

# Consultation Report

Gambling Act 2005  
Statement of Licensing  
Policy Review

2024



## **Background Information**

In Leeds, gambling harms is regarded as a matter of public health, and this has been the case since partnership working to address gambling related harms. Public Health co-lead on the partnership working arrangements and project delivery in the city and continue to provide advice, support, and evidence to guide possible interventions to reduce gambling harms.

When compared to other local areas the work to address gambling-related harms in the city is well developed. The Leeds approach has been recognised nationally including by both the Local Government Association and the Gambling Commission and is a key reason for the city now hosting two treatment services (the NHS Northern Gambling Service and Leeds Community Gambling Service) in the city.

Leeds City Council's Public Health and Financial Inclusion teams co-lead partnership working arrangements, treatment service liaison and project delivery. Entertainment Licensing lead on the licensing of physical gambling premises, enforcement of these same premises and lobbying through the Local Government Association and liaison with the Gambling Commission.

## **Initial Review**

Every three years the Council is required by the Gambling Act 2005 (the Act) to review the Gambling Act 2005 Statement of Licensing Policy (policy), and to consult upon any changes. The three yearly annual review is due this year.

Officers from Entertainment Licensing, Public Health and Financial Inclusion have reviewed the current policy and made changes relating to the inclusion of research results and strengthened requirements around risk assessments. The draft policy has been presented to the public for consultation in line with the requirements of the Act. It elicited three responses.

## **Public Consultation**

The draft Policy has been shared with partner organisations working with the council's Problem Gambling Project Group, and input has been predominantly with Public Health and Financial Inclusion.

The policy has been subject to a 4 week public consultation with the people and organisations required by the legislation. Briefly these comprise of businesses and people affected by the proposals. As part of this consultation the council's Problem Gambling Harms Group, all Ward Members, all Members of Parliament, support organisations, and all licensed premises have been consulted.

## Consultation Responses

The public consultation had three responses, from the Betting and Gaming Council, Gamcare and Talarius/Luxury Leisure. The council is grateful to the three respondents, who have provided thoughtful and detailed responses to the amended policy at a time when all Licensing Authorities are amending their policies.

### Betting and Gaming Council

This response, prepared by Gosschalks, on behalf of the Betting and Gaming Council is provided at Appendix A. For the purposes of this report, the following information specific to the Leeds City Council Gambling Act 2005 Statement of Licensing Policy has been reproduced and commented upon:

**Comment:** *Paragraph 2.14 refers to the Leeds Suicide Audit 2019-21 and thereafter refers to a number of risk factors. On the basis that none of these risk factors refer to gambling, it is not clear why this paragraph has been included and its inclusion within the draft statement of principles is prejudicial to potential applicants given the inference (without any evidence) that there is a link to gambling. Accordingly, paragraph 2.14 should be deleted.*

**Response:** Section 2 of the Policy provides a local context that applicants and decision makers may find useful. This section includes information on population, deprivation and the economy. Section 3 show integration with other guidance, policies etc. Paragraph 2.14 would fit into Section 3 more appropriately and so will be moved into that section.

Referencing the Leeds Suicide Audit is relevant because although gambling itself isn't listed as a risk factor in the Leeds Suicide Audit, several of the risk factors associated with suicide are also associated with harmful gambling. To provide more context the following paragraphs will be inserted:

“Gambling With Lives is a community of families bereaved by gambling-related suicide that provides support, raises awareness of the devastating effects of gambling disorder and campaigns for change. In their response to the National Suicide Prevention Strategy, Gambling With Lives provided a well referenced statement on how gambling harm is linked with a high suicide rate. In this paper it is explained that people suffering with gambling disorder are two to three times more likely to attempt to kill themselves or have major depressive episodes than other types of addicts, with 12-18% of those seeking treatment having already attempted suicide. One landmark study found that people suffering with gambling disorder are 15 times more likely to take their own lives than members of the general population.

Further to this, analysis on pupils asked about gambling in the latest My Health My School survey of school pupils in Leeds found that the gambling rate for young people who reported suicidal thoughts was higher than for those who did not (35.2% v 26.3%).”

**Comment:** Paragraphs 13.11 to 13.14 refer to studies “Gambling Understood” and a study undertaken by the Office for Health Improvement and Disparities (OHID)) and then attempts to extrapolate the figures to give an estimate of a number of adults in Leeds who, “might benefit from some type of gambling treatment or support.” The figures are based on dated surveys (Health Surveys of England published in 2015, 2016 and 2018) and therefore contain figures some of which are more than 10 years old and the most recent of which will be 7 years old but there is no context given here. Furthermore, these figures predate the reduction in maximum stake on Fixed Odds Betting Terminals (FOBTs) from £100 to £2 in 2019 and do not mention the wide criticism of the figures within the OHID report and the partiality of it. In the circumstances, these paragraphs should be deleted.

