



LICENSING COMMITTEE

MEETING TO BE HELD REMOTELY - VIA ZOOM ON

TUESDAY, 2ND MARCH, 2021 AT 10.00 AM

MEMBERSHIP

H Bithell	N Buckley	R Downes	A Hutchison
P Drinkwater	B Flynn		
A Garthwaite	P Latty		
C Knight	L Richards		
J Lennox			
A Marshall-Katung			
A Wenham			
P Wray			
B Garner (Chair)			

Note to observers of the meeting: To remotely observe this meeting, please click on the 'View the Meeting Recording' link which will feature on the meeting's webpage (linked below) ahead of the meeting. The webcast will become available at the commencement of the meeting

<https://democracy.leeds.gov.uk/ieListDocuments.aspx?CId=163&MId=11312&Ver=4>

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A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To consider apologies for absence (If any)</p>	
6			<p>MINUTES OF THE PREVIOUS MEETING</p> <p>To consider and approve the minutes of the last meeting held on 26th January 2021.</p> <p>(Copy attached)</p>	7 - 12
7			<p>MATTER ARISING FROM THE MINUTES</p> <p>To consider any matters arising from the minutes (If any)</p>	
8			<p>LICENSING ANNUAL REPORT</p> <p>To consider a report by the Chief Officer Elections and Regulatory which presents the Annual Report of Entertainment Licensing and Taxi and Private Hire Licensing.</p> <p>(Report attached)</p>	13 - 44

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9			<p>REVIEW OF THE GAMBLING ACT 2005 - CALL FOR EVIDENCE - DRAFT RESPONSE</p> <p>To consider a report by the Chief Officer Elections and Regulatory which seeks the endorsement of the Committee on the proposed draft response to the Government's Call for Evidence on the review of the Gambling Act.</p> <p>(Report attached)</p>	45 - 58
10			<p>GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY REVIEW</p> <p>To consider a report by the Chief Officer Elections and Regulatory which informs Members of the triennial review of the Gambling Act 2005 Statement of Licensing Policy and seeks the Committee views on a proposed response.</p> <p>(Report attached)</p>	59 - 120
11	Harewood; Wetherby		<p>LICENSING ACT 2003 - REGULATION 28 REPORT TO PREVENT FUTURE DEATHS</p> <p>To consider a report by the Chief Officer Elections and Regulatory which sets out details of the Regulation 28 Report to Prevent Future Deaths, received following the inquest into a fatality at the 2019 Leeds Festival.</p> <p>(Report attached)</p>	121 - 132
12			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Tuesday, 6th April 2021 at 10.00am (Remote Meeting – Zoom)</p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
2 a) b)				

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Licensing Committee

Tuesday, 26th January, 2021

PRESENT: Councillor B Garner in the Chair

Councillors N Buckley, R Downes, B Flynn,
A Garthwaite, H Bithell, P Drinkwater,
C Knight, A Hutchison, P Latty, J Lennox,
A Marshall-Katung, A Wenham, P Wray
and L Richards

1 Appeals Against Refusal of Inspection of Documents

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

2 Exempt Information - Possible Exclusion of the Press and Public

There were no items identified where it was considered necessary to exclude the press or public from the meeting due to the confidential nature of the business to be considered.

3 Late Items

Although there were no late items identified, the Chair did accept the inclusion of supplementary information in respect of Agenda Item No. 8 - Representation from the Taxi and Private hire Trade (Minute No 9 referred)

4 Declaration of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests made at the meeting.

5 Apologies for Absence

There were no apologies for absence.

6 Minutes of the Previous Meeting

Members received the Minutes of the previous meeting held on 3rd March 2020 for comment/ approval.

RESOLVED – That the Minutes of the previous meeting held on 3rd March 2020, be accepted as a true and correct record.

7 Matters Arising from the Minutes

Referring to the Licensing Annual Report 2019 (Minute No. 100) – Members sought further clarification about the Clean Air Zone, in particular those drivers who had taken out grants and loans to purchase new lower emission vehicles, to be informed

later that introduction of the CAZ was now been delayed, was anything being done to support these drivers.

The Taxi and Private Hire Licensing Manager said that for those vehicle owners who had applied for funding, the Clean Air Team were currently in the process of contacting everyone who had applied. The Council were investigating the possibility of retaining some clean air funding to enable those exempt vehicles to have free vehicle licensing for the duration of the amount of funding secured, possibly 3 years.

It was suggested that anyone considering applying for funding in the future, this would be separate funding, outside the control of Vehicle Licensing. A decision about potential future funding was likely to be known in the next few weeks.

