

Interim Consultation Report

Statement of Licensing Policy 2010 – 2013

Gambling Act 2005



Leeds
CITY COUNCIL

Executive Summary

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

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

A second draft of the policy was produced.

The Policy will now be presented to Executive Board on 17th June 2009. The Executive Board may present the policy for full debate at full Council on 15th July 2009.

The public consultation is likely to take place between 3rd August and 2nd October which is a nine week consultation period. Officers will analyse the consultation responses and produce a final draft.

It will be presented to Scrutiny and Overview Board on 2nd November, Executive Board on 9th December and full Council in either late December or January.

The final Statement of Licensing Policy must be published by 31st January 2010.

Introduction

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

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

Background Information

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

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

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

The licensing objectives

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

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

Purpose of the Statement of Gambling Policy

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

Purpose of the consultation

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

Consultation methodology

The following activities have commenced:

- An initial first draft of the policy has been produced in consultation with licensing officers and legal services.
- This draft has circulated amongst the responsible authorities for comment.
- Comments were received from West Yorkshire Police and Safeguarding Children Board.
- These comments were incorporated into the second draft.

The following activities are planned:

- The second draft is to be presented to full Council for debate and comment in July 2009.
- These comments will be evaluated and incorporated into a final draft.
- The public consultation will commence at the beginning of August and will run for a minimum of four weeks, as specified in the Act. The Home Office Code of Practice on Consultation specifies that a 12 week consultation is good practice. However, due to restraints imposed by the timetabling of Overview and Scrutiny Board and Executive Board, the current aim is to provide a public consultation period of 9 weeks.
- The draft policy and a summary of changes will be uploaded to a webpage on the Leeds City Council website. A news item will appear on the homepage on the first day of the consultation. This news item will remain on the homepage for the first two weeks of the consultation and will be reposted to the website for the latter stages of the consultation.
- A full colour poster will be sent to all libraries, one stop centres and leisure centres in the district.
- Members will be sent a copy of the policy along with the summary of changes.

- A mailshot will be sent out to an extensive list of identified stakeholders. This will include existing licence holders, national trade associations, responsible authorities, organisations concerned with the social impact of gambling, MPs, parish councils, and faith groups to name just a few.
- A full colour advert appeared will appear in Yorkshire Evening Post and Leeds Weekly News advertising the consultation.
- A press release will be issued by the press office advertising the consultation.

Breakdown of consultation replies

First draft - officer comments

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

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

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

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

First draft - consultation with Responsible Authorities

The First Draft of the policy was circulated on the 28th April 2009 to:

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

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

West Yorkshire Police

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

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

Safeguarding Children’s Board

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

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

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

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

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

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

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

Section ' Protection of vulnerable people'

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

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

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

A meeting was held between Entertainment Licensing and Adult Social Care specifically to discuss the issue of vulnerable adults. This is a difficult subject because the Gambling

Commission has declined to provide a definition for this term. The section was rewritten following this meeting as follows:

Original Text

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

Protection of children

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

Protection of vulnerable people

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

gambling premises in a location that is both prominent and discreet, such as toilets

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

12.8 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

Amended text:

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

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

Meaning of "child" and "young person"

(1) In this Act "child" means an individual who is less than 16 years old.

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

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

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

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

[Protection of vulnerable people](#)

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

12.6 The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition for the term "vulnerable people" but will, for regulatory purposes assume that this group includes people:

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

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

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

12.8 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commissions Code of Practice. In this document the Gambling Commission clearly describe the policies and procedures that operators should put in place regarding:

- Combating problem gambling
- Access to gambling by children and young persons
- Information on how to gamble responsibly and help for problem gamblers
- Customer interaction
- Self exclusion
- Employment of children and young persons

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

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

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

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

- positioning of ATM machines
- stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines
- windows, entrances and advertisements to be positioned or designed not to entice passers by.

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

12.11 The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

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

Next Steps

The Policy will now be presented to Executive Board on 17th June 2009. The Executive Board may decide to present the policy for full debate at full Council on 15th July 2009.

The public consultation is likely to take place between 3rd August and 2nd October which is a nine week consultation period. Officers will analyse the consultation responses and produce a final draft.

It will be presented to Scrutiny and Overview Board on 2nd November, Executive Board on 9th December and full Council in either late December or January.

