

LICENSING COMMITTEE

MEETING TO BE HELD IN CIVIC HALL, LEEDS ON

TUESDAY, 7TH JULY, 2015 AT 10.00 AM

MEMBERSHIP

Councillors

N Buckley	Alwoodley;
R Downes	Otley and Yeadon;
J Dunn	Ardsley and Robin Hood;
B Gettings	Morley North;
M Harland	Kippax and Methley;
G Hussain	Roundhay;
G Hyde	Killingbeck and Seacroft;
A Khan	Burmantofts and Richmond Hill;
B Selby	Killingbeck and Seacroft;
C Townsley	Horsforth;
G Wilkinson	Wetherby;
B Flynn	Adel and Wharfedale;
M Ingham	Burmantofts and Richmond Hill;
S McKenna	Garforth and Swillington;
A Ogilvie	Beeston and Holbeck;

Agenda compiled by:
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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 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services 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 those 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</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
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			DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members' Code of Conduct.	
5			APOLOGIES FOR ABSENCE	
6			MINUTES OF THE PREVIOUS MEETING To approve the minutes of the last meeting held on 22 nd May 2015. (Copy attached)	1 - 6
7			MATTERS ARISING FROM THE MINUTES To consider any matters arising from the minutes.	
8			GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY To consider a report by the Head of Elections, Licensing and Registration which provides the consultation responses to the Gambling Act 2005 Statement of Licensing Policy (Appendix A) and the final draft of the policy (Appendix B) for endorsement. The report also includes accompanying guidance documents (Appendices C & D) relating to risk assessments and model conditions for approval in principle. (Report attached)	7 - 108

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9			HEMMING V WESTMINSTER OUTCOME To consider a report of the Head of Elections, Licensing and Registration which provides an update on the case (Hemming vs Westminster) and the impact these cases will have on regulatory regimes. (Report attached)	109 - 118
10			LICENSING COMMITTEE WORK PROGRAMME 2015/16 To note the contents of the Licensing Committee Work Programme for 2015/16 (Copy attached)	119 - 124
11			DATE AND TIME OF NEXT MEETING To note that the next meeting will take place on Tuesday 4 th August 2015 at 10.00am in the Civic Hall, Leeds. Third Party Recording Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda. Use of Recordings by Third Parties– code of practice a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title. b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete	

Item No	Ward/Equal Opportunities	Item Not Open		Page No

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Licensing Committee

Friday, 22nd May, 2015

PRESENT: Councillor Harland in the Chair

Councillors N Buckley, J Dunn, B Gettings,
G Hussain, G Hyde, A Khan, C Townsley,
G Wilkinson, B Flynn and S McKenna

1 Chair's Opening Remarks

The Chair welcomed everyone to the first meeting of the Licensing Committee for the 2015/16 Municipal year.

The Chair also introduced and welcomed Councillor Stuart McKenna who had recently been appointed as a Member of the Licensing Committee and was attending his first meeting of the Committee.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals against the refusal of the inspection of documents.

3 Exempt Information - Possible Exclusion of the Press and Public

RESOLVED – That, in accordance with Regulation 4 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during 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:-

Appendix (5) to the report entitled “Digital Advertising Screens in Licensed Vehicles – Presentation of further information and Review of the Licensing Committee recommendations dated 9th September 2014” as referred to in Minute No.11 was designated as exempt under Access to Information Procedure Rule 10.1(a) in order to receive advice from the from the City Solicitor on the proposed conditions to be imposed in relation to the Digital Advertising Screens Policy in Licensed Vehicles.

4 Late Items

There were no late items of business submitted

5 Declaration of Disclosable Pecuniary Interests

There were no declarations of Disclosable Pecuniary Interests made at the meeting

Draft minutes to be approved at the meeting
to be held on Tuesday, 9th June, 2015

6 Apologies for Absence

Apologies for absence were received from: Councillor Downes, Councillor Selby and Councillor Ogilvie

7 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 8th April 2015 be confirmed as a true and correct record

8 Matters Arising from the Minutes

RESOLVED – There were no issues raised under matter arising

9 Licensing Committee - Annual Governance Arrangements

The City Solicitor submitted a report seeking to establish the governance arrangements for the Licensing Committee for the 2015/16 Municipal Year, namely:

- To note the terms of reference of the Licensing Committee as agreed at the annual Council meeting on 21st May 2015.
- To appoint the five Licensing Sub-Committees for the 2015/16 Municipal year.
- To approve the Membership of each Sub Committee as set out in Appendix 2 of the submitted report
- To approve terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the submitted report.
- To approve the delegation of licensing functions to the Assistant Chief Executive (Citizens and Communities) as set out in Appendix 4 of the submitted report.

Appended to the report were copies of the following documents:

- Licensing Committee Terms of Reference (Appendix 1 refers)
- Membership of each Licensing Sub Committee (Appendix 2 refers)
- Licensing Sub Committee Terms of Reference (Appendix 3 refers)
- The delegation Licensing functions to the Assistant Chief Executive (Citizens and Communities) (Appendix 4 refers)

The Section Head, Legal Services, presented the report and responded to Members questions and queries

Detailed discussion ensued on the contents of the report which included:

- Membership of each Licensing Sub Committee

Commenting on the Committee Membership, the Chair reported that there was currently one Labour Group nomination to be confirmed, the matter was with the Chief Whip and confirmation would be provided in the near future.

RESOLVED –

- (i) To note the terms of reference of the Licensing Committee as approved by full Council on 21st May 2015 as shown at Appendix 1
- (ii) That subject to the current vacancy being filled the five Licensing Sub-Committees hearings required under the 2003 and 2005 Acts be established with the following memberships:
 - A Councillors Harland, Downes and Gettings
 - B Councillors Dunn, Buckley and G Hussain
 - C Councillors Hyde, Townsley and Ogilvie
 - D Councillors S McKenna Flynn and Selby
 - E Councillors Khan, Wilkinson and (Chief Whip nomination)
- (iii) That approval be given to the terms of reference for the Licensing Sub-Committees as set out in Appendix 3 of the report
- (iv) That approval be given to the delegation of Licensing functions to the Assistant Chief Executive (Citizens and Communities) as shown in Appendix 4 of the report.

10 Licensing Procedure Rules, the Code of Practice for Determining Licensing Matters and Prescribed Licensing Training

The City Solicitor submitted a report which set out draft procedure rules relating to hearings and other meetings of the Licensing Committee and sub-committees and sought the approval of Members to the adoption of these procedure rules.

The report also requested consideration the Code of Practice for the Determination of Licensing Matters previously approved by Standards Committee and sought Members approval and resolve to follow the Code.

Member's attention was also directed to the arrangements for the prescribed Member Training on licensing under the provisions of Article 8A of the constitution and the Code of Practice.

RESOLVED –

- (i) That the Licensing Procedure Rules as set out as Appendix 1 of the report be approved

- (ii) To approve and resolved to follow the Code of Practice for the Determination of Licensing Matters as set out in Appendix 2 of the report.
- (iii) To note the arrangements for the prescribed training programme.

11 Digital advertising screens in licensed vehicles – Presentation of further information and review of Licensing Committee recommendations of 9 September 2014

With reference to the meeting of 10th March 2015 and the decision to defer consideration of this item to allow all parties to receive and consider any new information and determine if any areas of dispute remained.

The Head of Licensing and Registration submitted a further report which attempted to address objections to a previous recommendation which imposed a requirement to produce letters of approval from vehicle manufacturers approving digital advertising screens fitted within head restraints in their manufactured vehicles.

It was reported that it was that condition which had been challenged.

In addressing the report, the Section Head, Taxi and Private Hire Licensing suggested that as a public safety measure and to meet statutory licensing requirements, a condition was imposed that required documentation from vehicle manufacturers to approve the replacement of the manufacturer's original head restraint with the aftermarket product in question. It was reported that expert opinion had been sought which supported a public safety viewpoint. Section 3.3 of the submitted report referred.

The Chair invited Mr D Crake, Managing Director, Digicab Media Ltd and Mr D Askham, Leeds Private Hire Drivers Association to comment on the report of the Head of Licensing and Registration.

In offering comment Mr Crake reported that the product had been on the market for 2 years and was operational in 7 other Local Authorities throughout the Country. There was currently no case law to support the product was unsafe and to date there were no reported injuries /claims in connection with the product. Mr Crake questioned if the advice been presented to Members was legal and relevant.

Mr Askham suggested there were many other aftermarket devices/ products currently fitted in taxis which were not subject to the same scrutiny, exceptions to the policy could be made.

In responding the Section Head, Taxi and Private Hire Licensing suggested that such devices/products had achieved British Standard accreditation. The Digicab Media product had not been tested.

Members queried how the product had been approved in other Local Authorities.

In responding the Section Head, Taxi and Private Hire Licensing confirmed that the product had been approved by other local authorities but, these authorities had not sought evidence that the product was safe. Officers in Leeds had included a condition which required the production of a certificate from the supplier which demonstrated that the product had attained conformity to the principles of UN ECE Reg 25 or was part of the vehicle range which achieved EWVTA with UN ECE Reg 17.

The existing conditions (Leeds City Council) were set out in Appendix No. 5 of the submitted report

Mr Crake, referring to Appendices Nos. 2 & 3 of the submitted report (Conditions imposed by Wakefield and York Councils) said that other local authorities had not required such a condition.

At this point the meeting went into closed session to received advice from Legal Services.

RESOLVED – To recommend approval to the Executive of the suggested Licensing Conditions as set out in Appendix 5 subject to the following amendments:

- (i) That paragraphs 3, 4 and 8 be removed
- (ii) Paragraph 3 to now read; “All equipment must comply with any safety legislative requirements and Construction and Use Regulations and any other legislation”
- (iii) Paragraph 16 be amended to read as follows; “Passengers must be able to have the screen turned off, on request”

12 Licensing Committee Work Programme

Members considered the contents of the Licensing Committee Work Programme for 2015/16.

RESOLVED – To approve the contents of the Licensing Committee Work Programme for 2015/16

13 Date and Time of Next Meeting

RESOLVED – To note that the next meeting will take place on Tuesday, 9th June 2015 at 10.00am in the Civic Hall, Leeds.

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Report of the Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 7th July 2015

Subject: Gambling Act 2005 Statement of Licensing Policy

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 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. Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy), and to consult upon any changes.
2. The three yearly review is taking place this year and officers have reviewed the current policy and made suggestions in line with changes to Gambling Commission's Licence Conditions and Codes of Practice. The public consultation took place April to June.
3. The next step is to present the consultation responses and the final draft of the policy for endorsement.

Recommendations

4. That Licensing Committee reviews the consultation responses and endorses the consultation response and final draft of the policy before it proceeds through the approval process.
5. That Licensing Committee reviews the guidance documents and approves them in principal, with further minor amendments to be made by officers before coming into effect alongside the new policy in January 2016.

1.0 Purpose of this report

- 1.1 To present to Licensing Committee the consultation responses (Appendix A) and the final draft of the policy (Appendix B) for endorsement.
- 1.2 To present to Licensing Committee accompanying guidance documents (Appendices C & D) relating to risk assessments and model conditions for approval in principle.

2.0 Background information

- 2.1 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.
- 2.2 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).

3.0 Main issues

- 3.1 This will be the fourth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy).
- 3.2 In the last three years there have been a number of issues that have come to the attention of councils nationwide. The most publicly reported of which is the increase in the number of fixed odds betting terminals in betting premises in deprived areas. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are opening in deprived areas. Each betting shop is able to site four fixed odds betting terminals.
- 3.3 In response to this concern, the Gambling Commission has consulted upon a change to the Licence Conditions and Codes of Practice (LCCPs) that are attached to Operator's Licence under the Gambling Act 2005 to require operators to complete locality-specific risk assessments and show the measures they use to mitigate the risks. Officers have reviewed the new LCCPs and have incorporated the changes into the Licensing Policy.
- 3.4 As part of the review and consultation process officers have contacted the responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Board) who have made no comment.

3.5 The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. In total 171 emails and 120 letters were sent advising interested parties of the consultation. The consultation was also advertised on the council's Talking Point webpages.

3.6 The consultation had four responses. These are detailed along with the council's response in the consultation report at Appendix A.

3.7 Following the consultation, the responses to the consultation were considered and the policy was proof read again. A minor amendment was made to paragraph 13.10 to provide clarity:

13.10 In order for location to be considered, 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. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.

3.8 Following discussion with other local authorities, the Local Government Association and the Gambling Commission on the new requirement for operators to complete local risk assessments from April 2016, a further amendment was made to the section on local licensing guidance (renamed Local Area Profiles) as follows:

Local Area Profiles

13.17 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with the Community Hubs and approved by the Licensing Committee, can be obtained from Entertainment Licensing.

13.18 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.