8 Review of the Gambling Act 2005 - Cal for Evidence

The Chief Officer Elections and Regulatory submitted a report which informed the Committee of the Government's intention to review the Gambling Act 2005. Members were informed that a Call for Evidence had been issued with a closing date of 31st March 2021.

The Principal Licensing Officer informed Members that the response would be co-ordinated by Entertainment Licensing on behalf of the Council with input been sought from the Licensing Committee.

The report put forward a number of options on the best way for Members to provide feedback which included: the establishing of a working group, individual responses by email to the Call for Evidence, feedback on the draft response prepared by officers or a combination of the various options.

In the discussion that followed Members expressed a preference for the option to allow officers to prepare a draft response which would then be circulated to Members to allow an opportunity to comment /provide feedback.

RESOLVED – That the Chief Officer Elections and Regulatory be requested to prepare a draft response to the Call for Evidence, which would then be circulated to Members to allow an opportunity to comment /provide feedback.

9 Taxi & Private Hire Licensing - Leeds City Council Assessment Against Statutory Guidance from the Department of Transport

The Chief Officer Elections and Regulatory submitted a report which informed Members of the new Statutory Guidance for licensing authorities issued by the Department for Transport (DfT) in July 2020.

Members were informed that while the guidance does not change the underlying UK law, it provides strong guidance for every licensing authority in England and Wales. The DfT has requested that every licensing authority in the UK report a self-assessment against the guidance.

Addressing the report the Taxi and Private Hire Licensing Manager explained the submitted report represented the Council's self-assessment against the Statutory Guidance and highlighted the areas where the new guidance had already been satisfied, where largely satisfied, and where either not met or at odds with the guidance, using a green, amber and red rating for each of the respective categories.

Members noted that for a small number of sections of the guidance, the council's current position either remained short of the standard proposed, or differed significantly from the approach the guidance strongly recommended, the sections referred to included:

- Decision Making and Regulatory Structure
- Booking and Dispatch Staff
- Suspension and Revocation of Drivers Licences

The Chair acknowledged the receipt of representation received from the Taxi and Hackney Carriage Trade (Eurocabs Hackney Carriage Association and JTC).

The representation emphasized the need for the Statutory Guidance to be adopted with particular reference to the "convening of Boards or Sub Committees for licensing decisions and also the uncertainty and accepting punishment without being found guilty".

Decision Making and the Regulatory Structure – Members were informed that the guidance recommended that councils operate with a Regulatory Committee or Board or Sub Committee that was convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board.

Members queried how often such a Sub Committee would meet.

The Taxi and Private Hire Licensing Manager suggested it may be necessary to convene Sub Committees on a weekly basis, bringing only contentious issues to the Committee.

The Section Head, Legal Services advised that notwithstanding a decision made by the Sub Committee, an applicant would still have a right to appeal through the Magistrates Court.

In the discussion that followed, the majority of Members were of the view that the involvement of a Sub Committee may not improve the situation in deciding individual cases fairly and quickly.

It was suggested that the Licensing Committee undertake a review of the decision making process, which would then be subsequently be applied by officers, supervisors and managers.

Members were supportive of the suggestion.

Booking and Dispatch Staff - Members were informed that the guidance recommended that Licensing Authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. Licensing Authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept. Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders.

The Taxi and Private Hire Licensing Manager reported that the council does not currently have this requirement in place in the Private Hire Operator conditions. While vehicle proprietors, private hire operators and both hackney carriage and private hire drivers are required to have a DBS, operators' staff taking phone calls and bookings are not currently required to do so.

In the discussion that followed, Members were of the view that in order to protect vulnerable people and children it was important to ensure that Basic DBS checks were introduced for all booking and dispatch staff.

All Members were supportive of the proposed action

Suspension and Revocation of Drivers Licences - Members were informed that the guidance recommended that a decision is made to either suspend or revoke a licence, and that a licence, once suspended, should seldom be revoked.

Members were informed that Licensing Authorities had the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

The Taxi and Private Hire Licensing Manager reported the council currently operates a procedure where licensing officers, supervisors and managers can make decisions to suspend a licence on immediate public safety grounds to allow the council or the police to conduct an investigation. This is in line with the Local Government Miscellaneous Provisions Act 1976, section 61 a) and b), and captured in an immediate suspension policy.

Members queried if LCC policy on the suspension and revocation of drivers licences was compliant with Statutory Guidance.

The Taxi and Private Hire Licensing Manager confirmed that currently the Statutory Guidance was not being followed, for some serious offences a licence could be revoked based on the evidence available at the time (Paragraph 9.7 of the Statutory Guidance).