CHANGE DOCUMENT

Document Title: Gambling Act 2005 Statement of Licensing Policy Review

Revision: First Draft – Version 2

Revision date: 27/04/09

Contact for enquiries: Sue Holden ext: 51863

| Part | Current | Part | Change to |
|--|---|------|---|
| Executive Summary | | | |
| Insert | | | |
| 1. The licensing objectives | | | |
| No major changes | | | |
| 2. The Leeds district | | | |
| No major changes | | | |
| 3. The purpose of the Gambling Act 2005 – Statement of Licensing Policy | | | |
| 3.2 | <p>Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:</p> <ul style="list-style-type: none"> • 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 | 3.2 | <p>Leeds City Council consulted widely upon this policy statement before finalising and publishing it. A list of the persons we consulted is provided below:</p> <ul style="list-style-type: none"> • 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 |

| | | | |
|-----------------------------------|--|-----|---|
| | <ul style="list-style-type: none"> • community representatives • town councils in the district • parish councils in the district • local Members of Parliament • national bodies representing the gambling trade • national charities concerned with the social impact of gambling • other charities offering support to alcohol and drugs users • representatives of existing licence holders • Yorkshire Forward (the regional development agency) • Yorkshire Culture • Leeds Citizens Advice Bureau • Primary Care Trusts • Her Majesty's Revenue and Customs • West Yorkshire Fire and Rescue Service • Faith Groups within the Leeds district • Department of Neighbourhoods & Housing, Environmental Health Services • Leeds City Council Development Department | | <ul style="list-style-type: none"> • community representatives • town/parish councils in the district • Area Committees • local Members of Parliament • national bodies representing the gambling trade • national charities concerned with the social impact of gambling • other charities offering support to alcohol and drugs users • representatives of existing licence holders • Yorkshire Forward (the regional development agency) • Yorkshire Culture • Leeds Citizens Advice Bureau • Primary Care Trusts • Her Majesty's Revenue and Customs • West Yorkshire Fire and Rescue Service • Faith Groups within the Leeds district • Department of Neighbourhoods & Housing, Environmental Health Services • Leeds City Council Development Department • Leeds Initiative |
| 3.3 | The consultation took place between June and September 2006 and followed the Cabinet Officer code of practice on consultations published in April 2004. This document is available from the Cabinet Office website at: www.cabinetoffice.gov.uk | 3.3 | The consultation took place between May and July 2009 and followed the Better Regulation Executive Code of Practice on Consultation published in July 2008 and available from their website: www.bre.brr.gov.uk |
| 3.5 | The policy was approved at a meeting of the Full Council on 13 th December 2006. | 3.5 | The policy was approved at a meeting of the Full Council on xxth December 2009 (insert date after adoption). |
| 4. The licensing framework | | | |
| No major changes | | | |

5. Declaration

No major changes

6. Responsible authorities

| | | | |
|-----|---|-----|---|
| 6.4 | The contact details of all the responsible authorities under the Gambling Act 2005 can be found in our application packs and on our website at: www.leeds.gov.uk/licensing | 6.4 | The contact details of all the responsible authorities under the Gambling Act 2005 are: The Gambling Commission Tel: 0121 230 6666 Victoria Square House Fax: 0121 233 1096 Victoria Square info@gamblingcommission.gov.uk Birmingham B2 4BP West Yorkshire Police T: 0113 241 4023 Robert Patterson Leeds District Licensing Officer Millgarth Police Station Leeds LS2 7HX Leeds Safe Guarding T: 0113 247 8543 Children Board administrator@leedsiscb.org.uk Merrion House 110 Merrion Centre Leeds LS2 8QB West Yorkshire Fire and T: 0113 244 0302 Rescue Service District Fire Safety Officer Leeds Fire Station Kirkstall Road Leeds LS3 1NF Leeds City Council T: 0113 247 6026 Environmental Health |
|-----|---|-----|---|

| | | |
|---|--|---|
| | | <p>Services Millshaw Office Millshaw Park Way Churwell Leeds LS11 0LS</p> <p>HM Revenue and Customs T: 0141 555 3633 National Registration Unit nrubetting&gaming@hmrc.gsi.gov.uk Portcullis House 21 India Street Glasgow G2 4PZ</p> |
| 7. Interested parties | | |
| No major changes | | |
| 8. Exchange of information | | |
| No major changes | | |
| 9. Licensing authority function | | |
| No major changes | | |
| 10. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime | | |
| No major changes | | |
| 11. Ensuring that gambling is conducted in a fair and open way | | |
| No major changes | | |
| 12. Protecting children and other vulnerable persons from being harmed or exploited by gambling | | |