13.19 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

- 3.9 The final amendment was to the appendices at the end of the document which were updated with the latest gaming machine stakes and prizes and premises entitlements.
- 3.10 The final draft of the policy is attached at Appendix B.
- 3.11 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:
- | | |
|-----------------|---------------------------------|
| Executive Board | 15 th July 2015 |
| Scrutiny Board | 14 th September 2015 |
| Executive Board | 21 st October 2015 |
| Council | 11 th November 2015 |

Guidance Documents

- 3.10 To accompany the new policy, and in line with the new requirements of the Operator's Licence Conditions and Codes of Practice, guidance documents relating to risk assessments and model conditions which could be included on the risk assessments have been developed by Westminster City Council and are likely to be adopted by the six largest licensing authorities. Westminster plans to consult widely upon the documents and final versions will be available to accompany the new policy in January 2016.
- 3.11 The draft documents have been modified to be suitable for Leeds and are provided at Appendix C and D for Members consideration and approval in principal with further amendments, if necessary, being made by officers following the consultation process undertaken by Westminster City Council.

4.0 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The licensing policy is subject to a statutory consultation which was undertaken between April and June. The responses are included in the consultation report at Appendix A.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The licensing policy review process is subject to a EDCI Assessment, and a screening form has been completed. It is attached at Appendix E.

4.3 Council Policies and City Priorities

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:
- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;

- Make it easier for people to do business with us.

4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

4.4 Resources and Value for Money

4.4.1 A review of the effectiveness of specific consultation methods has been instrumental in reducing costs. The public consultation of the policy is now mostly undertaken by email, which has helped reduce the cost further.

4.5 Legal Implications, Access to Information and Call In

4.5.1 There are no legal implications for this report.

4.6 Risk Management

4.6.1 There are no issues relating to risk management.

5 Conclusions

5.1 The Statement of Licensing Policy is under statutory review. A public consultation has been undertaken and the policy reviewed based on the comments received. The final draft policy and the consultation report are presented for endorsement by Licensing Committee. Approval is a matter for full Council following the Budgetary and Policy Framework therefore the next step is for the policy to be presented to Executive Board which is planned for the 15th July.

6 Recommendations

6.1 That Licensing Committee reviews the consultation responses and endorses the consultation response and final draft of the policy before it proceeds through the approval process.

6.2 That Licensing Committee reviews the guidance documents and approves them in principle, with further minor amendments to be made by officers before coming into effect alongside the new policy in January 2016.

7 Background documents¹

7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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GA05 Statement of Licensing Policy

Consultation Report



Summary

The Gambling Act 2005 Statement of Licensing Policy is under its three yearly review.

A number of changes have been made to the Operator's Licence Conditions and Codes of Practice by the Gambling Commission. These have been reflected in this review. Policies and other council publications have been updated as has census data.

Introduction

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).

This will be the fourth time that the council has reviewed and amended the Gambling Act 2005 Statement of Licensing Policy.

In the last three years there have been a number of issues that have come to the attention of councils nationwide. The most publicly reported of which is the increase in the number of fixed odds betting terminals in betting premises in deprived areas. In Leeds, although there has not been a significant change in the number of betting shops, there has been movement and more premises are opening in deprived areas. Each betting shop is able to site four fixed odds betting terminals.

In response to this concern, the Gambling Commission has consulted upon a change to the Licence Conditions and Codes of Practice (LCCPs) that are attached to Operator's Licence under the Gambling Act 2005 to require operators to complete locality-specific risk assessments and show the measures they use to mitigate the risks. Officers have reviewed the new LCCPs and have incorporated the changes into the Licensing Policy.

As part of the review and consultation process officers have contacted the responsible authorities (including West Yorkshire Police, Public Health, West Yorkshire Fire and Rescue Services, Leeds Safeguarding Children Board) who have made no comment.

The policy was presented for public consultation on the website, and by email and post to solicitors, licensees, support organisations, responsible authorities, ward members, MPs, trade associations, and parish councils. In total 171 emails and 120 letters were sent advising interested parties of the consultation. The consultation was also advertised on the council's Talking Point webpages and an online response form was provided.

Detailed Changes

Executive Summary

Page 5 - 6th paragraph (not numbered)

Addition of *"layout of the premises and supervision of gaming facilities."*

Part A The Gambling Act

Page 6 paragraph 1.6

Addition of *"The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 13."*

Page 7 paragraph 2. The Leeds District

Moved map.

Page 7 paragraph 2.2

Update of census information.

Page 8 paragraph 2.4

Amendment of paragraph to remove reference to free outdoor festivals.

Page 8 paragraph 2.5

Addition of *"Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire Cricket Club's home in Headingley. Leeds has a world's first dual code rugby partnership – Leeds Rhino Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos in particular have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of the best jump courses in the country."*

Page 8 paragraph 2.7

Update of wording relating to the Vision for Leeds.

Page 9 paragraph 2.9 – 2.13

Addition of:

2.9 *The council has announced its intention for the city to become 'Child Friendly'. This links back to the council's vision which states:*

'Best city... for children

Leeds will be a child-friendly city where the voices, needs and priorities of children and young people are heard and inform the way we make decisions and take action.'



- 2.10 *There are over 180,000 children and young people in Leeds. To become a child friendly city, and the best city for children and young people, their voices and views need to be heard and responded to, and that they are active participants in their local community and citywide.*
- 2.11 *The UN convention on the rights of the child sets out the basic rights for children worldwide. The UN developed the model for child friendly city model – a place where children rights are known and understood by children and adults alike, and where these rights are reflected in policies and budgets.*
- 2.12 *As part of the aim for Leeds to become a child friendly city, the council declared 12 wishes:*
- 2.13 *This policy is particularly affected by wish 2 – “Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play” and wish 3 – “There are places and spaces to play and things to do, in all areas and open to all”.*

Page 11 paragraph 6.3

Updated link to the West Yorkshire Consortium Procedures Manual

Page 11 paragraph 6.4

Removal of Responsible Authority details and inclusion of link to the council’s webpage.

Part B Promotion of the licensing objectives

Page 13 paragraph 10.2

Removal of “to those who could see it”

Part C Premises licences

Page 17 paragraph 13.10

Addition of:

- 13.10 *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. From 6 April 2016, it is a requirement of the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.*
- 13.11 *The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:*
- a. to take account of significant changes in local circumstance, including those identified in this policy;*
 - b. when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;*
 - c. when applying for a variation of a premises licence; and*
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.*

13.12 *The council will expect the local risk assessment to consider as a minimum:*

- *whether the premises is in an area of deprivation*
- *whether the premises is in an area subject to high levels of crime and/or disorder*
- *the ethnic profile of residents in the area*
- *the demographics of the area in relation to vulnerable groups*
- *the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather*

13.13 *In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.*

13.14 *Other matters that the assessment may include:*

- *The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.*
- *Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.*
- *The layout of the premises so that staff have an unobstructed view of persons using the premises ??*
- *The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.*
- *Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.*
- *The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.*
- *Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.*

Page 18 paragraph 13.15

Replace word “evidence” with “information”.

Page 18 paragraph 13.17 to 13.19

Addition of:

Local Licensing Guidance

13.17 *Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council has published local licensing guidance. This guidance which is compiled through the Area Committee and approved by the Licensing Committee can be obtained from Entertainment Licensing.*

13.18 *The local licensing guidance should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the measures suggested in the guidance and how they might be relevant to their application. The Local Licensing Guidance will be presented to any subsequent Licensing subcommittee when they determine an application that has received representations.*

13.19 *The council recognises that it cannot insist on applicants using the local licensing guidance when completing their risk assessments. However an applicant who decides to disregard the guidance may face additional representations and the expense of a hearing as a result.*

Page 19 paragraph 13.21

Removal of “If the council is minded to do so because there are regulatory concerns of an exceptional nature, then any addition licence conditions must relate to the licensing objectives.”

Page 19 paragraph 13.25

Addition of two bullet points:

- *a reduction in the number of betting machines (betting premises)*
- *the manning of premises*

Page 21 paragraph 15.4 to 15.6

Addition of:

15.4 *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.*

15.5 *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.*

15.6 *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.*

Page 22 paragraph 16.5 to 16.56

Move the large casino section to a new Appendix 4 at the end of the Policy.

Part E Enforcement

Page 34 paragraph 29.4

- 29.4 *Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:*

<i>Coral</i>	<i>London Borough of Newham</i>
<i>William Hill</i>	<i>City of Westminster</i>
<i>Ladbrokes</i>	<i>Milton Keynes</i>
<i>Paddy Power</i>	<i>Reading</i>

- 29.5 *Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>*

Changes following the consultation

Following the consultation, the responses to the consultation were considered and the policy was proof read again. A minor amendment was made to paragraph 13.10 to provide clarity:

- 13.10 *In order for location to be considered, 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. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.*

Following discussion with other local authorities, the Local Government Association and the Gambling Commission on the new requirement for operators to complete local risk assessments from April 2016, a further amendment was made to the section on Local Area Profiles as follows:

- 13.17 *Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with the Community Hubs and approved by the Licensing Committee, can be obtained from Entertainment Licensing.*
- 13.18 *The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.*
- 13.19 *The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.*

The final amendment was to the appendices at the end of the document which were updated with the latest stakes and prizes.

Responses to the Consultation

Response from Barwick in Elmet and Scholes Parish Council

An application for installation of new or additional gambling machines should be considered in the light of the number already permitted in a premises or area and similarly applications for betting shops should be refused when there are already an adequate number in an area. This would be particularly relevant to rural areas where use of such facilities by an influx of gamblers would not be appropriate.

Comments: The Gambling Act 2005 specifically states that when making decisions about licence applications the licensing authority is not permitted to take demand into consideration. However the amendments to the Operator's Licence Conditions and Codes of Practice now require operators to consider the locality of the premises and the risks associated with the operation of a gambling premises in that area.

Action: The Policy references the locality based risk assessments and provides a list of requirements for operators to refer to when making their risk assessments, therefore no further action is necessary.

Online Response 1

I recognise probably to the majority of people gambling is a bit of fun but my concern is about the possible impact on a minority. To some it can be an addiction - people have lost jobs, relationships, even homes and last year Leeds Men's Health Network had a guest speaker from Gamblers Anon who had been a millionaire but lost it all through gambling. So I think we would argue we may need to do more to educate people about gambling (can start in schools), to warn about the possible dangers plus to support the victims more. Pavlov demonstrated how gambling it could be argued is 'classical conditioning' - he got pigeons to peck at a receptacle which occasionally gave corn so the pigeons pecked nonstop - the same principle is with gambling - the next time I will win, just one more go, and it could be argued this is a clever hook and first bet free offers etc. are the bait to try to hook people in. It would be good for the Council to also consult community groups and organisations like Gamblers Anon plus to have community reps on an Advisory Panel plus experts from local universities. We need to protect children, adults and particularly vulnerable people from harm and to act responsibly.

Comments: The Gambling Act 2005 has three licensing objectives underpinning the legislation, one of which is about protecting children and vulnerable people. The licensing objectives guide the development of the policy and the determination of licences. Therefore when making determinations about new gambling premises the Council must have regard for these objectives and the policy.

The new requirement for gambling operators to undertake risk assessments on the locality of their premises, and the local area profiles the council intends to compile will seek to address the issue of problem gambling in relation to premises licensing. With regards to education and seeking the opinion of experts, the council is in receipt of a payment from the large casino each year which is placed in a Social Inclusion Fund to address these exact issues.

Action: No further action, however this response will be forwarded to the Financial Inclusion Team who are responsible for the Social Inclusion Fund.

Online Response 2

Bookies are parasites, sucking the life blood from desperate people. There are too many bookies already. Armley Town Street is full of them. Less please.

Comments: The Gambling Act 2005 is a permissive regime and prohibits the council from considering demand when determining licence application for betting premises (bookies), however the new requirements around locality risk assessments does seek to address this.

Action: No further action

Online Response 3

I personally believe that the statement is too generic, in as much as it tells us what the council wants to achieve but not how they're going to do it.

Comments: This is the nature of a policy document. The mechanism by which the policy is put into action is the licensing regime. The policy will be considered when making premises licence determinations.

Action: No further action.

BRE Code of Practice on Consultation

The consultation is being conducted in line with the BRE Code of Practice on Written Consultation. The consultation criteria are listed below. More information can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100807/file47158.pdf

The Consultation Criteria

- 1) When to consult**
Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- 2) Duration of consultation exercises**
Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- 3) Clarity of scope and impact**
Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- 4) Accessibility of consultation exercises**
Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- 5) The burden of consultation**
Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- 6) Responsiveness of consultation exercises**
Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- 7) Capacity to consult**
Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any questions or complaints about the process of consultation on this paper, please contact:

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Statement of Licensing Policy 2016 – 2018

Gambling Act 2005



Further copies of this document can be obtained from:

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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, layout of the premises and supervision of gaming facilities. 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.