In the discussion that followed, Members were of the view that statutory guidance must be given due regard and the decision making process around suspension and revocation of drivers licences requires a policy review, which could be aligned with the review of decisions.

All Members were supportive of the proposed action

RESOLVED –

- (i) To undertake a policy review of the Decision Making and the Regulatory Structure (decision making process by officers/ Members), which would then be subsequently be applied by officers, supervisors and Managers.
- (ii) To introduce when the Private Hire Operator policy is next reviewed, the requirement for operators to carry out Basic DBS checks for all booking and dispatch staff.
- (iii) To undertake a policy review of the decision making process around suspension and revocation of drivers licences.

10 Date and Time of Next Meeting

RESOLVED - That the next meeting of the Committee be arranged for March 2021, date and time to be confirmed to Members in due course.

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Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 2nd March 2021

Subject: Licensing Annual Report

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. Main Issue

- This report provides the Licensing Annual Report for consideration by Licensing Committee
- The annual report provides information and statistics on the type and number of licensing applications processed by Entertainment Licensing and Taxi and Private Hire Licensing. It also provides information about the enforcement activity and liaison work undertaken by both Sections.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The licensing regime contributes to Best City Priorities 2019/20:
 - Culture
 - Safe, Strong communities
 - Inclusive Growth

3. Recommendations

- That Licensing Committee considers the annual report for information only.

1 Purpose of this report

- 1.1 To present to Licensing Committee the annual report of Entertainment Licensing and Taxi and Private Hire Licensing.

2 Background information

- 2.1 Each year Entertainment Licensing and Taxi and Private Hire Licensing provides licensing statistics and a summary of enforcement and liaison activity to Licensing Committee.

3 Main issues

- 3.1 This is a covering report for the Licensing Annual Report (Appendix A).
- 3.2 The annual report will be presented to full Council for information only in March.
- 3.3 From the review, assessment and on-going monitoring carried out, the Chief Officer Elections and Regulatory has reached the opinion that, overall, systems and processes relating to licensing are operating soundly and that arrangements are up to date, fit for purpose, effectively communicated and routinely complied with.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 There are no implications for consultation and engagement. The annual report is for information only.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no implications for equality and diversity, cohesion and integration.

4.3 Council policies and the Best Council Plan

- 4.3.1 The licensing regime contributes to Best City Priorities 2019/20:
- Culture
 - Safe, Strong communities
 - Inclusive Growth

Climate Emergency

- There are no implications for the climate emergency in relation to this report.

4.4 Resources, procurement and value for money

- 4.4.1 There are no implications on resources, procurement or value for money in relation to this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 There are no legal implications, and this report is not subject to access to information or call in requirements.

4.6 Risk Management

4.6.1 There are no risks associated with this report.

5 Conclusions

5.1 This is the covering report to the Licensing Annual Report for 2019.

6 Recommendations

6.1 That Licensing Committee considers the annual report for information only.

7 Background documents¹

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

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

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Elections and Regulatory Services

Entertainment Licensing and Taxi and Private Hire Licensing

Annual Report 2020

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Foreword

Businesses who wish to operate in the UK are regulated under a number of pieces of legislation. To run a pub you must hold a personal licence, a premises licence, be registered as a food premises and be signed up to Performing Rights Society so royalties are paid to musicians. To be a taxi or private hire driver you will need a driver licence, a vehicle licence and if you are a sole trader, an operator’s licence as well as insurance, road tax and a valid MOT. Don’t forget if you have a business that is profitable above a certain threshold you will have to be registered with HMRC and if you employ people there is a whole raft of health and safety and employment legislation to have regard to. You may have to speak to a number of different departments working within the council and this fragmented approach to regulation proves to be challenging for most new businesses.

In respect of business licensing, Elections and Regulatory Services seek to make this process as easy as possible, with comprehensive guidance and application forms to download on the web, web based application routes for most application processes and face to face assistance available. Although the council seeks to promote self-service, some of our customers need one on one help and this is provided by Taxi and Private Hire Licensing at their offices on York Road, and by Entertainment Licensing in the city centre.

In the past year licensing and licensed businesses have been impacted by the coronavirus pandemic. The hospitality industry, which includes alcohol licensed premises, have been forced to close for many months and have been forced to radically alter their operating procedures to ensure they are COVID secure.

Transport services, including taxi and private hire, have also seen a major impact due to the reduction in people working in offices, non-essential retail closing, and a general fear of public transport. Drivers have been on the frontline and have provided vital services while remaining at risk of infection.

Both licensing services have altered their practices to adapt to the new way of working, including rapidly moving all services online and with most staff working remotely. Enforcement officers have incorporated COVID related work into their duties. Both services have continued to support the trade in every way possible, including guidance and support.