| | | | |
|---|---|------|--|
| 12.1 | This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). | 12.1 | This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). |
| 12.5 | The council will promote this objective by publishing information on the council website about the symptoms of problem gambling and the various support organisations which are available to help problem gamblers. These webpages will be prepared in conjunction with these support agencies. In addition the council will also distribute promotional material about these services to a variety of public buildings including all one stop centres, libraries and leisure centres. | | DELETE |
| 13. Introduction to Premises Licensing | | | |
| | INSERT | 13.3 | Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice. |
| 13.6 | An applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued by the council in relation to premises that are ready to be used for gambling. Whether a premises is finished to a degree that it can be considered for a premises licence will always be a question of fact in the circumstances. Requiring a building to be complete ensures that the council can, if necessary, inspect it fully, as can other responsible authorities with inspection rights. | 13.7 | An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates. |

| | | | |
|---|---|-------|--|
| 13.7 | Where a premises is not yet built or is about to be altered for the purpose of providing gambling and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement. (see section 20) | 13.8 | Where an applicant does not have the right to occupy a premises, the premises is still to be constructed, or the applicant expects the premises to be altered and ultimately a premises licence will be required, the applicant should in the first instance consider making an application for a provisional statement (see section 20). |
| | | 13.13 | The council is aware that the Secretary of State has set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives. |
| 13.18 | The council is aware that the Secretary of State will set mandatory conditions and default conditions which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with. If the council is minded to do so because there is regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives. | | DELETE |
| 14. Adult gaming centres and licensed family entertainment centres (LFECs) | | | |
| 15. | Adult gaming centres and licensed family entertainment centres (LFECs) | | Split into two sections: 15. Adult gaming centres 16. Licensed family entertainment centres |
| 16. Casinos | | | |
| | INSERT | 16.1 | Leeds has a number of casinos which were licensed under the Gaming Act 1968, which have been subsequently converted into |

| | | | |
|-----------------------------------|--|------|---|
| | | | Gambling Act 2005 Converted Casino Premises Licences. |
| 15.5 | Large Casino Bid – The Act introduces three new categories of larger casino, one super/regional casino, eight large casinos and eight small casinos. Leeds City Council submitted a proposal for one large casino, to the Independent Casinos Advisory Panel (CAP). In the event that Leeds is successful in its bid to the CAP and is given consent to be able to grant a large casino licence the council will carry out a competitive bidding exercise. More information about this process can be found in Part F of this document. | 16.6 | Large Casino The Act introduces three new categories of larger casino; one regional casino, eight large casinos and eight small casinos. On 15 th May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved. This specified which Licensing Authorities could issue premises licences for both large and small casinos. Leeds City Council was one of the Licensing Authorities that was authorised to issue a large Casino Premises Licence. |
| | All other parts of part 16 deleted | 16.7 | The Council is currently putting arrangements in place to hold the competition for the Large Casino Premises Licence. The statement of principles for the large casino process will be consulted upon during 2010 with a view to run the competition at some point after that. |
| 17. Bingo Premises | | | |
| No major changes | | | |
| 18. Betting Premises | | | |
| No major changes | | | |
| 19. Tracks | | | |
| No major changes | | | |
| 20. Travelling Fairs | | | |
| No major changes | | | |
| 21. Provisional Statements | | | |

| | | | |
|--|---|------|--|
| 20.1 | A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which has yet to be constructed or is about to be altered for the purpose of gambling, would be granted a premises licence when the building work is complete. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the project can be started. Once works are complete a full premises licence would still be required. | 21.1 | A provisional statement application is a process which allows a developer to examine the likelihood of whether a building which he expects to be constructed, to be altered or to acquire a right to occupy would be granted a premises licence. A provisional statement is not a licence and merely gives the holder some form of guarantee that a premises licence would be granted so the developer can judge whether a development is worth taking forward in light of the need to obtain a premises licence. An applicant may also apply for a provisional statement for premises which already hold a premises licence (either for a different type of gambling or the same type). |
| 22. Unlicensed family entertainment centre gaming machine permits (UFECs) | | | |
| 21.3 | In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child protection issues. All applicants should review this document before submitting an application for an UFEC permit so they can tailor their application accordingly. | 22.3 | In line with the above provision the council has prepared a 'Statement of Principles' in relation to unlicensed family entertainment centre gaming machines as follows: |
| | INSERT | 22.4 | <p>Statement of Principles</p> <p>The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</p> |
| | INSERT | 22.5 | <p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> • 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 |