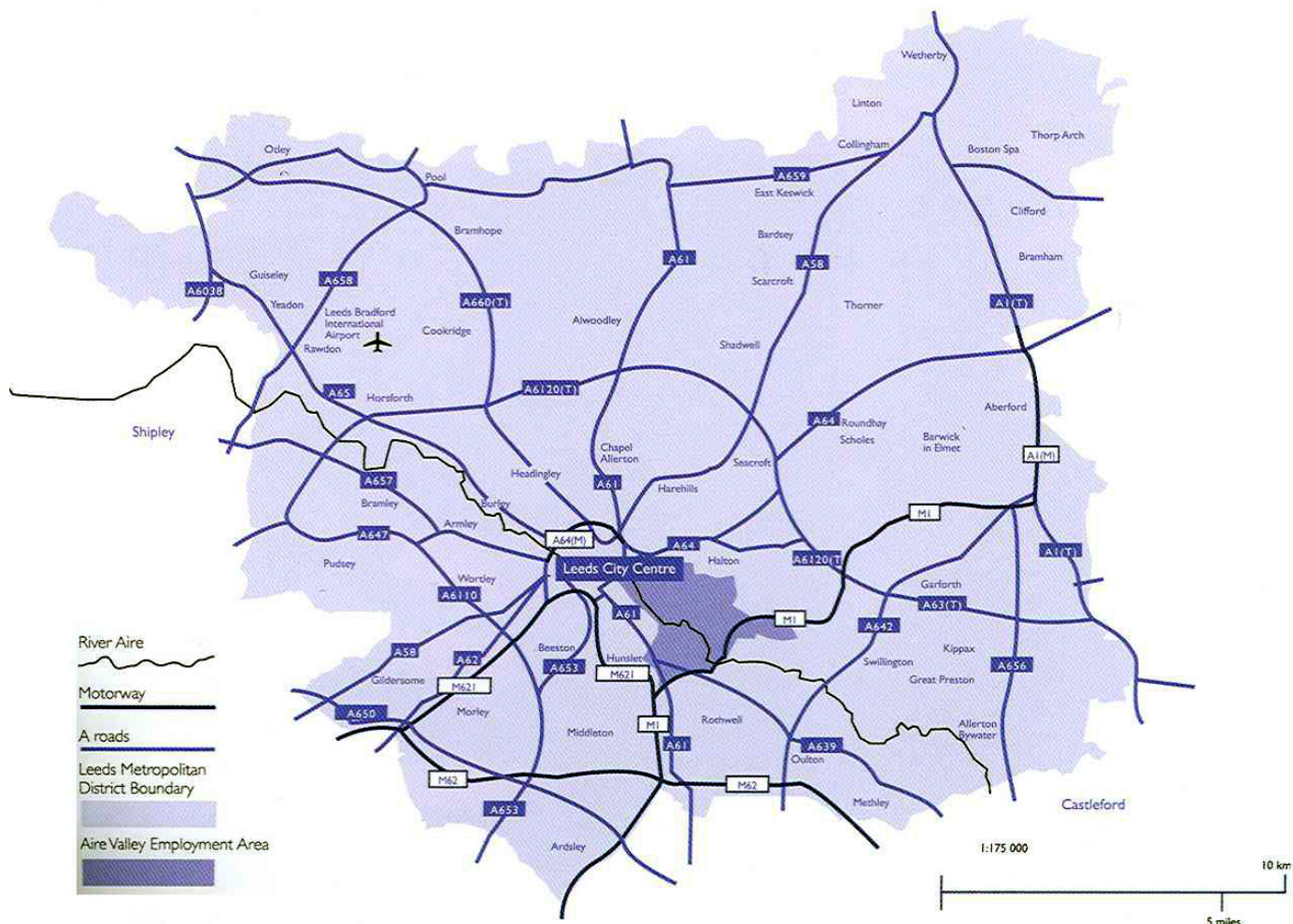
Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

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 follow any regulations and statutory guidance issued in accordance with the Act and will 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.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section xxx.

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 761,481 (ONS, Population Estimates for UK as at 30 June 2013). 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 traditions and top performing artistes can be seen at the Leeds first direct Arena, Leeds Town Hall and at other indoor and outdoor venues across the city. 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, entertainment, heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.
- 2.5 Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire Cricket Club's home in Headingley. Leeds has a world's first dual code rugby partnership – Leeds Rhino Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos in particular have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of the best jump courses in the country.
- 2.6 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.
- 2.7 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 locally and internationally recognised as the best city in the UK" By 2030:
- Leeds will be fair, open and welcoming
 - Leeds' economy will be prosperous and sustainable
 - All Leeds' communities will be successful
- 2.8 This statement of licensing policy seeks to promote the licensing objectives within the overall context of the three aims set out in the Vision for Leeds 2011-2030.

Child Friendly

- 2.9 The council has announced its intention for the city to become 'Child Friendly'. This links back to the council's vision which states:
- 'Best city... for children
Leeds will be a child-friendly city where the voices, needs and priorities of children and young people are heard and inform the way we make decisions and take action.'
- 2.10 There are over 180,000 children and young people in Leeds. To become a child friendly city, and the best city for children and young people, their voices and views need to be heard and responded to, and that they are active participants in their local community and citywide.



- 2.11 The UN convention on the rights of the child sets out the basic rights for children worldwide. The UN developed the model for child friendly city model – a place where children rights are known and understood by children and adults alike, and where these rights are reflected in policies and budgets.
- 2.12 As part of the aim for Leeds to become a child friendly city, the council declared 12 wishes:
- 2.13 This policy is particularly affected by wish 2 – “Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play” and wish 3 – “There are places and spaces to play and things to do, in all areas and open to all”.

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 xxx and xxx and followed the Cabinet Office's Code of Practice on Consultation. The consultation elicited xxx responses which are available on request. The policy was approved at a meeting of the 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://westyorkscb.proceduresonline.com/> . 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 available on the council's website within the guidance documents at <http://www.leeds.gov.uk/Business/Pages/Gambling-Premises-Licences.aspx>.

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.
- 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.
- 12.12 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.
- 12.13 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.

Part C Premises licences

- 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.
- 13.10 In order for location to be considered, 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. From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under section 10, for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 13.11 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- a. to take account of significant changes in local circumstance, including those identified in this policy;
 - b. when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - c. when applying for a variation of a premises licence; and
 - d. in any case, undertake a local risk assessment when applying for a new premises licence.
- 13.12 The council will expect the local risk assessment to consider as a minimum:
- whether the premises is in an area of deprivation
 - whether the premises is in an area subject to high levels of crime and/or disorder
 - the ethnic profile of residents in the area
 - the demographics of the area in relation to vulnerable groups
 - the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather

- 13.13 In any case the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.
- 13.14 Other matters that the assessment may include:
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
 - Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
 - The layout of the premises so that staff have an unobstructed view of persons using the premises ??
 - The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
 - Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by etc.
 - The provision of signage and documents relating to games rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
 - Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- 13.15 Such information 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.
- 13.16 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.

Local Area Profile

- 13.17 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the council may publish a local area profile. This profile, compiled in conjunction with the Community Hubs and approved by the Licensing Committee, can be obtained from Entertainment Licensing.
- 13.18 The local area profiles should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profiles will be presented to any subsequent licensing subcommittee when they determine an application that has received representations.

- 13.19 The council recognises that it cannot insist on applicants using the local area profiles when completing their risk assessments. However an applicant who decides to disregard the profiles may face additional representations and the expense of a hearing as a result.

Duplication with other regulatory regimes

- 13.20 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

- 13.21 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 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.
- 13.22 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.
- 13.23 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.
- 13.24 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 in this policy. 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
- 13.25 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
 - a reduction in the number of betting machines (betting premises)

- the manning of premises
- 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 pre and post school hours, 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.

13.26 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.

13.27 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

13.28 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 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.
- 15.5 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.

15.6 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.

15.7 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.

16.5 Detailed information on the Large Casino Application Process can be found in Appendix 4.

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 in section 12.
- 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..

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.

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.
- 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 Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action. At the time of the publication of this policy there were four Primary Authority arrangements with host local authorities:
- | | |
|--------------|--------------------------|
| Coral | London Borough of Newham |
| William Hill | City of Westminster |
| Ladbrokes | Milton Keynes |
| Paddy Power | Reading |
- 29.5 Further information, including an index of all Primary Authority arrangements can be found at <https://primaryauthorityregister.info/par/index.php/home>
- 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.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
¹ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
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)	20p	£15 (of which no more than £8 may be a money prize)

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.

Table 2

	Machine category						
Premises Type	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 (except B3A machines)				
Bingo Premises ¹				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 ²				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	
Licensed family entertainment centre ³						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits ⁴						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 licensed premises 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

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, 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.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 2 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the U.K require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and 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'.

Term	Description
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	<p>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:</p> <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 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.
Lottery	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).
Mandatory condition	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.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
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>

Term	Description
Odds	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.
Off-course betting operator	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.
On-course betting operator	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).
Pool Betting	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 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.

Term	Description
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

Appendix 4 Large Casino

1. Background

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 1.6 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.
- 1.7 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.
- 1.8 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.

- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.

2. Application Process

Stage 1

- 2.1 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.
- 2.2 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
- 2.3 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.
- 2.4 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.
- 2.5 At stage 1, the council will not consider whether any of the applications is more deserving of being granted.

Stage 2

- 2.6 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.
- 2.7 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
- 2.8 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.
- 2.9 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

- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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).
- 2.14 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.

- 2.15 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.
- 2.16 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.
- 2.17 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:
- The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
 - The likely effects of an application on employment, the local economy and regeneration within the authority's area,
 - Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.
- 2.18 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.

3. Principles

- 3.1 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.
- 3.2 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.

4. Evaluation Criteria

- 4.1 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.
- 4.2 Applicants should carefully examine the evaluation methodology and tailor their application accordingly to ensure that they maximise benefits in accordance with this methodology.
- 4.3 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

- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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 completion of the Schedule 9 Agreement	
1.3	Net Present Value of annual cash sum offer	
1.4	Credibility of financial assumptions and offer	

- 4.8 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

- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 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	

- 4.15 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

- 4.16 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.
- 4.17 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.
- 4.18 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.
- 4.19 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	

- 4.20 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.

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Local Risk Assessments

Gambling Act 2005



Background

Leeds City Council is the licensing authority under the Gambling Act (the Act). The licensing authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Leeds. The licensing authority also has a role in gambling regulation by ensuring compliance with the Act.

The Act contains three licensing objectives which guide the way that the licensing authority performs its functions and the way that gambling operators carry on their activities. They are:

- (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.
- (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Act places a legal duty on the licensing authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the licensing authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example to attach conditions on licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.

The licensing authority will set out how it intends to carry out its functions under the Act in its Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years.

The Commission (the Commission) is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences operators must ensure that they comply with and meet the requirements of the LCCP.

There has been a shift in policy to a risk based approach to considering the potential impacts that gambling premises may have on the licensing objectives under the the Act. The Commission has introduced a new social responsibility code within their Operating Licence Conditions and Codes of Practice (LCCP) that will require gambling operators to assess that risk.

The introduction of the new social responsibility codes within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns.

Leeds City Council (the Council) has developed this guidance to assist gambling operators in undertaking and preparing their local risk assessments. This guidance provides a framework for the local risk assessment process that will provide a uniformed approach across all non-remote gambling sectors. This will benefit the Council as licensing authority under the Act as well as responsible authorities and interested parties when considering new and variation applications. In addition, these assessments will enable the Council to establish a more advanced compliance inspection regime.

Gambling operators will be required to undertake a risk assessment for all of their existing premises by

6th April 2016. Following that date operators must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one is detailed within this guidance document.

The Council considers that these local risk assessments are a key component to the overall assessment and management of the local risks. The Council will assist operators in this process by providing specific information on its concerns surrounding gambling within the City and that premises can have on the licensing objectives within its Statement of Licensing Principles. Operators should have specific regard to the Council's Statement of Principles for gambling when carrying out these assessments.

Risk

We have found that a risk-based approach to regulation enables the authority to prioritise resources where they can be most effective and are needed. It provides a better understanding of risk and enables a proportionate response. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened but it is related to the probability of an event happening and the likely impact of that event. In this case risk relates to the impact on the licensing objectives.

Although gambling is a legal entertainment activity it can have a significant negative impact on individuals and the wider community. The Council has been very active in trying to understand how gambling can affect its residents and visitors. The Council has also been looking to identify who lives in the local area and what the risks gambling premises may have on the licensing objectives locally.