This report provides a summary of the work undertaken in 2020 by Entertainment Licensing and Taxi and Private Hire Licensing. Between them these two small teams administrate and enforce in excess of 10,000 licences but this year under the backdrop of a global pandemic.



Cllr James Lewis
Executive Member for Licensing



Cllr Ben Garner
Chair of Licensing Committee

Entertainment Licensing

Introduction

The Leeds metropolitan district extends over 217 square miles and has a population of just over 784,000. It includes the City Centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.

Entertainment Licensing is a section based within Communities and Environment under the Elections and Regulatory Service. The section comprises of a section head, 5 principal officers, 4 enforcement officers and 7 licensing officers.

Entertainment Licensing deals with a variety of licences and registrations under a number of different laws. The main functions of the section are:

Licensing Act 2003 - Sale or supply of alcohol, regulated entertainment and late night refreshment.

In the wider Leeds district the section licenses circa 2,891 individual premises under the Licensing Act. These include public houses, registered members clubs, late night bars, and night clubs, off licences, late night takeaways and restaurants. Also caught under this legislation are village halls, community centres, school halls and major outdoor events.

The section also administrates circa 2,175 temporary events, around 425 personal licences and processes a large number of permissions to site gaming machines in alcohol licensed premises each year.

Gambling Act 2005 - Gambling facilities including bookmakers, amusement arcades, casinos but also permits and permissions such as lotteries. There are around 130 premises licensed under the Gambling Act including 104 betting shops and 3 casino premises.

Local Government (Miscellaneous Provisions Act) 1982 - Adult entertainment including 3 retail shops and 4 sexual entertainment venues (lap dancing clubs).

Scrap Metal Dealers Act 2013 - Registration of mobile collectors and scrap yards. The section currently has around 76 licensed scrap metal dealers.

Police, Factories etc. (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939 - Charitable street and house to house collections.

Hypnotism Act 1952 - Regulation of performances of hypnotism in public venues.

Marriage Act 1949 - Venues licensed as places where civil marriage ceremonies are conducted.

Coronavirus Pandemic

In the past year the coronavirus pandemic has had a dramatic impact on the events industry and hospitality sector.

For pubs, bars and restaurants it has been a changing position; for a duration being able to operate subject to COVID secure measures and providing a table service only which later became alcohol only being served with a substantial table meal. Operators have needed to invest in their business for it to survive by installing screens to counters and tables, employment of additional staff, PPE and enhanced cleaning regimes. This, set against a reduction in customer capacity, left some businesses with no other option but to remain closed.

In addition there were restrictions placed on gambling premises, including casinos, which required them to close for the majority of the year and for certain premises, including nightclubs and sex establishments, to remain closed since March 2020.

The outdoor event industry was also severely impacted during 2020 and all major events in Leeds were cancelled, despite having started their preparations before the pandemic took hold. Similarly a number of organisers who had submitted Temporary Event Notices for smaller scale events had to be contacted to revisit their plans or even cancel their events. The Leeds Safety Advisory Group has been instrumental in identifying events that cannot proceed due to COVID restrictions including providing the appropriate advice.

Business Support

Entertainment Licensing has maintained liaison with the hospitality sector by providing frequent bulletins and supporting virtual meetings with industry representatives. Between March and December the Section sent 17 bulletins to the licensed trade, providing licensed premises specific information regarding restrictions, but also links to the Government guidance for the sector, and to the council's own webpages where operators could access financial support. The same information has been published on Leeds PubWatch websites.

In the lead-up to the re-opening of the sector on 4th July 2020 engagement took place with partner services and industry representatives to aid smooth transition, which included surveying operators on their re-opening plans which in turn informed the deployment of agencies resources. The re-opening on the 4th July was monitored by officers and passed with no significant issues.

Lately the section has utilised the council's newsletter function via GovDelivery to set up a mailing list that businesses are being encouraged to sign up to. This should ensure that information is sent to the most relevant people and should become a useful communications channel in the future.

Legislation prevents the council from having the ability to discount or disregard annual fee payments, but wherever possible the section has delayed the collection of annual fees and suspension of licences and has put in place a payment plan scheme.

In order to assist the hospitality sector, during the first lockdown a number of licensed premises moved their business online, to allow customers to 'click and collect' orders. This enabled operators to sell their existing stock and to maintain their customer base. In order to facilitate this the council encouraged operators to apply for minor variations to add off sales to their existing on licences. Minor variations were also accepted which allowed the operators to extend their licensed area outside during the pandemic. This was superseded by the Government making a national relaxation to licensing to allow all on licensed premises to provide off sales, and for a new, fast track pavement licence to be put in place. However the council has continued to support operators by allowing time limited minor variations to licences which enables the businesses to amend their business model to suit the new restrictions. This process is quick, cheap and is in consultation with the Police and Environmental Health.

