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
<p>Changing the workplace/customer access programmes - Improving Council Wide Customer Services</p> <p>Approval to modernise the range of face to face customer services delivered by Leeds City Council in the City Centre, with specific authorisation for funding to deliver phase 1 of the project, an interim single customer facing facility in the City Centre at 2 Great George Street 2GGS, as an early win for the Changing the Workplace/Customer Access Programmes</p>	<p>Executive Board (Portfolio: Resources and Corporate Functions)</p>	<p>2/11/11</p>	<p>Changing the Workplace Programme Board Customer Access Delivery Board</p>	<p>The report to be issued to the decision maker with the agenda for the meeting</p>	<p>jane.watson@leeds.gov.uk</p>

Key Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be Considered by Decision Maker	Lead Officer (To whom representations should be made and email address to send representations to)
Changing the Workplace Programme Approval of detailed Business Case including funding approval for delivery of phase 1. Draft Heads of Terms approval plus agreement on delegated decision for final HOT.	Executive Board (Portfolio: Resources and Corporate Functions)	14/12/11	CLT, Cabinet	The report to be issued to the decision maker with the agenda for the meeting	jane.watson@leeds.gov.uk
Agency Worker Supply Contract To re-let LCC's general agency supply contract.	Director of Resources	31/12/11	Trade Unions.	Decision report	alex.watson@leeds.gov.uk

NOTES

Key decisions are those executive decisions:

- which result in the authority incurring expenditure or making savings over £250,000 per annum, or
- are likely to have a significant effect on communities living or working in an area comprising two or more wards

Executive Board Portfolios

Executive Member

Resources and Corporate Functions	Councillor Keith Wakefield
Development and the Economy	Councillor Richard Lewis
Environmental Services	Councillor Mark Dobson
Neighbourhoods Housing and Regeneration	Councillor Peter Gruen
Children's Services	Councillor Judith Blake
Leisure	Councillor Adam Ogilvie
Adult Health and Social Care	Councillor Lucinda Yeadon
Leader of the Conservative Group	Councillor Andrew Carter
Leader of the Liberal Democrat Group	Councillor Stewart Golton
Leader of the Morley Borough Indep	Councillor Robert Finnigan

In cases where Key Decisions to be taken by the Executive Board are not included in the Plan, 5 days notice of the intention to take such decisions will be given by way of the agenda for the Executive Board meeting.

LEEDS CITY COUNCIL

BUDGET AND POLICY FRAMEWORK DECISIONS

Decisions	Decision Maker	Expected Date of Decision	Proposed Consultation	Documents to be considered by Decision Maker	Lead Officer
Budget	Council	22 nd February 2012	Via Executive Board, Scrutiny Board (Resources and Council Services)	Report to be issued to the decision maker with the agenda for the meeting	Director of Resources
Vision for Leeds	Council	July 2013	Via Executive Board, all Scrutiny Boards	Report to be issued to the decision maker with the agenda for the meeting	Assistant Chief Executive (Planning, Policy and Improvement)
Council Business Plan	Council	July 2013	Via Executive Board, all Scrutiny Boards	Report to be issued to the decision maker with the agenda for the meeting	Assistant Chief Executive (Policy, Planning and Improvement)
Licensing Authority Policy Statement (Gambling Policy)	Council	November 2012	Via Executive Board, Scrutiny Board (Resources and Council Services)	Report to be issued to the decision maker with the agenda for the meeting	Director of Resources

NOTES:

The Council's Constitution, in Article 4, defines those plans and strategies which make up the Budget and Policy Framework. Details of the consultation process are published in the Council's Forward Plan as required under the Budget and Policy Framework.

Full Council (a meeting of all Members of Council) are responsible for the adoption of the Budget and Policy Framework.