**Response:** Paragraph 13.12 seeks to provide national context on the prevalence of gambling harm and provides an updated 2023 figure of 1.76 million people in England have a level of risk attached to their gambling participation. This estimate was quoted in the Gambling Understood campaign but was sourced from the updated OHID (Jan 23) review ‘The Economic and social cost of harms associated with gambling in England’. However rather than quote Gambling Understood, we will amend this to reference the source of the estimate which is the PHE Evidence Review (2021, updated by OHID in 2023). These references have already been provided in the footnotes. No other, more recent, data currently exists, at a Yorkshire and Humber level, that can be safely used to estimate levels of gambling harm at those risk levels. Hopefully this will be available for the next review of the Policy.

**Comment:** Paragraph 13.26 contains a list of bullet points that the statement suggests, “Applicants should consider offering measures to be imposed on licences as conditions.” This paragraph should be deleted. Everything in the bullet point list will be considered by an applicant in its local area risk assessment and if there is a risk posed to the licensing objectives then mitigation measures will be proposed. However, these should not be “offered” as conditions. Whilst this is expected in Licensing Act 2003 applications, the mandatory and default conditions that apply to Gambling Act 2005 applications are intended to be sufficient to ensure operation that is consistent with the licensing objectives. This paragraph should therefore be redrafted.

**Response:** Agreed. This paragraph will be redrafted with the word ‘should’ replaced with the word ‘could’.

Licensing authorities have very little control or power to refuse gambling licences, even in the context of gambling harm, due to the ‘aim to permit’ clause. A power the Licensing Authority does have is to impose conditions on licences which seek to promote the licensing objectives, provided they are not duplicating requirements under

the mandatory conditions, default conditions, or the Gambling Commission Licence Conditions and Codes of Practice imposed on Operators Licences.

Although an applicant must provide a local area risk assessment as part of the application for a premises licence, this does not impose a requirement on the applicant and is not as clearly enforceable as a licence condition. The measures provided in this list are not mandatory and the list itself is not exhaustive, but it will be for the applicant and, ultimately if representations are received, the licensing authority to determine if they are relevant.

**Comment:** Paragraph 14.14 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted as in its existing terms it refers to matters that cannot be relevant to an assessment as to whether a proposal is reasonably consistent with the licensing objectives.

**Response:** The Statement of Licensing Policy is a statement of the principals it will apply when considering applications under the Gambling Act 2005. Providing a list of factors, such as the proximity to schools is relevant, and should be considered. However this list will be revisited, and any bullet points not directly related to the protection of children and other vulnerable people will be removed.

**Comment:** The reference to whether the premises is in an area of deprivation should be deleted. The relevant affluence of an area cannot be relevant as to whether an operation is/will be consistent with the licensing objectives unless the authority has predetermined that the local residents in deprived areas are more likely to commit crime associated with gambling than in more affluent areas or are to be considered automatically vulnerable. Similarly, the ethnic profile of residents is not relevant unless the authority has determined that certain ethnicities are either more predisposed to crime at than others or automatically to be considered as vulnerable. Finally, issues such as street drinking and youths participating in anti-social behaviour are issues of nuisance which are not relevant for an assessment of any risk to the licensing objectives. The content of this bullet point list must therefore be reconsidered.

**Response:** Agreed. This list will be revisited, and any bullet points not directly related to the protection of children and other vulnerable people will be removed.

## Talarius/Luxury Leisure

This response, prepared by Elizabeth Speed of Novomatic UK, on behalf of gambling operators Talarius/Luxury Leisure is provided at Appendix B. For the purposes of this report, the following information specific to the Leeds City Council Gambling Act 2005 Statement of Licensing Policy has been reproduced and commented upon:

**Comment:** Para 13.7. We note the reference to the Commission’s “Vulnerability Statement”. However with respect, that reference is partial and to a document that is provided “for information” about the Commission’s approach. The Commission’s GLA and more particularly the definition of vulnerable has not changed. We think it inappropriate, unnecessary and confusing to introduce extracts from that additional paper.

The second para 13.7 to 13.10 refers to the Care Act 2014. With respect this Statement is meant to be about the principles to be applied by the authority under the Gambling Act 2005 and not under other regimes. That does not mean that those other regimes do not exist but that they are dealt with separately to the Gambling Act, in the same way as planning is separate context. The inclusion of these paragraphs is confusing and appears a “non sequitur”. Further, references to steps that the Council might wish to take for any particular adult do not seem to appropriately sit in this Statement.