In February 2015, following substantial consultation with relevant stakeholders the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. These code provision state:

Social responsibility code provision 10.1.1	
Assessing local risk	
All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.	
<i>This provision comes into force on 6 April 2016</i>	
1	Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
2	Licensees must review (and update as necessary) their local risk assessments: <ul style="list-style-type: none"> a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy; b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks; c) when applying for a variation of a premises licence; and d) in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2	
Sharing local risk assessments	
All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences	
<i>This provision comes into force on 6 April 2016</i>	
1	Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions come into effect on the 6th April 2016. As a result all of the premises within Leeds must have been assessed to identify and the local risks posed by the gambling facilities in these locations. This guidance will assist operators in achieving these code provisions.

Risk assessment triggers

The local risk assessment code provisions provide a number of triggers for when a new assessment is required or an existing one requires reviewing. This section sets out the licensing authority's views on what these triggers are and when operators should provide a copy of their assessments to the licensing authority.

New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out. That assessment should be based on how the premises are proposed to operate at the premises location and take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the licensing authority.

Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The following lists sets out some examples of what the licensing authority considers as significant changes in local circumstances:

- The area is classified or declassified by the licensing authority as being an area of heightened risk within its statement of licensing policy.
- Any substantial building development or conversion to existing premises in the area which may increase or decrease the number of visitors. For example if premises are converted to a local supermarket or new office building is constructed nearby.
- Any new pay day loan or pawn brokers open in the local area.
- Changes are made to the transport infrastructure provision, location and timings, such as a bus stop which is used by children to attend school is moved outside gambling premises.
- A vulnerable group is identified by the licensing authority.

- Educational facilities increase in the area via the construction of a new school/college or a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or licensing authority.
- Any additional homeless hostels are provided in the area.
- Any gambling or mental health care/support facilities are opened in the area.
- A new gambling premises opens in the area.

This is not an exhaustive list of significant changes in local circumstances. Operators must consider what is happening in their local areas and identify when these changes may be considered as significant. A significant change can be temporary and should be considered with adjustments made to the local risk assessment if necessary.

Significant changes to the premises

From time to time operators will undertake a refresh of the premises layout and décor, which is unlikely to require a change to the risk assessment for that premises. However, when a change is significant then operators must review their risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

The following list sets out some examples of what the licensing Authority considers to be significant changes to the premises which either may or may not require a variation to their existing premises licence:

- Any building work or premises refit where gambling facilities or counter positions are relocated within the premises
- The premises licence is transferred to a new operator who will operate that premises with its own procedures and policies which are different from the previous licensee.
- A change to the security systems and/or arrangements is made, including any change to the CCTV system.
- The entrance or entrances to the premises are changed, such as the door materials are changed from metal with glazing to a full glass door or they are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, e.g. bet in play, handheld gaming devices for customers, Self Service Betting Terminals, different category of gaming machine, etc.
- The premises are applying for a licence to provide an activity under a different regulatory regime, for example for the sale of alcohol or to provide sexual entertainment on the premises, etc.

The licensing authority will not generally request a copy of the risk assessment if significant changes to the premises have occurred unless the change will result in a variation application.

Variation of the premises licence

Variations to premises licences are only those made under section 187 of the Act and will not include change of circumstances such as a change of premises name or change of licensee address, etc.

When preparing an application to vary the premises licence the operator must undertake a review of the local risk assessment and update it if necessary. Operators submitting a variation application to the licensing authority should provide a copy of the local risk assessment when submitting the application.

If an operator wishes to vary their converted casino premises licence from one premises to another then a new risk assessment will be required for that new premises and a copy of that assessment submitted to the licensing authority with the application form.

Regular review of risk assessment

The licensing authority recommends that operators regularly review their risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. A review programme would ensure that these assessments are considered at regular intervals and updated if necessary.

Local risks and control measures

There are two specific parts to the risk assessment process:

- the identification of the local risks, and
- the appropriate mitigation to reduce those risks.

The risks that operators must identify relate to the potential impact a gambling premises and its operation may have on the licensing objectives. The gambling operator will be expected to identify and list all of the local risks within the assessment. The risks can range from being low to very high depending on the potential impact they can have on the licensing objectives. This risk will have a direct impact on the level of control measures necessary to mitigate those risks.

This process is not new to gambling operators as they are already undertaking elements of this assessment, albeit in a less formalised form

This local risk assessment process, although similar requires a much broader range of considerations when identifying local risk. Operators must consider the local area in which the premises are situated, the gambling operation and the premises both internally and externally.

Local area risks

There are a number of factors relating to the local area that operators will need to consider. A few examples of these factors list below.

- The types of premises and their operation in the surrounding these premises
- Is the location residential, commercial or rural
- The footfall in the area, e.g. predominately residents, workers or visitors, family orientated area, popular with children and young people, etc.
- Transport links and parking facilities
- Educational facilities
- Community centres
- Hospitals, mental health or gambling care providers
- Homeless or rough sleeper shelters, hostels and support services

The local area will be different depending on the premises and the size of its operation. For example a casino may have a wider catchment area than a neighbourhood betting shop as the casino attracts customers from further afield.

Gambling operational risks

The gambling operation relates to how the premises will be or is run. This will include the operator's policies and procedures which have been put in place to meet the requirements of the business, the Act and/or specific code provisions within the LCCP. It will also include other elements such as:

- the gambling products it provides in the premises,
- the facilities to enable gambling within premises,

- marketing material within premises,
- standard shop fixtures and their design,
- security and crime prevention arrangements,
- shop displays and provision of information to customers,
- staffing levels, and
- loyalty cards.

It is likely that the identification of risks associated with this element of the assessment will be very similar for all premises with slight variations depending on any specific factors that relate to the premises or the local area.

The control measures that operators will put in place to mitigate any risk associated with the gambling operation will be dependent on the type of gambling activities provided, how the company operates and the size of the organisation.

Premises design risks

The design of the premises is an extremely important factor when considering local risks. For example, premises which are located within an area which has a high number of children and young people present throughout the day may identify that their standard external design may mean that children and young people can see into the premises and see gambling taking place. As a result the mitigation in this case may be that the operator amends the design by installing a screen or by covering the windows to obscure the interior of the premises. These changes would be considered as control measures which will mitigate the risk on attracting children to gambling.

As part of the design process, the layout of the premises is a major consideration as the wrong design may create significant risks to one or more of the licensing objectives.

Interior design risks

The internal design and layout will reflect the premises operation and the type of gambling facilities it offers. For some premises the design will be subject to certain limitations due to the gambling premises licence mandatory conditions, such as the distance between the gaming tables and other gambling facilities in casinos, the restrictions on the location of ATMs, etc.

Operators will need to assess the risk presented by the internal layout of the premises and the location of gambling facilities within them. For example if a gaming machine is placed within the direct line of sight of the cashier counter then staff will be able to monitor player behaviour and undertake interventions if there is a concern over the customers spending habits. Staff can also monitor the use of the machines and challenge any customers who are believed to be under the age of 18 or staff can monitor if customers damage the machines or appear to be attempting to launder money. By a simple assessment of the location of these machines operators can reduce the risk to the licensing objectives significantly.

Exterior design risks

The exterior of premises will be a major advertisement for the gambling operator. However, the design will need to be assessed based on the associated risk. Operators will identify the risk associated with the design and introduce control measures based on that perceived risk. For example if a premises has a large amount of glass frontage in an area prone to criminal damage operators may consider the risk of standard toughened glass to be high and introduce a control measure such as roller shutters and external CCTV cameras.

Control measures

Control measures that relate to systems will be measures that have been put in place through policies and procedures. These can either be systems that apply to all of the operator's premises or systems that have been developed specifically for that premises to deal with a specific local risk factor. System control measures will include staff training, security policies and procedures, etc. They may also relate to implementing security personnel on entrances, implementing membership criteria or providing support to local vulnerable groups through financial or other means.

Design control measures are measures that are built into the design of the premises. These can range from the location of gambling facilities within the premises, design and location of cashier counter, exterior design, etc. For example a control measure for the interior of the premises could be moving a cashier counter from the rear of the premises to the front next to the main entrance. An external design control measure may be where the exterior design is tailored to address local risks, e.g. more open window displays to enable staff to see out of the premises or a design to avoid attracting children to the premises.

The final control measures relate to specific hardware that will address an identified risk factor. These hardware control measures will be alarms, CCTV cameras, doors, magnetic locks, time locks on safes, spit kits, window shutters, fogging systems, UV lights in toilets, etc.

Due to the nature of the risk factors the control measures identified to mitigate the perceived risk may be a combination of systems, design and hardware. For example to address the risk factors relating to children gaining access to an over 18 restricted gambling premises the operator may identify the following control measures:

Systems:	PASS card or age verification policies, challenge 21 scheme, staff training and door staff,
Design:	Exterior design which will not attract children into the premises, the entrance layout will enable staff and security to visibly watch those entering and challenge them
Hardware:	Magnetic door locks and ID scans.

Licence conditions

For applications for new premises or to vary an existing licence will have to carry out an assessment. The control measures specified in these assessments may identify control measures that can be specified as conditions on the new or varied premises licence if granted. The licensing authority has provided guidance on the mandatory, default and model conditions. Operators can review and choose relevant model conditions to address specific risks depending on the results of their assessment. Operators are encouraged to use this guidance when undertaking their risk assessments. Operators should also read the relevant section from the licensing authority's Gambling Act 2005 Statement of Licensing Policy.

Undertaking a local risk assessment

An assessment of gambling premises should be carried out in a step by step approach. The approach that the licensing authority suggests is to assess the local area and identify the relevant risk factors, then the gambling operation and finally the premises design, both internal and external.

Once the risk factors have been identified the control measures to mitigate the risks will be considered. These control measures may either already be in place or will need to be implemented. To assist the licensing authority has developed a local risk assessment form that encompasses that step by step approach to the assessment. It also enables the assessor to identify actions such as installation or production of control measures. The assessor can identify these actions and record who they were tasked to and when they were completed.

It will be down to the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure to carry out this function could result in a breach of the LCCP code provisions. The assessor must understand how the premises will operate, its design and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area.

Step 1: The local area

Operators will be expected to identify the local risk factors surrounding that premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

To assist in assessing the local area the licensing authority has produced a Local Area Profile within its Statement of Licensing Principles. The Local Area Profile sets out the demographic profile of the area, the specific concerns and risks that the licensing authority has identified in relation to gambling.

The first step is to identify the local risk factors associated with the local area in which the premises are located. Local risk factors are risks that effect one or more of the licensing objectives which are specific to that area. In some areas of the city, the licensing authority has developed Local Area Profiles which identify some of the risk factors which are considered to be of significant for an area of the City. Although the Local Area Profile will assist in identifying key considerations, operators will still need to identify other risks to the licensing objectives that may not have been identified within that profile.

The list below is a small example of some of the risk factors that may be present in an area where gambling premises are located.

- Significant presence of young children.
- High crime area.
- High unemployment area.
- Nearby homeless hostels.
- Nearby gambling, alcohol, drug or mental health support facilities.
- The area has a high number of rough sleepers/homeless people.
- The area has a specific ethnic population.
- Pawn broker/pay day loan businesses in the vicinity.
- Other gambling premises in the vicinity.

Step 2: The gambling operation

In assessing the risks factors associated with the gambling operation the assessor should take into account the local risks and how that gambling operation may affect that risk. The gambling operation will relate to how the operator conducts its business and what gambling products it provides. The operation will also include:

- staffing levels and staff training,
- the policies and procedures it has in place in relation to regulatory requirements of the Act or to meet the Commissions LCCP,
- security arrangements,
- advertising and marketing, and
- display and provision of information, etc.

Step 3: The design of the premises

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external, should be considered and specific risk factors identified and noted. For example the premises may have a number of support pillars which the assessor identifies as obstructing the view of the gaming machines from the cashier counter or the assessor identifies that the design of the entrance to the casino is not sufficiently covered by CCTV to enable the identification of offenders. These would be identified risk factors that would need to be documented.

Step 4: Control measures

Now that the risk factors have been identified the assessor should now seek to identify control measures that would mitigate the identified risks. These control measures will relate to one of the three categories of control measures mentioned above (systems, design and hardware). The control measures for some risk factors may require a combination of control measures to adequately mitigate the risk.

Completed assessment

The control measures must be implemented on the premises and if applicable staff on the premises should be trained on their use or trained on the new policy or procedure. The assessment must then be stored and reviewed once a trigger occurs or as part of a regular review regime.

If the completed assessment is provided with a new application or with a variation application then the authority will consider the assessment when determining whether to grant the application. The licensing authority will assess the risk identified and the measures implemented to mitigate those risks. Some control measures identified in the assessment may be put forward as conditions on the licence to address any significant local concern.

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Local Gambling Risk Assessment

Premises Name:		Premises Licence No:	
Premises Address:			

Category of gambling premises licence:	
Name of person completing the assessment:	
Date original assessment carried out:	

Notes:

This risk assessment must be completed for all new premises or when the premises licence is varied. The assessment must also be reviewed when there are any significant changes to either the local circumstances and/or the premises. The forms is designed to be typed into. Add extra rows to the tables as required. If completing the form by hand, please allow for plenty of space.