| | | | |
|--|--|------|--|
| | | | <p>children causing perceived problems on or around the premises.</p> <ul style="list-style-type: none"> 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. |
| | INSERT | 22.6 | Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people. |
| | INSERT | 22.7 | <p>The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:</p> <ul style="list-style-type: none"> 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. |
| 23. Gaming machine permits in alcohol licensed premises | | | |
| No major changes | | | |
| 24. Prize Gaming Permits | | | |
| 23.4 | In line with the above provision the council has prepared a 'Statement of Principles' document which explains the various issues the council will assess in order to determine the suitability of an applicant for a permit. This includes child | 24.4 | In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows: |

| | | | |
|--|--|------|--|
| | protection issues. All applicants should review this document before submitting an application for a prize gaming permit so they can tailor their application accordingly. | | |
| | INSERT | 24.5 | <p>Statement of Principles</p> <p>The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.</p> |
| | INSERT | 24.6 | <p>The efficiency of such policies and procedures will each be considered on their merits, however, they may include:</p> <ul style="list-style-type: none"> • 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. |
| | INSERT | 24.7 | <p>Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people.</p> |

| | | | |
|---|---|------|---|
| | INSERT | 24.8 | The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate: <ul style="list-style-type: none"> • A full understanding of the maximum stakes and prizes of the gambling that is permissible • That the gaming offered is within the law. |
| 25. Club gaming and club machine permits | | | |
| | INSERT | 25.3 | Clubs must have regard to the protection of children and vulnerable persons from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include: <ul style="list-style-type: none"> • 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. |
| 24.6 | Clubs must also have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. | | DELETE |
| 24.7 | Measures which may satisfy the council that persons under 18 years old will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare. | | DELETE |
| 26. Temporary Use Notices | | | |

| | | | |
|---|---------------|------|---|
| | INSERT | 26.2 | Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner. |
| 27. Occasional Use Notice (for tracks) | | | |
| No major changes | | | |
| 28. Small Society Lotteries | | | |
| No major changes | | | |
| 29 Enforcement principles | | | |
| No major changes | | | |
| 30. Reviews | | | |
| No major changes | | | |
| Large casino bid | | | |
| Entire section deleted. This information is still to be determined and will be consulted upon separately. | | | |
| Appendix 1 – Gaming Machines | | | |
| Changes include addition of additional category D machine examples. | | | |
| Appendix 2 - Glossary | | | |
| Additional definitions for additional category D machine examples, i.e. Penny pushers. | | | |

CHANGE DOCUMENT

Document Title: Gambling Act 2005 Statement of Licensing Policy Review

Revision: Second draft

Revision date: 05/06/09

Contact for enquiries: Sue Holden ext: 51863

| Part | Current | Part | Change to |
|------------|--|------------|---|
| 6.3 | In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. | 6.3 | In accordance with the regulations the council designates the Local Safeguarding Children Board for this purpose. Leeds Safeguarding Children Board have produced a "West Yorkshire Consortium Procedures Manual which can be found at http://www.procedures.leedslscb.org.uk . Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care etc, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people. |
| 9.1 | Licensing authorities are responsible under the Act for: <ul style="list-style-type: none"> • 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 | 9.1 | Licensing authorities are responsible under the Act for: <ul style="list-style-type: none"> • 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 |

| | | | |
|----------------------|---|--------------------|---|
| | <ul style="list-style-type: none"> • 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. | | <ul style="list-style-type: none"> • gaming machines • issuing 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. |
| <p>12.1</p> | <p>This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p> | <p>12.1</p> | <p>This licensing objective means preventing children from taking part in most types of gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.</p> |
| <p>INSERT</p> | | <p>12.2</p> | <p>The Act provides the following definition for child and young adult in Section 45:</p> <p>Meaning of "child" and "young person"</p> <p>(3) In this Act "child" means an individual who is less than 16 years old.</p> <p>(4) In this Act "young person" means an individual who is not a child but who is less than 18 years old.</p> |