**Response:** There is no definition of what a vulnerable person is in the Gambling Act 2005. The Gambling Commission, as national regulator also does not seek to define what vulnerability is in their Guidance to Local Authorities, although it has made a Vulnerability Statement, referenced in this section, with a link provided in the footnotes.

Therefore the Council must cast a wider net to find a definition of vulnerability, enshrined in law. In this case, the Care Act 2014 provides a definition of financial abuse that may be relevant and is provided in the Policy.

The protection of children and other vulnerable persons from being harmed or exploited by gambling is an objective under the Gambling Act 2005. These paragraphs simply seek to provide a definition of vulnerability in that absence. Paragraphs 13.11 to 13.29 show how this is relevant to licensing decisions in Leeds.

**Comment:** Para 13.26 In the final bullet point, the word “other” is missing before “vulnerable people”. That is the wording of the Act and the context is important.

**Response:** Agreed

**Comment:** Para 13.27 references advertising. There are strict codes in existence and the Statement should not seek to replace them. Further, in the in the final sentence it is stated that the Council “recommends advertising material is not displayed within 100 metres of venues accessed by vulnerable groups”. That wording is too loose as it would include shops, houses – indeed anywhere that anyone who is a member of a “vulnerable group” accesses. That is clearly not intended but the Statement must be clear. This is particularly important in light of the above comments and those of the Commission in relation to the definition of “vulnerable”.

**Response:** Agreed, this is too general. However this policy has sought to provide a clearer definition of vulnerable, as this is important for the licensing authority to undertake its functions under the Gambling Act 2005. Examples will be provided of venues accessed by vulnerable groups.

**Comment:** Para 14.10 The wording is unclear. The purpose of the LRA is to assess the risks posed to the licensing objectives and the ways that those risks are to be mitigated. The location cannot be considered without the assessment and mitigations.

**Response:** This paragraph predates the introduction of local area risk assessment requirements in the Gambling Commissions Licence Conditions and Codes of Practice. It simply sought to ensure that there was evidence of harm to the licensing objectives before locality could be considered. This paragraph can be deleted.

**Comment:** Para 14.11 As noted, demand is not a matter that can be considered when dealing with an application for a premises licence. However the rest of the paragraph seems to conflate other matters and mis-state the purpose of a Local Risk Assessment. That purpose is to “assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises”. It is not to assess a general “impact on residents” – it is purely to assess risks in relation to the licensing objectives. The currently proposed wording might be seen as an attempt to introduce a test of demand which would plainly fall foul of the Act. Further the wording refers to “residents and other vulnerable groups”. With respect, residents are not by themselves a vulnerable group. We suggest that this paragraph should be reworded or, save for the correct reference to the demand test, deleted.

**Response:** Agreed, this matter will be dealt with under any changes the government applies to the Gambling Act in relation to cumulative impact. The direct impact the clustering of premises has on children and other vulnerable people will be considered at that point. Paragraph 14.11 to be deleted.

**Comment:** Para 14.16 The requirement of Local Risk assessments is to “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” It is not the operators’ obligation to “show how children are to be protected with the following issues to be addressed” “including asb, graffiti, tagging, underage drinking etc””. Indeed the wording even seems to suggest that gambling venues are responsible for that conduct. The operators’ concerns are with the licensing objectives and with respect, the wording which suggests otherwise, should be removed.

**Response:** Agreed, this bullet point is to be removed.

**Comment:** Para 14.18 the Matrix should be attached. Further, presumably not all “risk” is related to or will impact gambling applications.

Para 14.18 Additionally, the reference to “children” in the Act is to all children - it is not a case of separately assessing children at risk in other contexts.

Health and Safety is not a licensing objective under the Act unlike the Licensing Act 2003 and the references to the Health matrix could be viewed as an attempt to change that. With respect the Act and GLA etc make it clear what grounds are to be taken into account when assessing any application and the current draft Statement indicates that it might be seeking to unilaterally change that.

**Response:** The council references a Health Risk Matrix in paragraph 14.18. The term Health Matrix comes from the work undertaken by the same team on an alcohol risk matrix used when considering alcohol licensed premises. The title Health Matrix does not truly represent the types of data provided in this tool which is more closely related to vulnerability. As such this Matrix will be renamed the Gambling Harm Vulnerability Matrix.

The Matrix is under development and due to be published in early 2025. It can be provided to applicants, residents, those that represent them, as well as responsible authorities to use when considering an application under the Gambling Act 2005. It is designed to provide a locality based ranking of vulnerability in the area and is based on data held by the Council and partners which is linked to gambling harm.