- Risks:** Area of consideration to identify the risk factors that may impact on one or more of the licensing objectives
- Impact Factors:** These are the identified factors that may have a specific impact relating to area, operation and premises on one or more of the licensing objectives.
- Licensing Objective:** CD for the Crime and Disorder objective
FO for the Fair and Open objective
CV for the protection of children and the vulnerable.
- Control Measures:** These are measures that the operator can put in place to mitigate the risk to the licensing objectives from the risk factors. These control measures are split into three categories, systems, design and hardware.

Risk 1: Local Area			
No	Impact factors	Licensing Objective	Control Measures (system, design and hardware)
1.1			System: Design: Hardware:
1.2			System: Design: Hardware:
1.3			System: Design: Hardware:
1.4			System: Design: Hardware:

Risk 2: Gambling Operation			
No	Impact factors	Licensing Objective	Control Measures (system, design and hardware)
2.1			System: Design: Hardware:
2.2			System: Design: Hardware:
2.3			System: Design: Hardware:
2.4			System: Design: Hardware:

Risk 3: Premises Design (Internal and External)			
No	Impact factors	Licensing Objective	Control Measures (system, design and hardware)
3.1			System: Design: Hardware:
3.2			System: Design: Hardware:
3.3			System: Design: Hardware:
3.4			System: Design: Hardware:

Actions following assessment**Local Area**

Action	Person/Dept tasked	Date tasked	Date completed

Gambling Operation

Action	Person/Dept tasked	Date tasked	Date completed

Premises Design (Internal and External)

Action	Person/Dept tasked	Date tasked	Date completed

Signed:**Date:****Print Name:**

1. Introduction

- 1.1 Leeds City Council is the Licensing Authority under the Act. The Licensing Authority is responsible for considering and determining applications for premises licences which offer gambling facilities within Leeds. The Licensing Authority also has a role in gambling regulation by ensuring compliance with the Act.
- 1.2 The Act contains three licensing objectives which guide the way that the Licensing Authority performs its functions and the way that gambling operators carry on their activities. They are:
 - (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.
 - (c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The Act places a legal duty on the Licensing Authority to aim to permit gambling in so far as it thinks it reasonably consistent with the licensing objectives. The effect of this duty is that the Licensing Authority must approach its functions in a way that seeks to regulate gambling by using its powers, for example to attach conditions on licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
- 1.4 The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 impose conditions on each category of gambling premises licence under the Act. For ease of reference and to provide a concise document containing all relevant conditions the Licensing Authority has included the mandatory and default conditions in parts 2 and 3 of this document.
- 1.5 The Licensing Authority has developed Model Conditions in Part 4 of this document to assist gambling operators, responsible authorities and interested parties in providing a consistent approach to dealing with specific issues and concerns.
- 1.6 Gambling operators will identify measures which would mitigate the risk to the licensing objectives should from their local risk assessment undertaken on for that premises. The model conditions will assist prospective and existing licence holders where they consider that specific conditions would cement these proposed measures within the regulatory framework.
- 1.7 Once an application has been made, the responsible authorities and interested parties are encouraged to engage with the applicant if they are considering making a representation to the application.
- 1.8 The model conditions are not an exclusive or exhaustive list of conditions which may be included on a premises licence. It does not restrict any applicant, responsible authority, or other interested parties from proposing any alternative conditions, nor would it restrict a Licensing Sub-Committee from imposing any reasonable condition on a licence it considers appropriate to aim to permit gambling under section 153 of the Act.

1.9 Model conditions are listed numerically and an index is included for ease of reference. This is the first edition of the Mandatory, Default and Model Conditions that we have produced. We will continue to be updated this document as required and publish it on www.leeds.gov.uk

1.10 If you have any comments relating to this documents content and use please contact Entertainment Licensing on 0113 247 4095 or email entertainment.licensing@leeds.gov.uk.

2. Mandatory Conditions

2.1 Mandatory conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (the regulations). The mandatory conditions for each category of premises licences are listed below as conditions with Leeds's own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the regulations.

2.2 These mandatory conditions are to be applied to the relevant category of premises licence and cannot be removed or varied in anyway.

2.3 Where a mandatory condition, as specified within the regulations refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Leeds condition reference.

2.4 Converted Casinos

CCM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
CCM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
CCM03	The premises shall not be used for— a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Reg 3(4)
CCM04	The principal entrance to the premises shall be from a street.	Reg 4, Sch 1, Part 1, Para 1(1)
CCM05	No entrance to the premises shall be from premises that are used wholly or mainly by children, by young persons, or by both.	Reg 4, Sch 1, Part 1, Para 1(2)
CCM06	No customer shall be able to enter the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect	Reg 4, Sch 1, Part 1, Para 1(3)
CCM07	A gap of at least 2 metres shall be maintained between any ordinary gaming table and any other equipment, apparatus or structure used by a person to gamble on the premises.	Reg 4, Sch 1, Part 1, Para 2

CCM08	No more than 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.	Reg 4, Sch 1, Part 1, Para 3
CCM09	<p>(1) The rules of each type of casino game that is available to be played on the premises shall be displayed in a prominent place within both the table gaming area and other gambling area of the premises to which customers wishing to use facilities for gambling have unrestricted access.</p> <p>The condition in sub-paragraph (1) may be satisfied by—</p> <p>(2)</p> <ul style="list-style-type: none"> a) displaying a clear and legible sign setting out the rules; or b) making available to customers leaflets or other written material containing the rules. 	Reg 4, Sch 1, Part 1, Para 4
CCM10	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming table, gaming machine or betting machine in order to do so.	Reg 4, Sch 1, Part 1, Para 5
CCM11	A notice shall be displayed in a prominent place at every entrance to the premises stating that no person under the age of 18 years is permitted to enter the premises.	Reg 8, Sch1, Part 5, Para 1
CCM12	<p>(1) This paragraph shall apply to premises which have a gambling area the floor area of which is no less than 200m².</p> <p>(2) In determining the floor area of the gambling area, all areas in which facilities for gambling are provided on the premises shall be taken into account.</p> <p>(3) The premises shall contain a non-gambling area, the floor area of which is no less than 10% of the floor area of the gambling area.</p> <p>(4) The non-gambling area may consist of one or more areas within the premises.</p> <p>(5) Lobby areas and toilet facilities may be taken into account in calculating the non-gambling area; but the non-gambling area shall not consist exclusively of lobby areas and toilet facilities.</p> <p>(6) Facilities for gambling shall not be provided in the non-gambling area.</p> <p>(7) At any time during which facilities for gambling are being provided on the premises, each separate area comprising the non-gambling area, other than the lobby areas and toilet facilities referred to in sub-paragraph (5), shall contain recreational facilities that are available for use by customers on the premises.</p>	Reg 8, Sch1, Part 5, Para 2

2.5 Bingos

BIM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BIM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BIM03	<p>The premises shall not be used for—</p> <ul style="list-style-type: none"> a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited. 	Reg 3(4)
BIM04	A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 10, Sch2, Part 1, Para 1
BIM05	<p>No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—</p> <ul style="list-style-type: none"> a) a casino premises licence; b) an adult gaming centre premises licence; c) a betting premises licence other than a track premises licence; and 	Reg 10, Sch2, Part 1, Para 2
BIM06	<p>(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.</p> <p>(2) Any area of the premises to which category B and C gaming machines are located—</p> <ul style="list-style-type: none"> a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose; b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3). <p>(3) The reference to supervision in this paragraph means supervision by—</p> <ul style="list-style-type: none"> a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area. <p>(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.</p>	Reg 10, Sch2, Part 1, Para 3

BIM07	<p>(1) 1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.</p> <p>(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.</p> <p>(3) The notice in sub-paragraph (2) shall include the following information—</p> <ul style="list-style-type: none"> a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo; b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it. <p>(4) The notice may be displayed in electronic form.</p> <p>(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.</p>	Reg 10, Sch2, Part 1, Para 4
BIM08	<p>(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.</p> <p>(2) The condition in sub-paragraph (1) may be satisfied by—</p> <ul style="list-style-type: none"> a) displaying a sign setting out the rules, b) making available leaflets or other written material containing the rules, or c) running an audio-visual guide to the rules prior to any bingo game being commenced. 	Reg 10, Sch2, Part 1, Para 5
BIM09	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Reg 10, Sch2, Part 1, Para 6

2.6 Betting Tracks

BTM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BTM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)

BTM03	<p>The premises shall not be used for—</p> <ul style="list-style-type: none"> a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited. 	Reg 3(4)
BTM04	<p>No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—</p> <ul style="list-style-type: none"> a) a casino premises licence; b) an adult gaming centre premises licence. 	Reg 16, Sch 6, Part 1, Para 1
BTM05	<p>A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.</p>	Reg 16, Sch 6, Part 1, Para 2
BTM06	<p>The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.</p>	Reg 16, Sch 6, Part 1, Para 3
BTM07	<p>The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets—</p> <ul style="list-style-type: none"> a) will be operating under a valid operating licence; and b) are enabled to accept such bets in accordance with— <ul style="list-style-type: none"> (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act. 	Reg 16, Sch 6, Part 1, Para 4
BTM08	<p>The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.</p>	Reg 16, Sch 6, Part 1, Para 5
BTM09	<p>Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.</p>	Reg 16, Sch 6, Part 1, Para 6

Mandatory conditions attached to track premises licences in respect of premises that are dog racing tracks

BTM10	<p>A totalisator on the premises shall only be operated—</p> <ul style="list-style-type: none"> a) while the public are admitted to the premises for the purpose of attending dog races and no other sporting events are taking place on the premises; and b) for effecting with persons on the premises betting transactions on dog races taking place on the premises. 	Reg 16, Sch 6, Part 3, Para 1
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BTM11	<p>(1) At any time during which the totalisator is being lawfully used on the premises—</p> <ul style="list-style-type: none"> a) no betting operator or betting operator’s assistant shall be excluded from the premises by reason only of the fact that he proposes to accept or negotiate bets on the premises; and b) there shall be made available on the premises space for betting operators and betting operators’ assistants where they can conveniently accept and negotiate bets in connection with dog races run on the premises on that day. <p>(2) This paragraph is without prejudice to section 180 (pool betting on dog races) of the 2005 Act.</p>	Reg 16, Sch 6, Part 3, Para 2
BTM12	For the purposes of this Part, “totalisator” means the apparatus for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not.	Reg 16, Sch 6, Part 3, Para 3

2.7 Betting (Other)

BOM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
BOM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
BOM03	<p>The premises shall not be used for—</p> <ul style="list-style-type: none"> a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited. 	Reg 3(4)
BOM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 14, Sch 5, Part 1, Para 1
BOM05	<p>(1) Access to the premises shall be from a street or from other premises with a betting premises licence.</p> <p>(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.</p>	Reg 14, Sch 5, Part 1, Para 2
BOM06	Subject to anything permitted by virtue of the 2005 Act, or done in accordance with conditions BOM07, BOM08, BOM09 and BOM10 below, the premises shall not be used for any purpose other than for providing facilities for betting.	Reg 14, Sch 5, Part 1, Para 3
BOM07	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Reg 14, Sch 5, Part 1, Para 4

BOM08	<p>No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—</p> <ul style="list-style-type: none"> a) communicating information about, or coverage of, sporting events, including— <ul style="list-style-type: none"> (i) information relating to betting on such an event; and (ii) any other matter or information, including an advertisement, which is incidental to such an event; b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises. 	Reg 14, Sch 5, Part 1, Para 5
BOM09	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Reg 14, Sch 5, Part 1, Para 6
BOM10	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with BOM08	Reg 14, Sch 5, Part 1, Para 7
BOM11	<ul style="list-style-type: none"> (1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. (2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises. 	Reg 14, Sch 5, Part 1, Para 8
BOM12	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Reg 14, Sch 5, Part 1, Para 9

2.8 Adult Gaming Centres

AGM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
AGM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
AGM03	<p>The premises shall not be used for—</p> <ul style="list-style-type: none"> a) the sale of tickets in a private lottery or customer lottery, or b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited. 	Reg 3(4)
AGM04	A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Reg 12, Sch 3, Para 1

AGM05	No customer shall be able to access the premises directly from any other premises in respect of which a licence issued under Part 8 of the Act, or a permit issued under Schedule 10, 12 or 13 to the Act, has effect.	Reg 12, Sch 3, Para 2
AGM06	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 12, Sch 3, Para 3
AGM07	<p>(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	Reg 12, Sch 3, Para 4

2.9 Family Entertainment Centres

FEM01	The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.	Reg 3(2)
FEM02	The layout of the premises shall be maintained in accordance with the plan.	Reg 3(3)
FEM03	<p>The premises shall not be used for—</p> <p>a) the sale of tickets in a private lottery or customer lottery, or</p> <p>b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.</p>	Reg 3(4)
FEM04	<p>No customer shall be able to access the premises directly from any other premises in respect of which one of the following premises licences has effect—</p> <p>a) a casino premises licence;</p> <p>b) an adult gaming centre premises licence;</p> <p>c) a betting premises licence other than a track premises licence.</p>	Reg 13, Sch 4, Para 1
FEM05	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Reg 13, Sch 4, Para 2
FEM06	<p>(1) Where Category C gaming machines are made available for use on the premises, any area of the premises in which those machines are located—</p> <p>a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;</p> <p>b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and</p> <p>c) shall be arranged in such a way so as to permit all parts of the</p>	Reg 13, Sch 4, Para 3

	<p>area to be observed by the persons mentioned in sub-paragraph 2.</p> <p>(2) The reference to supervision in this paragraph means supervision by—</p> <p>a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or</p> <p>b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.</p> <p>(3) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category C gaming machines are made available for use.</p>	
FEM07	<p>(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.</p> <p>(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.</p>	Reg 13, Sch 4, Para 4

3. Default Conditions

3.1 Default conditions are conditions that are specified in the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (the regulations). The default conditions for each category of premises licences are listed below as conditions with Leeds' own condition reference and the specific regulation, schedule, part and paragraph where those conditions are located within the regulations.