| | | | |
|-------------|---|-------------|--|
| | | | For the purpose of this section protection of children will encompass both child and young person as defined by the Act. |
| 12.2 | This council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. | 12.3 | The council will pay particular attention to any codes of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos. |
| 12.3 | Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices. | 12.4 | Examples of the specific steps the council may take to address this area can be found in the various sections covering specific premises types in Part C of this document and also in Part D which covers permits and notices. |
| 12.4 | <p>Protection of vulnerable people</p> <p>As regards the term “vulnerable persons”, the council is not seeking to offer a definition but will, for regulatory purposes assume that this group includes people who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs. The council will consider this licensing objective on a case by case basis having regard to any guidance issued by the Gambling Commission. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.</p> | 12.5 | <p>Protection of vulnerable people</p> <p>The council is aware of the difficulty in defining the term “vulnerable person”.</p> |
| 12.5 | While the council acknowledges that it may be difficult for gambling premises staff to identify vulnerable persons, (especially in the case of persons who may have a mental illness) in the first instance the council would expect staff members to try and maintain an awareness of how much (e.g. how long) customers are gambling. If it is perceived that any particular persons may be gambling excessively or | | DELETE |

| | | | |
|-------------|--|-------------|--|
| | are showing other obvious signs of being unwell then further investigation should follow to try and identify if the person may fall within the category of vulnerable. | | |
| 12.6 | The council will familiarise itself with operator licence conditions related to this objective which may include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling. The council will communicate any concerns to the Gambling Commission about any absence of this required information. | | DELETE |
| | INSERT | 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." |
| | INSERT | 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." |
| | INSERT | 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 |

| | | | |
|-------------|--|--------------|--|
| | | | <p>operators should put in place regarding:</p> <ul style="list-style-type: none"> • 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 |
| | INSERT | 12.9 | <p>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.</p> |
| | INSERT | 12.10 | <p>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</p> |
| 12.7 | <p>Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:</p> <ul style="list-style-type: none"> • 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) | 12.11 | <p>Applicants should consider the following proposed measures for protecting and supporting vulnerable persons, for example:</p> <ul style="list-style-type: none"> • 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) |

| | | | |
|--------------|--|--------------|--|
| | <p>customers are gambling, as part of measures to detect persons who may be vulnerable. (see 12.4.1)</p> <ul style="list-style-type: none"> • trained personnel for the purpose of identifying and providing support to vulnerable persons • self exclusion schemes • stickers or notices on gaming machines to identify the stakes/prizes • operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people • Fixed Odds Betting Terminals should clearly display the odds • positioning of ATM machines • stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines • windows, entrances and advertisements to be positioned or designed not to entice passers by. | | <ul style="list-style-type: none"> • trained personnel for the purpose of identifying and providing support to vulnerable persons • self exclusion schemes • stickers or notices on gaming machines to identify the stakes/prizes • operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people • Fixed Odds Betting Terminals should clearly display the odds • positioning of ATM machines • stickers / posters with GamCare Helpline and website in prominent locations, i.e. on ATM machines • windows, entrances and advertisements to be positioned or designed not to entice passers by. <p>It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.</p> |
| 12.8 | The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. | 12.12 | The council may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant. |
| 13.10 | <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> • the possible impact a gambling premises may have on any schools 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 | 13.10 | <p>With regards to these objectives it is the council's policy, upon receipt of any relevant representations to look at specific location issues including:</p> <ul style="list-style-type: none"> • 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 |

| | | | |
|-----------------------------------|---|-------------|--|
| | <ul style="list-style-type: none"> activities taking place any levels of organised crime in the area. <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p> | | <ul style="list-style-type: none"> the size of the premises and the nature of the activities taking place any levels of organised crime in the area. <p>The council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. Such evidence may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.</p> |
| 22.6 | Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people. | 22.6 | 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. |
| 24.7 | Applicants who provide staff to supervise these premises may wish to consider performing CRB checks on staff that may be in regular and prolonged contact with children and vulnerable people. | 24.7 | Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Independent Safeguarding Authority to determine if their staff need to be CRB checked. |
| Appendix 1 Gaming Machines | | | |
| | INSERT | | It should be noted that member's clubs and miner's welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. |