Office Arrangements

The pandemic has forced the Section to alter working practices at very short notice. Just before the first lockdown in March, the section pre-empted the Prime Ministers 'stay at home' order by sending all staff to work from home. In order to facilitate this, a number of working practices had to be altered, including moving to paperless applications, either through the GOV.UK website or utilising email applications. Staff adapted well and flexible working practices put in place over the preceding years stood up to the test.

Arrangements were put in place for post to be collected and cheques processed although officers continue to encourage online and telephone payments to reduce the amount of post handling required.

As the length of the first lockdown increased, the council had to ensure that the officers' health and wellbeing were catered for. The section ensured staff had the appropriate equipment, undertook wellbeing conversations, identified clinically extremely vulnerable and clinically vulnerable staff and put risk assessments in place.

Four licensing officers volunteered for the COVID Support Line between April and July. They were able to assist those considered clinically extremely vulnerable to access food and medications. Often though, the support they gave was a friendly voice to speak to.

In addition to this work Entertainment Licensing has been able to assist other council departments in their COVID response work. On top of the work undertaken by the enforcement team, licensing officers have joined with enforcement agencies in undertaking COVID related liaison visits, providing specific guidance to businesses in the high traffic areas.

The section is providing ongoing technical support to Environmental Health to assist in the processing and issuing of fixed penalty notices. As these change on an almost weekly basis, this is a large commitment undertaken by one member of staff in particular who is working very closely with the Environmental Health managers.

Licence Processing

Regardless of the regime, all licences are processed in a similar manner. The application is received and checked, consultation is undertaken and any representations or objections are processed. As a general rule any application that attracts adverse representation will be heard before a licensing sub-committee, with the exception of licences for lap-dancing clubs and events exceeding 30,000 capacity which are brought before a full committee.

Applications made under the Licensing and Gambling Acts must be granted in the absence of representations. However any application that receives a relevant representation is determined by a licensing sub-committee. In March, at the announcement of the national lockdown, all council meetings were suspended. By August all licensing sub-committee meetings had moved online utilising Zoom and YouTube and all outstanding committee meetings were re-scheduled. Between August and December a total of 30 remote licensing hearings took place online, including a licence review hearing.

Applications under the Scrap Metal Dealers Act are determined by officers. If an applicant is considered to be unsuitable they will have the opportunity to attend a meeting before a panel of officers. The applicant then has a further avenue of appeal to the magistrate court. Scrap metal applications are not considered before a licensing sub-committee.

Responsible Authority and Public Consultation

The Licensing Act 2003 and Gambling Act 2005 prescribe responsible authorities that must be consulted and may submit representation against a licence application. Such authorities include the police, environmental health, planning, and the licensing authority. Applicants must also place notices on site and advertise the application in the local paper. The pandemic and the national lockdowns brought additional challenges to ensure that this consultation process was fair. In order to ensure that the public had access to new applications, back office systems were altered and all applications are now advertised on the council's website with links through to Public Access. Advertisement restrictions were relaxed to allow people to advertise more effectively, through online publications, newsletters and so on. Officers have continued to assist applicants in finding ways to advertise in a cost effective and efficient way.

In addition applicants now have the choice to advertise their application through an online publication or newsletter as opposed to a physical newspaper which is more cost effective and relevant to the local area. For the purpose of Leeds, Entertainment Licensing acts as the licensing authority for making representations to licence applications, especially in cumulative impact areas. In the capacity as a responsible authority, Entertainment Licensing assesses all applications and may make representations in liaison with responsible authorities and ward members. In the last 12 months Entertainment Licensing has made representations to the following applications:

Cumulative Impact Areas

- Zuber Mini Market, Harehills—Refused
- Dangote Restaurant, Harehills – Agreements reached prior to hearing
- Fat Hippo Restaurant, Headingley – Granted as applied for
- Lyceum Petrol station, Hyde Park – Agreements reached prior to hearing

Gambling Premises

- Merkur Slots, Harehills, Granted with conditions

Licensing Act 2003 Applications

The Licensing Act 2003 applications represent around 93% of the sections workload. This table shows the number of new and variation premises licence applications received under the Licensing Act 2003. For comparison purposes the figure for the previous year has been included. Due to the length of time the licensing process takes (60—90 days) the numbers of applications received and the determinations may not match.

