

# 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 31<sup>st</sup> January 2007.

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

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 - 6<sup>th</sup> 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 work “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.*

A paragraph was added to the appendix concerning the large casino process to provide an update on the current situation.

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](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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