It is not mandatory to use, and it does not form an integral part of the Policy. Applicants and the licensing authority can apply the appropriate weight to the data provided by the Matrix. It is likely to be more useful in planning decisions than licensing, which has additional requirements under the Gambling Act 2005 to consider, such as the ‘aim to permit’ requirement in the Gambling Act 2005, Licence Conditions and Codes of Practice, and the Gambling Commission’s Guidance to Licensing Authorities.



## GamCare

This response, prepared by GamCare is provided at Appendix C. For the purposes of this report, the following information specific to the Leeds City Council Gambling Act 2005 Statement of Licensing Policy has been reproduced and commented upon:

**Comment:** We welcome the position Leeds City Council is taking to go beyond the mandatory and default conditions of the Gambling Act 2005 in its statement of principles.

Local authorities can play a greater role in reducing gambling harm, particularly for those of our clients who experience harm in land-based gambling venues, due to council's licensing responsibilities.

It is vital that Leeds City Council develops a local picture of the level of gambling harms, in order to best target resources and tailor service provision. This could be achieved by gathering data from the National Gambling Helpline, as well as those already providing services in the area.

**Response:** This is the purpose of producing a risk tool, which allows applicants and other interested parties to evaluate data sets relevant to gambling harm by a postcode. This tool, developed by Public Health, is due to be available in early 2025.

**Comment:** Building on the proactive approach the council is already taking, we are pleased to see Leeds City Council regard gambling as a matter of **public health** in the statement of principles.

This commitment should include training frontline and primary care staff to recognise the signs of gambling harm and develop referral pathways to the National Gambling Helpline or local treatment providers. GamCare has worked with Haringey Council to implement a similar system, that has received widespread support.

**Response:** Leeds City Council is working with the Yorkshire and Humber Association of Directors of Public Health on a pilot to raise awareness for front line workers and enable access to support for gambling harm. Further to this, we await the release of NICE guideline 'Harmful Gambling: identification, assessment and management' and national guidance on embedding an evidence based approach to assessment and support for people harmed by gambling.

**Comment:** In the absence of Cumulative Impact Assessments as a method by which the "aim to permit" approach can be challenged, Leeds City Council should continue to pursue a Local Area Profile approach that specifically analyses gambling risk, and use this data as a basis from which to scrutinise and possibly oppose a licensing application.

**Response:** Agreed.

**Comment:** The changes to Leeds City Council's statement of principles should be viewed in the context of the Gambling Act Review and subsequent process of white paper consultations, so take account of the rapidly changing regulatory environment.

**Response:** The Policy has to be reviewed this year due to the statutory requirements. The council has followed the developments of the Gambling Act Review and the subsequent White Paper and consultations. The legislation required to make the proposed changes in the Government's White Paper were stalled by the change in Government. At this point it was not possible to predict what changes may be made to the Gambling Act or the requirements on local government. All care has been given to remove any part of the Policy that is not necessary and that may be affected by the wider Gambling Act Review.

# Summary of Changes Pre-consultation

## Executive Summary

- Fifth para      Removed the licensing objectives in full. These are described several times in the body of the policy.
- Final para      Removed “The policy has four appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms, exempt gaming in pubs and clubs and the procedure to be applied for determined a large casino licence.” These appendices have been removed and this paragraph has no purpose.

## Part A      **The Gambling Act 2005**

### **2.      The Leeds district**

- 2.2              Updated population figure.
- 2.3              Removed “Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre”. This is not relevant to this policy, and the Council’s aspirations have been updated.
- 2.6              Replaced the descriptions of minority groups to match those in the population statistics the ONS use and updated statistics.
- 2.7-2.10        Added new paragraphs updating the information regarding deprivation and priority neighbourhoods and provided a reference.  
  
Removed paragraphs relating to previous priority neighbourhoods
- 2.11-2.13      Added new title “Economy” and updated information relating to the economy and provided a reference.
- 2.14-2.15      Added new title “Health and Wellbeing” and updated information regarding suicide rates.**  
  
**Removed paragraphs relating to life expectancy.**
- ### **3.      Integration with other guidance, policies, objectives, and strategies**
- 3.1-3.3        Replaced Vision for Leeds with Best City Ambition information
- 3.4-3.6        Replaced Best Council Plan 2020-2025 with Better Lives Strategy 2022-2027 information
- 3.7              Updated priorities for the Leeds Health and Wellbeing strategy 2023-2030
- 3.8-3.9        Inserted Children and Young People’s Plan 2023-2028

Removed Leeds Inclusive Growth Strategy 2018-2023

Removed Children and Young People's Plan 2018-2023

Added list of other strategies.