	2019	2020
Total number of applications received (excluding CIP areas)	146	144
Of which:		
Applications with no reps	67	57
Applications with control measures agreed/ rep withdrawn prior to a hearing	52	61
Applications withdrawn	6	9
Granted at hearing	13	16
Refused at hearing	0	1
Pending determination	8	0
Appeals	0	0

Cumulative Impact Policy Areas

This table sets out the applications and variations received in the city centre cumulative impact area.

Area 1 City Centre	Red Zone	Green Zone	Total
Total number of applications received	3	21	24
Of which:			
Applications with no reps	2	7	9
Applications with control measures agreed/ rep withdrawn prior to a hearing	1	12	13
Applications withdrawn	0	0	0
Granted at hearing	0	1	1
Refused at hearing	0	1	1
Pending determination	0	0	0
Appeals	0	0	0

This table sets out the applications and variations determined for the four other cumulative impact areas.

	Headingley	Hyde Park	Harehills	Armley
Total number of applications received	1	2	8	0
Of which:				
Applications with no reps	0	0	1	0
Applications with control measures agreed/ rep withdrawn prior to a hearing	0	2	3	0
Applications withdrawn	0	0	2	0
Granted at hearing	1	0	1	0
Refused at hearing	0	0	1	0
Pending determination	0	0	0	0
Appeals	0	0	0	0

Temporary Event Notices

Temporary event notices are a facility under the Licensing Act 2003 where people can serve a notice on the council that states that they will be serving alcohol, providing regulated entertainment or both at a specified time. As it is not an application or permit, no permission is sought. It is merely a notice served upon the council.

However there are strict limits to the number of temporary event notices someone can serve, for how long the event can run and the number of people that can attend. There is the ability for either the Police or Environmental Health to serve an objection notice which would then lead to a hearing of the Licensing Committee to determine if licensable activities at the event can take place.

The notice period required under the law is ten working days, not including the day we receive the notice or the day of the event. However there is the ability to serve a limited number of 'late temporary event notices'. If these are objected to a counter notice is automatically served without recourse to Licensing Committee.

Temporary Event Notices were served on the Authority as follows:

Normal Temporary Event Notices:	Jan - Dec 2019	Jan - Dec 2020
Total Number Received:	1716	367
Accepted:	1671 (97%)	352
Objections/ Withdrawn:	0	0
Hearings	2	0
Counter Notice issued by the authority preventing the event	38	15

Late Temporary Event Notices:	Jan - Dec 2019	Jan - Dec 2020
Total Number Received:	639	193
Accepted:	636 (99%)	193 (100%)

Transfers, Designated Premises Supervisor Changes and Personal Licences

The normal day to day work has continued albeit at a lower level than usual as can be seen in the table below:

	Jan - Dec 2019	Jan - Dec 2020
Transfers	191	161
Variation of Designated Premises Supervisor	564	386
Personal Licences	463	275

Gambling Statistics

In 2020 the Section dealt with two applications. One application was for a new bingo premises in Harehills. This received a lot of representation and was taken to a licensing sub-committee in November. The committee determined to grant the licence but imposed a large number of conditions, most of which were volunteered by the applicant, but four further conditions relating to opening, single manning and liaison with local partners were imposed following recommendation from objectors.

One application has been received to vary a casino licence to move it to a holding site. This is the casino licence currently located at New Dock but which hasn't operated for a number of years. As this is a converted casino licence, and there is no ability to apply for a new licence, the licence holder has applied to move the licence to a holding property in case it wishes to open a new site in Leeds in the future.

Large Casino

Following a bid to HM Government, Leeds City Council was awarded the right to issue a large casino licence, being one of the 8 licensing authorities in the country able to do so. The large casino licence is held by GGV (Leeds) Ltd, for their site at Victoria Gate. A legal agreement between the council and GGV Ltd sets out 38 benefits that will accrue from the operation of the licence. These benefits include funding projects that seek to mitigate potential harmful social effects of gambling and more general social inclusion priorities across the city through funding a social inclusion fund. A wide range of projects have been supported through the Social Inclusion Fund including Healthy Holiday Initiatives, projects to support Food Aid providers and initiatives run through Leeds Credit Union. In addition the fund has helped support the work to address gambling related harm in the city.

Research commissioned in 2017 by Leeds City Council and undertaken by Leeds Beckett University into the prevalence of problem gambling in the city has highlighted that there are approximately 10,000 problem gamblers in Leeds (1.8% of the adult population) and a further 30,000 people (5/6% adult population) who may be at risk. In addition one of the main conclusions was that there was a gap in support services. In response the Leeds Problem Gambling Project Group was established with the aim to increase awareness of gambling related harm and lobby for additional support services in the city.