3.2 These default conditions will be applied to the relevant category of premises licence unless the applicant or licensee specifies that the default conditions are to be removed within their new or variation application.

3.3 Where a default condition, as specified within the regulation refers to a paragraph that is a separate condition within that part of the schedule we have replaced that paragraph number with the relevant Leeds condition reference.

3.4 Converted Casinos

CCD01	No facilities for gambling shall be provided on the premises between the hours of 6am and noon on any day.	Reg 9, Sch 1, Part 6
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3.5 Bingos

BID01	Subject to BID02, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.	Reg 11, Sch 2, Part 2, Para 1
BID02	The condition in BID01 shall not apply to making gaming machines available for	Reg 11, Sch 2,

	use.	Part 2, Para 2
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3.6 Betting Tracks

BTD01	Subject to condition BTD02, no facilities for gambling shall be provided on the premises between the hours of 10pm on one day, and 7am on the next day.	Reg 17, Sch 6, Part 4, Para 1
BTD02	The prohibition in condition BTD01 does not apply on days when a sporting event is taking place on the premises, in which case gambling transactions may take place at any time during that day.	Reg 17, Sch 6, Part 4, Para 2

3.7 Betting (Other)

BOD01	No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Reg 15, Sch 5, Part 2
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4. Model Conditions

- 4.1 The following model conditions can be used by the applicant of a new premises licence, provisional statement or licensees varying their licence. The applicant or licensee can select the conditions that they feel will enable them to demonstrate how they will ensure that the premises will operate so as not to impact the licensing objectives.
- 4.2 Gambling operators are recommended during their local risk assessment process to identify control measures, such as conditions to mitigate the impact on the licensing objectives by that premises. These models conditions can be selected to address the risk of impacts identified in these assessments.
- 4.3 These conditions can also be used by responsible authorities or interested parties when making representations on applications submitted to the Licensing Authority. The Licensing Sub-Committee when determining applications will have regard to these conditions and may choose to add one or more conditions or variations of them depending on the concerns raised during the determination process.
- 4.4 The model conditions are not intended to be used as blanket conditions applied to each premises licence. It may appear from the list that the conditions are repetitive, however there are subtle differences so gambling operators, responsible authorities and interested parties are advised to find the most appropriate condition to mitigate the identified risk.
- 4.5 The model conditions set out in this section are not an exhaustive list and new or amended versions of model conditions can be produced to meet the specific requirements of that application.
- 4.6 The model conditions have been put under general topic headings to assist in identifying particular conditions that may address specific issues raised. By the side of each condition a reference to the relevant licensing objective that they relate is indicated. The codes used for the licensing objectives are:

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

4.7 Hours

MC1	No facilities for gambling shall be provided on the premises between the hours of [insert time] on one day and [insert time] on the next day.	CD, FO & CV
MC2	No facilities for gambling shall be provided on the premises between the hours of [insert time] and [insert time] on any day.	CD, FO & CV
MC3	The premises shall not provide gambling facilities between the hours of [insert time] and [insert time].	CD, FO & CV
MC4	There shall be no admittance or re-admittance to the premises after [enter time].	CD & CV

4.8 CCTV

MC5	<p>The venue shall install and maintain a comprehensive CCTV system at the premises which should cover, as a minimum:</p> <ul style="list-style-type: none"> • all entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions • the areas of the premises to which the public have access (excluding toilets) • gaming machines and the counter area. <p>The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of thirty one days with date and time visible. Recordings shall be immediately arranged by a member of staff for handover to Police or authorised officer following their request.</p>	CD
MC6	A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to arrange for Police to view recent data or footage with the absolute minimum of delay when requested.	CD
MC7	There shall be one/two (delete as appropriate) external cameras which will provide live images to staff in the service counter area.	CD
MC8	Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.	CD
MC9	<p>The licensee shall:</p> <ul style="list-style-type: none"> a) provide training on the CCTV system and how to access the footage if requested to do so by the police or authorised officer as part of the staff induction training programme or when the system is changed, and b) periodically provide refresher training to all of its staff working at these premises on the CCTV viewing process. 	CD

	Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Police or Licensing Authority as soon as practicable.	
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4.9 Door Supervision

MC10	At least [enter number] SIA licensed door supervisors shall be on duty at every entrance and exit to the premises at all times whilst it is operating under this licence.	CD & CV
MC11	A minimum of [insert number] SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.	CD & CV
MC12	At least [insert number] SIA licensed door supervisors shall be on duty at every entrance and exit of the premises at all times whilst it is open for business.	CD & CV
MC13	[insert number] of SIA Licensed Door Supervisors are to be on duty at the premises during the whole of permitted hours	CD & CV
MC14	No patrons shall be admitted or re-admitted to the premises after [enter time] unless they have passed through a metal detecting search arch and, if the search arch is activated or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search.	CD & CV
MC15	All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.	CD & CV
MC16	All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.	CD & CV
MC17	The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no public nuisance or obstruction of the highway.	CD

4.10 Children and Young People

MC18	The Licensee shall maintain a bound and paginated 'Challenge 21 or Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.	CV
MC19	Customers under 21 will have to provide ID.	CV
MC20	Prominent signage and notices advertising the Challenge 21 or Challenge 25 Policy will be displayed showing the operation of such policy.	CV
MC21	Third party testing on age restricted sales systems shall be carried out on the premises a minimum of [insert frequency] a year.	CV

MC22	Third party testing on age restricted sales systems purchasing shall take at least [insert frequency] a year and the results shall be provided to the Licensing Authority upon request.	CV
MC23	The licensee shall not allow their logos or other promotional material to appear on any commercial merchandising which is designed for use by children.	CV
MC24	All tills shall automatically prompt staff to ask for age verification identification when placing a bet.	CV
MC25	A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.	CV
MC26	The licensee will ensure, through regular checks and intervention, that customer's children are not left unsupervised outside the premises.	CV
MC27	The licensee will ensure, through regular checks and intervention, that children will not congregate outside the shop.	CV
MC28	The licence holder shall ensure that the outside areas of the premises are monitored so as to ensure there is no public nuisance or obstruction of the highway.	CD

4.11 Entrances and Doors

MC29	A magnetic locking device, commonly referred to as a Maglock will be installed and maintained on the main entrance/exit to the premises which will be operable from the ground floor cashier counter by staff.	CD & CV
MC30	An Infra-Red Beam connected to a sounder will be installed and maintained at the entrance of the premises so as to notify staff when a customer enters or exits the premises.	CD & CV

4.12 Staffing Levels

MC31	There shall be no pre-planned single staffing at any time.	CD & CV
MC32	There shall be no pre-planned single staffing after 20:00. Should the premises be single staffed after this time the magnetic door locking system must be in constant use.	CD & CV
MC33	There will be a minimum of two members of staff after 10pm.	CD & CV
MC34	There will be a minimum of two members of staff on duty for the duration of the period in which licensable activities are taking place on the premises.	CD & CV

MC35	There will be a minimum of [enter number] staff be present at all times when the premises is open.	CD & CV
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4.13 Cashier Counters and Safe Havens

MC36	The licensee shall maintain a full height polycarbonate or 11.5mm minimum thickness laminated glass security screen counter on the ground floor of the premises.	CD
MC37	A full-height security screen shall be installed at the cashiers counter.	CD
MC38	Full height security bars which are spaced at adequate intervals to prevent a person from reaching through will be installed at the cashiers counter	CD
MC39	The licensee shall install a Safe Haven [add location of safe haven] which includes a secure door with peephole, CCTV Monitor, Telephone, Safe Guard system, maglock control button and any other systems deemed appropriate by the licensee.	CD

4.14 Identification of Offenders or Problem Persons

MC40	The licensee shall provide Spit Kits within the premises and provide staff training on the use of these kits.	CD
MC41	If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.	CD
MC42	The Licensee shall implement a policy of banning any customers who engage in crime, disorder or anti-social behaviour within or outside the premises.	CD
MC43	The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.	CD, CV

4.15 Seating

MC44	The licensee shall ensure that all seating within the premises are either secured to the floor or are weighted to prevent lifting	CD
MC45	The licensee shall ensure that all gaming machine seating within the premises are weighted to prevent lifting	CD

4.16 Alarms (Premises and Personal)

MC46	Each member of staff will be provided and required to carry on their person a personal fob alarm which will activate the alarm if pressed by the member of staff or that staff member is lying horizontal for a pre-determined period of time.	CD
MC47	The licensee shall install and maintain an intruder alarm on the premises.	CD
MC48	The premises shall install and maintain a panic button behind the cashier counter.	CD
MC49	The premises shall install and maintain a panic button behind the cashier counter that will alert the premises security once pressed.	CD
MC50	An attack alarm shall be installed and maintained behind the cashier counter which would alert [operator name] Security and the police.	CD
MC51	An attack alarm shall be installed and maintained behind the cashier counter which would alert the police.	CD

4.17 Toilets

MC52	A Maglock device will be installed and maintained on the customer toilet door which will be operated by a member of staff from the cashiers counter.	CD & CV
MC53	The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.	CD & CV
MC54	The licensee will ensure that customer toilets are checked hourly/ (insert other period) for cleanliness and evidence of drug taking.	CD & CV

4.18 Restrictions on Food and Beverages

MC55	Only refreshments purchased or supplied on the premises may be consumed on the premises.	CV
MC56	The Licensee shall place and maintain a sign at the entrance which states that 'only refreshments purchased on the premises may be consumed on the premises'.	CV
MC57	The hot refreshment vending machine and refreshment facilities shall be provided for customers and staff use only.	CV

4.19 Signage, Promotional Material and Notices

MC58	<p>The licensee shall place and maintain a sign at the entrance of the premises stating that access to the premises will be excluded to the following people:</p> <ul style="list-style-type: none"> a) Anyone who is under the age of 18, b) Anyone who appears to be under the age of 21/25 and is unable to provide proof of age that they are over the age of 18, c) Only refreshments purchased or supplied on the premises may be consumed on the premises,* d) Anyone who is barred from the premises, and e) Anyone who has alcohol on their person or appears to be under the influence of alcohol or substances (may be better wording?) <p><i>* Only to be added if model condition MC49 is proposed.</i></p>	CD & CV
MC59	All public signage/documentation relating to age restrictions, gambling advice and gambling support information (e.g. GamCare or similar support service) is displayed or provided on the premises in written English and any other language appropriate to the area and customer base.	FO & CV
MC60	Prominent GamCare documentation will be displayed at the premises.	FO & CV
MC61	The licensee shall ensure that no ethnicity specific gambling promotion is provided or advertised on the premises which is designed and/or intended to entice participation in gambling by the local community.	CV
MC62	Prominent signage indicating the permitted hours for the licensable activity shall be displayed so as to be visible before entering the premises.	FO

4.20 Enticement Promotions

MC63	The licensee shall not offer any enticement promotions, such as happy hours during which gaming machines stakes are reduced.	FO & CV
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4.21 Staff Training

MC64	<p>The licensee shall:</p> <ul style="list-style-type: none"> a) provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme. b) periodically provide refresher training to all of its staff working at these premises on the specific local risks to the licensing objectives. <p>Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.</p>	CD, FO & CV
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MC65	The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.	CD, FO & CV
MC66	New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.	CD, FO & CV

4.22 Recording of Incidents and Visits

MC67	<p>An incident log shall be kept for the premises and made available on request to an authorised officer of the council or the Police which will record the following:</p> <ul style="list-style-type: none"> a) All crimes reported to the venue; b) Any complaints received regarding crime and disorder; c) Any incidents of disorder or antisocial behaviour; d) Any faults in the CCTV system; and e) Any visit by a relevant authority or emergency service. 	CD
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4.23 Customer Bags and Belongings