#### **4. The purpose of this policy**

4.2-4.3 Replaced previous consultation, response, and approval details with place holder text. This section will be completed before the Policy is referred to Council for approval.

#### **10. Licensing authority functions**

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

"The council is not involved in the licensing of remote gambling. This is in the remit of the Gambling Commission via operator licences."

#### **Part B The licensing objectives**

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

13.6-13.7 Update the Gambling Commission definition of vulnerable persons and provided a reference.

13.9 Minor rewording to replace "and for that purpose" with "It states".

13.12 Added title "Vulnerability to gambling harms in Leeds"

Replaced the term problem gambling with the term gambling harm.

Removed extensive description of the groups the research identified as vulnerable to gambling harm.

13.13 Inserted statistics provided by the Office of Health Improvements and Disparities (OHID) regarding national prevalence of gambling harm.

13.14-13.15 Inserted Leeds specific statistics provided by research undertaken by the University of Sheffield and the University of Glasgow on behalf of OHID.

13.16-13.22 Added title "Council approach to gambling harms"

Inserted information regarding the council approach to gambling harm.

13.23 Added title "Considering vulnerability when making applications"

Replaced the term problem gambling with the term gambling harm.

**13.26**            **Removed the detailed information provided regarding the risk matrix, as this has been repeated in Part C.**

**13.27**            **Replaced the term problem gambling with the term gambling harm.**

13.28            Removed the cross reference to a previous paragraph.

## **Part C            Premises licence**

### **14.                General Requirements**

14.9             Inserted “deprivation in the area”

14.19            Removed the word “special” in relation to conditions.

14.21            Inserted detailed information regarding the risk matrix, and the top scoring neighbourhoods.

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

16.1             Removed reference to Appendix 1 as this has been removed.

### **17.                Casinos**

17.6             Amended appendix number.

## **Part D            Permits, notices, and lottery registrations**

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

24.4             Added “as well as any policy they may have regarding people becoming distressed, or who may be gambling excessively, or for an excessive amount of time.”

26.              Club gaming and club machine permits

26.3             Replaced the bulleted list with “Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being near 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 people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare, as well as any policy they may have regarding people becoming distressed or who may be gambling excessively, or for an excessive amount of time.”

## **Appendix 1    Gaming machines**

Removed entire appendix as this is subject to change following the Government’s White Paper and subsequent consultation on changes to land based gambling.

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

Removed entire appendix as this is subject to change following the Government's White Paper and subsequent consultation on changes to land based gambling.

## Summary of Changes Following Consultation

- 2.14 Move to Section 3.
- Insert these two paragraphs
- “Gambling With Lives is a community of families bereaved by gambling-related suicide that provides support, raises awareness of the devastating effects of gambling disorder and campaigns for change. In their response to the National Suicide Prevention Strategy, Gambling With Lives provided a well referenced statement on how gambling harm is linked with a high suicide rate. In this paper it is explained that people suffering with gambling disorder are two to three times more likely to attempt to kill themselves or have major depressive episodes than other types of addicts, with 12-18% of those seeking treatment having already attempted suicide. One landmark study found that people suffering with gambling disorder are 15 times more likely to take their own lives than members of the general population.
- Further to this, analysis on pupils asked about gambling in the latest My Health My School survey of school pupils in Leeds found that the gambling rate for young people who reported suicidal thoughts was higher than for those who did not (35.2% v 26.3%).”
- 13.26 Replace the word “should” with “could”.
- 13.26 Replace the last bullet point with “Windows, entrances and advertisements to be positioned or designed not to entice children or other vulnerable people.”
- 13.27 Amend last sentence “To protect those most vulnerable or susceptible to gambling harm, Leeds City Council recommends advertising material is not displayed within 100 metres of venues accessed by vulnerable groups, such as council offices, Community Hubs, addiction treatment services, advice centres, family centres and organisations that may provide financial and other advice.”
- 14.10 Delete paragraph.
- 14.11 Delete paragraph.
- 14.14 Remove following bullet points
- The commercial environment
  - Factors affecting the footfall
  - Whether the area 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
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity etc.
- The proximity of churches, mosques, temples or any other such place of worship.

- 14.16 Remove last bullet point “Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.”
- 14.18 “Replace term “Health Risk Matrix” with “Gambling Harm Vulnerability Matrix”. Add “The Matrix uses several data sources to rank Medium Super Output Areas against one another to identify the risk of harm. This matrix is available on request from Entertainment Licensing. “
- 14.21 Delete this paragraph.