In November 2018 Gamble Aware announced funding for the establishment of a Leeds based Northern NHS clinic led by Leeds and York Partnership Foundation Trust, and a Leeds Community Gambling Service led by GamCare.

Northern Gambling Clinic

The Northern Gambling Clinic was formally opened in Leeds in October 2019 with satellite offices in Salford and Sunderland opening in early 2020. The clinic treats people with the most serious and complex needs in terms of problem Gambling.

The service is clinically led by a Consultant Psychologist, with a team consisting of mental health nurses, a psychologist, a psychiatrist, and a carer's support worker. There is a research element within the service to evaluate the interventions and potentially develop future treatment models.

Leeds Community Gambling Service

Gamcare's Leeds Community Gambling Service works across the Leeds area to identify, screen and treat problem gamblers and affected others. The support service takes an integrated, pathways-based approach, from training and engagement with services and organisations to raise awareness of gambling related harm, all the way through to support and treatment.

The pandemic has impacted on the face to face services both organisations have been able to provide in 2020. Most services are operating remotely via video and telephone calls.

The pandemic has also impacted directly on the Victoria Gate Casino, as it has been closed for long periods of 2020, which has impacted on the ability to contribute to the Social Inclusion Fund. Good communication remains in place between the Council and the Casino.

Sex Establishments

The council has a statement of licensing policy for the licensing of sex establishments which includes adult shops and lap dancing venues. There is one licensed adult shops in the city centre, with one further shop at LS12. In addition to the shops, there are four sexual entertainment venues in the City Centre.

All sexual entertainment venues have remained closed since March 2020.

Outdoor and Large Events

Premises Licences are required for the majority of outdoor events held throughout the Leeds district, ranging from large scale events such as Leeds Festival to smaller community events, some of which are held under Temporary Event Notices.

The council's Resilience and Emergencies Team coordinate the Safety Advisory Groups and populate a calendar of events with a risk scoring matrix. This ensures that all agencies have a full picture of events, both licensed and unlicensed taking place and have an opportunity to feed in to the planning and debrief processes. Normally this enables officers to be more targeted in their approach to events, visiting 10 medium to high risk events during the year. However, as expected, all large events were cancelled, including Leeds Festival.

Looking ahead to 2021, operators are still optimistic about holding events over the summer and preparing their event management plans with COVID secure measures whilst keeping a careful eye on the guidance being published by the Government.

Enforcement and Liaison

The Licensing Act contains measures to ensure that the council, and responsible authorities, are able to deal with premises that wilfully and persistently undermine the licensing objectives.

The Enforcement Team operate under an Enforcement Protocol which was developed with the bodies that are designated as responsible authorities under the legislation. As such complaints about licensed premises are dealt with under this protocol which ensures a reasonable and proportionate response.

The council has adopted the principles of the Hampton Report (on effective inspection and enforcement, published in 2005) in its enforcement concordat. Formal enforcement will be a last resort and proportionate to the degree of risk. To this end the key principles of consistency, transparency and proportionality will be maintained.

Multi-agency Liaison

Officer partnership group meetings have moved to virtual settings, and in certain cases these have increased in frequency.

Pub Watch forums - Entertainment Licensing and West Yorkshire Police continue to support 16 business-led forums across Leeds, including administering of the Leeds Pub Watch website which provides a useful tool for licensees

Leeds BID Steering Group—Leeds BID is the organisation that collects and manages the Business Improvement District in Leeds.

Business against Crime in Leeds (BACIL) Board of Management - BACIL supports daytime and night-time retailers in fighting retail crime across the city centre through closer partnership working with retailers, agencies and other stakeholders. Entertainment Licensing is an active partner on the steering group in supporting its aims and objectives.

City Centre Tasking Group – The operational group sits under the Divisional Community Safety Partnership and looks at addressing issues of concern affecting the city centre e.g. environmental issues, street begging and anti-social behaviour.

City Centre Community Safety Partnership – The aim of the group is to reduce crime and disorder in the city centre and to help people feel safe in their communities, concentrating on anti-social behaviour, safeguarding, localities working, partnership arrangements and Intelligence sharing.

Safety Advisory Group (SAG) - It is the policy of the Leeds City Council to uphold reasonable standards of public safety at outdoor events and to encourage the wellbeing of the public, officials, event organisers and performers. The SAG acts as a conduit for organisers to submit their event plans and to receive agency feedback. The SAG sits under the Strategic Safety Advisory Group (SSAG). The SSAG exists to ensure that the relevant SAGs are effective and address any key points of concern.