MC68	Customer shall not be permitted to leave bags or other belongings at the premises.	CV
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4.24 Homelessness and Street Drinking

MC69	The licensee will contact the local homeless hostels/shelters and offer to provide information on problem gambling support services and how their residents can self-exclude from [operator name] premises.	CV
MC70	The licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.	CD & CV
MC71	The licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.	CD & CV

4.25 Police Reporting Protocols and Crime Prevention

MC72	The licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.	CD
MC73	Prior to opening the licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.	CD

4.26 ATMs

MC74	There shall be no cash point or ATM facilities on the premises.	CD & CV
MC75	The ATM shall be located so that the staff behind the cashiers desk has direct line of sight to the machine and customers using it.	CD & CV
MC76	Signage shall be placed on or immediately next to the ATM to warn customers to cover the keypad when entering their PIN.	CD

4.27 Gaming Machines and SSBTs

MC77	Gaming machines shall be sited in the locations specified on the premises plans.	CD & CV
MC78	Gaming machines shall be sighted so that the cashiers from all counter positions have direct line of sight of the machines and the customers using them.	CD & CV
MC79	Gaming machines shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC80	Self Service Betting Terminals shall not be emptied whilst customers are present on the premises and the doors are unlocked.	CD
MC81	Gaming Machines shall not be emptied when there is only one member of staff on the premises.	CD
MC82	Self Service Betting Terminals shall not be emptied when there is only one member of staff on the premises.	CD
MC83	The number of Self Service Betting Terminals on the premises is [insert number].	CV
MC84	The over 18 area containing the category C gaming machines will be enclosed with a floor to ceiling partition wall with one point for egress and ingress.	CV
MC85	Privacy screening, known as a 'gaming machine pod' shall not enclose the customer to such a degree that would restrict the customer's peripheral vision of the premises when playing the machine in either a standing or sitting position and prevent a member of staff from observing that person.	CD & CV
MC86	No other gambling facilities shall be provided in a gaming machine enclosure so as to allow a customer the ability to play the machine and participate in other forms of gambling.	CV

4.28 Multiple Storey Venues

MC87	Access to the [floor number] floor of the premises will be controlled by members of staff and a door which can only be operated by members of staff will be positioned at the bottom of the stairs thereby restricting access to only those with staff approval.	CD
MC88	A minimum of one member of staff shall be present at all times when the [floor number] floor is being used by customers.	CD & CV
MC89	The licensee shall install and maintain an internal intercom/phone system to enable staff to communicate with one another on all floors of the premises.	CD & CV
MC90	The licensee shall install monitors within the staff cashier counter areas on all floors that will display live CCTV footage from inside and outside the premises.	CD & CV
MC91	An attack alarm shall be installed and maintained behind the ground and first floor cashier counters which would alert [operator name] Security and the police.	CD

4.29 Betwatch Scheme

MC92	As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the Betwatch scheme.	CD & CV
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4.30 Documents Provided to the Licensing Authority

MC93	The licensee shall provide the Licensing Authority with their compliance/operating manual which sets out all of the premises policies to meet the regulatory requirements under the Gambling Act 2005 and shall provide a copy of any update or revision as soon as practicable following the implementation of that change.	CD, FO & CV
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Report author:	Susan Holden
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Report of the Head of Elections, Licensing and Registration

Report to Licensing Committee

Date: 7th July 2015

Subject: Hemming v Westminster Outcome

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 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. For many years Westminster City Council has charged £29,000 per year for a sex establishment licence, £27,000 of which was for prosecuting unlicensed operators and was refundable if the application failed.
2. An operator instructed a barrister to challenge the fee in the Courts with a view that the fee would be reduced to consist of just the application fee. This, if successful, would have a wide ranging impact on the setting of fees by licensing authorities.
3. This case has been through the High Court, Court of Appeal and the Supreme Court and has now been referred to European Court of Justice. This report provides an update on the case and the impact these cases will have on regulatory regimes.

Recommendations

4. That Licensing Committee notes the contents of this report.

1 Purpose of this report

- 1.1 To present to Licensing Committee an update on the 'Hemmings case'.

2 Background information

- 2.1 For many years Westminster City Council has charged £29,000 per year for a sex establishment licence, £27,000 of which was for prosecuting unlicensed operators and was refundable if the application failed.
- 2.2 An operator, Simply Pleasure, instructed a barrister to challenge the fee in the Courts with a view that the fee would be reduced to consist of just the application fee. This, if successful, would have a wide ranging impact on the setting of fees by licensing authorities.

3 Main issues

- 3.1 Sex establishments are licensed under the Local Government (Miscellaneous Provisions) Act 1982. One of the purposes of the Act was to confer more power on the licensing authority to control the number of sex establishments in a particular locality. Under the Act the authority may determine a maximum number of establishments in a particular area, and may refuse to grant more than that number.
- 3.2 The Act provides that a person wishing to operate a sex establishment must apply for a licence, and a licence may be granted for a period of up to one year (when an application for renewal may be made). The Act provides that "an applicant for the grant, variation, renewal or transfer of a licence ... shall pay a reasonable fee determined by the appropriate authority".
- 3.3 An annual fee for a sex establishment licence in Westminster was £29,102 set by the Licensing Sub-Committee in September 2004. That fee was much greater than the fee charged under other licensing regimes as it included an element designed to recover the cost of enforcement action relating to unlicensed activity.
- 3.4 Before 2009, there was no doubt that the law permitted a licensing authority to calculate a fee in this way. As the High Court held in a case concerning licences for street traders:

"[Local authorities] may take into account the costs which they will incur in operating the street trading scheme, *including the prosecution of those who trade in the streets without licences.*" (Emphasis supplied).

- 3.5 Indeed, the fees charged by Westminster were the subject of a legal challenge in 1985. In that case the Court noted that it was not disputed that the sex establishment licensing regime could be self-financing. In fact it has been regarded as a basic principle of most licensing regimes for many years that the "polluter pays" principle should apply and that the regime should be self-funding. As set out below, that principle has, in the case of the Licensing Act 2003, been formally enacted by the current government, in the Police Reform and Social Responsibility Act 2011.

The legal challenge

- 3.6 In April 2011 Mr Timothy Hemming, trading as Simply Pleasure Ltd, and six other holders of sex establishment licences, began proceedings for a judicial review of the licence fee demanded by Westminster for the licensing year 2010/11. The claim followed a number of requests made under the Freedom of Information Act for financial data relating to expenditure incurred by the Council, and for information about how the fee charged for the years 05/06 onwards had been decided upon.
- 3.7 The basis of the claim was that no fee had ever been determined for 2010/11, even though an annual fee of £29,102.00 was demanded of, and paid by, the claimants for each of the sex establishments they operated. The claimants' case was that a reasonable fee should now be determined for 2011/12, and they sought an order requiring the Council to do so.
- 3.8 But it was the claimants' case that the fee to be determined by the Council should reflect two considerations. The first and most important related to the effect of the Provision of Services Regulations 2009. On 28 December 2009, The Provision of Services Regulations 2009 came into force. These Regulations implement the European Services Directive 2006/123/EC.
- 3.9 The purposes of the Services Directive are set out in its Recitals, and in general terms are to create a free market for services within the EU, and to promote a competitive market. Article 4 of the Services Directive sets out the following definition:
- “authorisation scheme” means any procedure under which a provider or recipient is in effect required to take steps in order to obtain from a competent authority a formal decision, or an implied decision, concerning access to a service activity or the exercise thereof;”*
- 3.10 Article 13 deals with authorisation procedures and states;
- Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges with the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in questions and shall not exceed the costs of the procedures.”*
- 3.11 In the 2009 Regulations these provisions have been transposed as follows. Regulation 4 provides
- “authorisation scheme” means any arrangement which in effect requires the provider or recipient of a service to obtain the authorisation of, or to notify, a competent authority in order to have access to, or to exercise, a service activity;”*
- 3.12 Part 3 of the Regulations deals with authorisations, and regulation 14 sets out general conditions that must be met in respect of the establishment of such

schemes. Regulation 15 sets out requirements for conditions that can be attached for the granting of authorisations. Regulation 15(2) states:

- (1) *An authorisation scheme provided for by a competent authority must be based on criteria which preclude the competent authority from exercising its power of assessment in an arbitrary manner.*
- (2) *The criteria must be—*
 - (a) *non-discriminatory,*
 - (b) *justified by an overriding reason relating to the public interest,*
 - (c) *proportionate to that public interest objective,*
 - (d) *clear and unambiguous,*
 - (e) *objective,*
 - (f) *made public in advance, and*
 - (g) *transparent and accessible.*

3.13 Regulation 18 provides:

18.— Authorisation schemes: general requirements

- (1) *Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must—*
 - (a) *be clear,*
 - (b) *be made public in advance, and*
 - (c) *secure that applications for authorisation are dealt with objectively and impartially.*
- (2) *Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must not—*
 - (a) *be dissuasive, or*
 - (b) *unduly complicate or delay the provision of the service.*
- (3) *Authorisation procedures and formalities provided for by a competent authority under an authorisation scheme must be easily accessible.*
- (4) *Any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.*

3.14 The claimants' first and main point was therefore that since the coming into force of the 2009 Regulations, the fee should no longer reflect the costs of enforcement against unlicensed operators, since such costs were not part of the costs of the "procedures and formalities" under the "authorisation scheme.

3.15 Their second point was that because (as is undisputed) the Council is not entitled to make a profit out of the fees it charges, the fee to be determined by the Council for 2011/12 should reflect the extent to which the fees which the Council demanded over the previous years exceeded the costs of administering and enforcing the licensing system. Any surplus which the Council should have taken into account

should, it was argued, now be passed on to the current licence holders in the fee which should now be set for 2011/12.

- 3.16 The claimants, in addition, made a restitutionary claim on the basis that the Council had not determined the appropriate licence fee for the five previous years. The demands for licence fees for those five years were therefore said to be unlawful and the claimants sought the return of the sums they paid. It was accepted that they should not be able to recover the whole of the sums they paid for those years. The claim was for the difference between the sums they paid and whatever would have constituted reasonable fees for those years.
- 3.17 When commencing proceedings, the claimants offered to settle the claim on the basis that they would abandon their claims relating to previous years if the Council determined a licence fee for 2011/12 leaving out of account the cost of enforcement against unlicensed operators. That offer was not accepted.
- 3.18 The Council's response to the claims was (very briefly summarised) that the fee had been lawfully set on an ongoing basis by the Licensing Sub-Committee in 2004, and that officers had, as required by Financial Regulations, reviewed the fee on an annual basis since then, and had not submitted a report recommending the fee be varied because, broadly speaking, income from fees had continued to match expenditure.
- 3.19 In relation to the claim that fees could no longer reflect the cost of enforcement action against unlicensed establishments, the Council's position was that when the regulations relied upon by the claimants were interpreted, as they should be, to give effect to the European Directive which they sought to implement, it could be seen that they did not prohibit the recovery of enforcement costs as permitted by long established domestic legislation. This issue is discussed in more detail below.

The High Court judgment

- 3.20 The claim was heard in the High Court before Keith J over two days in March 2012, with judgment following in June.
- 3.21 The Judgment handed down on 16th May 2012, Keith J concluded that:
 - a. The Council had not determined a licence fee for any year after the year ending 31 March 2006; and
 - b. Since the coming into force of the 2009 Regulations, the Appellant had not been permitted, when determining the reasonable licence fee for sex establishments, to reflect in the fee which it determines the cost of enforcing the licensing system
- 3.22 In relation to the first point, the Judge accepted that the Council was entitled lawfully to determine a licence fee which rolled over from year to year, and that it was not necessary as a matter of law for there to be a separate decision each year. However, he held that that is not what the Council had done.

- 3.23 Because of the terms of the report considered by the Licensing Sub-Committee in September 2004, which referred to an “annual” review of licensing fees, the costs to be incurred “in the year ahead”, and “the next annual review” in February 2005, he held that the Sub-Committee had decided on a fee only for the one year period 05/06. That meant no fee had been lawfully set for subsequent years.
- 3.24 On the second point, the Judge said:
“Whatever domestic law had permitted in the past, there had in the future to be, not only a proportionate relationship between the fee which was charged and the cost of the “authorisation procedures”, but the fee could not exceed the costs of those procedures. Those procedures are the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed. And when you talk about the cost of those procedures, you are talking about the administrative costs involved, and the costs of vetting the applicants (in the case of applications for a licence) and the costs of investigating their compliance with the terms of their licence (in the case of applications for the renewal of a licence). There is simply no room for the costs of the “authorisation procedures” to include costs which are significantly in excess of those costs”.
- 3.25 A second judgment handed down on 12th June 2012 Keith J determined the question of relief and consequences of the Respondents’ pre-action settlement offer.
- 3.26 The formal Order made by the Court on 17th June 2012:
- (i) declared that when determining under paragraph 19 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 what is a reasonable fee for the grant or renewal of a licence to operate a sex establishment, the Council had not, since December 2009, been permitted to take into account the cost of investigating and prosecuting persons, firms or companies who operate sex establishments within Westminster without a licence;
 - (ii) ordered the Council to determine a reasonable fee for the years ending 31 January 2007 through to 31 January 2010 for the renewal or grant of a licence to operate a sex establishment, having regard to the need to carry forward from year to year any previous surpluses or deficits;
 - (iii) ordered the Council to determine a reasonable fee for the years ending 31 January 2011, 31 January 2012 and 31 January 2013 for the renewal or grant of a licence to operate a sex establishment, having regard to (1) the need to carry forward from year to year any previous surpluses or deficits and (2) the declaration at (i) above; and
 - (iv) ordered the Council to pay to the claimants for each of the years referred to above the difference between (a) the sums demanded by way of licence fees and paid by the claimants and (b) the sums which the Appellant determined to be a reasonable fee to operate a sex establishment, such monies to be paid within six weeks of the date of determination;

- 3.27 The Order also made provision for the payment of interest and costs, pursuant to the learned Judge's decision on the consequences arising from the pre-action offer. The claimants were awarded their costs. Because the Council did not accept the pre-action offer, the claimants were awarded costs on an indemnity basis from the date of the offer.

The Court of Appeal judgment

- 3.28 The Court of Appeal gave the Council permission to appeal to the High Court judgment on three grounds.
- 3.29 The first ground was that the Court had erred in concluding that on a proper construction of the Services Directive and the Services Regulations the Council has not been permitted, since December 2009, to include in the licence fee any costs of investigating and prosecuting persons, firms or companies who operate sex establishments within Westminster without a licence.
- 3.30 The second ground related to the costs award – Westminster should not be penalised for not accepting an offer that would not have resolved the issue between the parties, or for resisting a claim when it was clearly in the wider public interest that the point should be determined.
- 3.31 The third ground related to the restitutionary relief ordered by Keith J.
- 3.32 The Appeal was heard by the Master of the Rolls, Lady Justice Black and Lord Justice Beatson on 14th January 2013. The Court of Appeal dismissed the appeal on 2 grounds but upheld the second ground of appeal concerning the restitutionary relief ordered by Keith J. Permission to appeal to the Supreme Court was refused by Order dated 24th May 2013.
- 3.33 By Order dated 24th May 2013, the Court of Appeal varied that High Court Order in part to reflect the Council's successful appeal on the form of restitutionary relief, and ordered that the Council pay 90% of the claimants' costs of the appeal, and that the claimants pay 10% of the Council's costs of the appeal.

The Supreme Court judgment

- 3.34 Westminster applied to the Supreme Court to appeal this decision on the first two grounds. It was joined in this endeavour by The Architects Registration Board, The Solicitors Regulation Authority, The Bar Standards Board, The Farriers Registration Council, The Law Society, The Bar Council, The Local Government Association and Her Majesty's Treasury, as it was recognised that the decision made in the Court of Appeal would have wide ranging impact on other professional regulators who charge for the service of licensing or registration.
- 3.35 On 13 January 2015, the appeal was heard before Lord Neuberger, Lord Mance, Lord Clarke, Lord Reed and Lord Toulson. The question for the Supreme Court was whether the appellant's scheme of charging fees for licensing sex shops in Soho is permitted by the Services Directive.

- 3.36 The judgement was that Westminster City Council's appeal should succeed in that a scheme of a two part fee, part that relates to the processing of an application and part of enforcement of the licensing regime, would be consistent with regulation 18 of the Provisions of Services Regulations and article 13(2) of the EU Services Directive.
- 3.37 The question whether requiring both fees be paid before the application is processed, but that the second part could be refunded if the application is not successful, should be referred to the European Court of Justice.

Implications

- 3.38 Hemming is a case of significant importance. This is the first time that Directive 2006/123/EC on Services in the Internal Market ("the Services Directive"), has been considered by the UK courts, and the point in issue is a hugely important one for local authorities and for other regulatory bodies.
- 3.39 The approach taken by the Court of Appeal leads to the reversal of the very long standing domestic powers to set fees within a licensing regime, It also casts doubt on the compatibility of provisions of primary legislation post-dating the implementation date of the Directive which places a duty on licensing authorities to seek to ensure that licence fees are set so as to equate as closely as possible to the costs of discharging specific functions and a reasonable share of the authority's general licensing costs, including enforcement. In fact, the Court of Appeal itself acknowledged that the result of the interpretation by Keith J "*sits uncomfortably with the history, in the United Kingdom, of self-regulation largely financed by those working in the regulated area.*"
- 3.40 Moreover, there is no evidence that this outcome was the intended effect of the EU in enacting the Directive, or of Parliament in implementing it through the Regulations. It is completely inconsistent with the later enactment of section 121 of the Police Reform and Social Responsibility Act 2011, intended to provide for "full cost recovery" under the Licensing Act 2003. This section (which is not yet in force) provides for the insertion of new sections 197A and 197B into the Licensing Act 2003 which sections expressly require a licensing authority to seek to ensure the income generated from the licence fees equates as closely as possible to its costs, including general licensing costs. There is a clear and inescapable tension between the full cost recovery requirement of these statutory provisions and the conclusions of the Court of Appeal.
- 3.41 For Westminster, the case had immediate financial consequences. The consequences are not limited to the sex establishment regime. The Licensing Act 2003, and the street trading regime (including tables and chairs on the highway) are "in scope" for the purposes of the Services Directive, as are special treatment premises.
- 3.42 But the outcome also obviously impacts on all other licensing authorities, and a wide range of regulatory bodies. For some bodies, who have no alternative means of raising funds other than a licence fee, the effect of the judgments may be to critically undermine the regime and make it impossible to run.

- 3.43 There are also implications for central government – in particular the Home Office, which must decide on what effect the outcome of this action has on its plans to consult on draft Regulations providing for full cost recovery under the 2003 Act, as mentioned above. The Home Office is understood to have been watching the case with interest, but has not sought to intervene, or even comment, so far.
- 3.44 It is extremely good news that the Supreme Court has ruled that it is legal for licensing authorities to recover the costs of enforcement activity against both licensed and unlicensed operators through licence fees. This is the definitive ruling on the point.
- 3.45 However, there are outstanding risks associated with the Hemming case, if the European Court of Justice were to rule that it is unlawful for licensing authorities to charge all relevant costs in a single fee, rather than two fees. In this scenario, it is likely that councils would be subject to claims for restitution from a range of claimants, as has already been the case following the earlier Hemming hearings and, as we have seen, following legal cases relating to fees imposed by councils in other areas.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no concerns relating consultation and engagement relating to this advisory report.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There is no impact on equality and diversity, cohesion and integration and the contents of this advisory report.

4.3 Council Policies and Best Council Plan

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2015-20 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

- 4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

- 4.3.3 The licensing regime is linked to the Best Council Plan objective:

- Supporting communities and tackling poverty.

4.4 Resources and Value for Money

- 4.4.1 With regard to licensing fees, the outcome of these cases will impact on previous fees set and the setting and approval of fees in future

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The council will need to consider these judgements in the setting of future fees and any implications for previous fees set..

4.6 Risk Management

- 4.6.1 There is a risk to the council of a refund of part of some fees to existing operators, however this risk is considered small due to the amount involved.

5 Conclusions

- 5.1 After nearly three years of litigation there is now a definitive answer to the question on whether the fees for regulatory services, which fall within the scope of the EU Services Directive, can include a cost for the enforcement of the licensing regime. The question still outstanding is the way these fees can be charged.

6 Recommendations

- 6.1 That Licensing Committee notes the contents of this report.

7 Background documents¹

- 7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 23/6/15 (JG)

ITEM	DESCRIPTION	NOTES	TYPE OF ITEM
Items Currently Unscheduled			

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 10 th JUNE 2014. HELD PH operator Conditions Review, HC Proprietors Suitability Assessment, 3Year Driver Licensing, Convictions Criteria and De Regulations			
Meeting date: 8 th JULY 2014. HELD: BID UPDATE (Late Night Economy), Strong Alcohol Schemes, Otley Cumulative Impact Policy			
Meeting date: 5 th AUGUST 2014. HELD: Entertainment Licensing Section Activity update, TPHL Section Activity Update, TPHL Equality Monitoring, Leeds Festival 2014			
Meeting date: 9 th SEPTEMBER 2014. HELD: WYP Presentation, Hackney Carriage Proprietors – Appropriate Suitability Assessment, Digital Advertising Screens In Licensed Vehicles			
Meeting date: 7 th OCTOBER 2014 HELD: Inner East and Inner West Local Licensing guidance, Shisha Smoking and Smoke Free Legislation Update Report, Outcomes of the Licensing Committee Working Group (WG) and Information and Consultation Report – Additional Licensing Safeguarding Proposals			
Meeting date: 11 th NOVEMBER 2014 CANCELLED			
Meeting date: 9 TH DECEMBER 2014: Review of City Centre Cumulative Impact Policy, Entertainment Licensing Fees and Charges, Fixed Odds Betting Terminals, Fee Wi Fi in Private Hire Vehicles, Additional Taxi and Private Hire Licensing Safeguarding Measures – Annual DBS Checks * the online DBS update Service, Additional Licensing Safeguarding Proposals – Improving Criminal Intelligence Lengths with the WYP, Unmet Demand Survey – Hackney Carriages			
Meeting date: 6 TH JANUARY 2015 CANCELLED			
Meeting date: 10 TH FEBRUARY 2015:Entertainment Licensing Section – Update Report July to December 2014, Working with Health, Hackney Carriage Proprietors (HCP) Appropriate Suitability Assessment – Update, Taxi and Private Hire Licensing Equality Monitoring, Activity Update – Taxi and Private Hire Licensing – 1 st July to 31 st December 2014, Safeguarding			

Key:

RP – Review of existing policy

DP – Development of new policy

PM – Performance management

B – Briefings

SC – Statutory consultation

LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 23/6/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Measures – Fit and Proper Assessment for HCD, HCVP, PHD, PHVP, PHO Licences, Escort and Permit Drivers			
Meeting date: 10th March 2015: Taxi and Private Hire Licensing Web Page – Revealing pages following Enforcement Activity, Digital Advertising Screens, Presentation on Legal highs in Leeds, Policing and the Night Time Economy			
Meeting date: 8th April 2015: Shisha Update, Gambling Act 205 Statement of Licensing Policy, First Draft Event Management – Leeds Festival 2015.			
Meeting date: FRIDAY 22ND MAY 2015 – ADDITIONAL MEETING - Governance arrangements, Digital Advertising Screens in Licensed Vehicles.			
Meeting date: 9th JUNE 2015 CANCELLED			
Response to Gambling Commission Consultation on the Guidance to Licensing Authorities	Response to the Gambling Commission Consultation on the Guidance to Licensing Authorities – Members views obtained by email and response sent	S Holder	SC
Meeting date: 7th JULY 2015			
GAO5 Policy Review	To receive an update on GAO5 Policy Review	S Holden	SC
Hemmings C Westminster Case Review	To receive a report on Hemmings C Westminster Case Review	S Holden	B

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LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 23/6/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 4th AUGUST 2015			
Leeds Festival 2015	To receive an update on the Leeds Festival 2015	S Holder	B
Entertainment Licensing Section Activity update	To receive an update on the activities taking place in the Entertainment Licensing Section	N Raper	PM
TPHL Section Activity Update	To receive an update on the activities taking place in the Taxi, Private Hire Licensing Section	D Broster	PM
Meeting date: 8th September 2015			
Safeguarding Measures – Fit and Proper Assessment for Taxi drivers and operators	To receive report setting out proposals for the introduction of a new policy dealing with Safeguarding Measures – Fit and Proper Assessment for taxi drivers and operators	D Broster	DP
Licensing Reform – Taxi and Private Hire	To receive an update on Licensing Reform – Taxi and Private Hire	D Broster	SC
Wheel Chair Accessible Vehicles	To receive an update on Wheel Chair Accessible Vehicles	D Broster	B
Policing and the Night time Economy	To receive and update from WYP on the issues of Policing and the Night Time Economy	WYP Representative	B

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LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 23/6/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM
Meeting date: 6 th October 2015			
Meeting date: 17 th November 2015			
Meeting date: 15 th December 2015			
Meeting date: 9 th February 2016			
Meeting date: 8 th March 2016			
Meeting date: 12 th April 2016			
Meeting date: 10 th May 2016			

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LICENSING COMMITTEE WORK PROGRAMME 2015/16 - LAST UPDATED 23/6/15 (JG)

ITEM	DESCRIPTION	Officer	TYPE OF ITEM

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