Leeds Licensing Enforcement Group (LEG) – The purpose of the LEG is to facilitate closer partnership working between agencies in the promotion of the Licensing Act and the four mandatory licensing objectives. Chaired by Entertainment Licensing, the LEG is a six weekly meeting involving various agencies, including those designated as responsible authorities under the Licensing Act. It provides for partners to discuss concerns and to agree a course of action, using all available powers/resources available to address any particular premises or areas of concern. Members include West Yorkshire Police, British Transport Police, West Yorkshire Joint Services – Trading Standards, West Yorkshire Fire & Rescue.

LGA Policy Forum - Leeds City Council represents Yorkshire and Humber at the Local Government Association Licensing Policy Forum which looks at national issues and upcoming changes to legislation. This group provides a valuable link between Government departments and local authorities and has been able to provide a local authority view in a number of key legislative changes.

Institute of Licensing – The professional body for licensing matters has been instrumental in providing access to case law and legislation updates, training and information sharing. This has been through their website, mailing lists and quarterly regional meetings.

Enforcement COVID Response

Over the summer of 2020, Entertainment licensing officers joined with environmental health and police officers to carry out visits to all licensed and non-licensed businesses to provide one to one advice, and hand out information packs, including posters for public display on COVID safety measures.

This piece of work was complimented in December 2020 by the employment of a team of COVID marshals for a temporary four month period, working under the direction of City Centre Management, Environmental Health and Entertainment Licensing. The marshals provide an on street presence within the City and outlying areas, engaging with the public and businesses ensuring compliance with guidance and restrictions. Overall, the visits have been well received by businesses and members of the public.

Although Environmental Health are the lead authority for enforcement of the Health regulations, the pandemic response has enhanced partnership working between Environmental Health, Entertainment Licensing, West Yorkshire Police and Public Health. In the main Entertainment Licensing are focussing on complaints and referrals associated with licensed premises, and all services meet on a weekly basis to share information.

All other joint licensing operations have concentrated on COVID restriction compliance, and providing engagement, encouragement, education and enforcement but only as a final step.

When the licensed premises have been able to open, especially during the summer, Operation Capital, West Yorkshire Police's night time operation, recommenced with an emphasis on COVID compliance.

Engagement with West Yorkshire Joint Services - Trading Standards and HM Revenues and Customs has continued to take place, especially where there is suspicion of counterfeit or non-duty paid alcohol and cigarette sales.

Entertainment Licensing has not brought any new prosecutions matters to court in 2020 which demonstrates that liaison and support to licence holders and by the same token with residents is a successful tool. The Enforcement Team did however bring a premises licence review resulting in the licence being revoked (see below 'Reviews of Licences').

Complaint handling

Complaints are generally resolved through liaison with the licence holder, and where required engagement with the relevant services, but where complaints are substantiated and a satisfactory solution is not obtained formal enforcement action may be necessary.

For the period January 2020 to January 2021 133 complaints have been reported to the Section requiring investigation by the Enforcement Team. In addition to COVID compliance complaints have included illegal drinking dens, excessive noise, unauthorised provision of late night refreshment, 'lock-ins' (alcohol served beyond permitted hours of licence), and other matters.

The following table sets out the number of complaints received and resolved negating the need for formal prosecution.

Type of complaint	2018	2019	2020
LA03 - Breach of Condition and Noise	64	22	60
LA03 - Unlicensed Activity	34	2	32
Noise/ASB	17	0	14
LA03 - Conditions Breach	48	89	7
Equality Issues	8	3	5
LA03 - Unlicensed Activity and Noise	5	5	5
Charity Collection - Unlicensed Activity	4	2	3
SEVs - Conditions Breach	2	1	3
Charity Collection - Unlicensed Activity	1	3	3
Not Specified	4	32	3
GA05 - Unlicensed Activity	1	39	1
GA05 - Conditions Breach	1	32	0
SEVs - Unlicensed Activity	1	3	0
Scrap Metal - Conditions Breach	0	2	0
Scrap Metal - Unlicensed Activity	18	2	0
Total	204	207	133

Type of complainant	2018	2019	2020
Member of the Public	37	67	55
Anonymous no name given	138	109	53
Responsible Authority	14	20	17
Entertainment Licensing	11	8	10
Councillor	11	5	7
City Centre Management	0	0	1
Department Staff	0	0	1
Town or Parish Councillor	0	2	1
Anonymous no name given	1	0	0
Other Agency	1	2	0

COVID related Actions

The Licensing enforcement team have dealt with 37 COVID related complaints, approximately 30% of all complaints handled by the section this year.

Although Environmental Health is the lead authority for COVID compliance, enforcement officers have been supporting Environmental Health in complaint handling. This table shows the council wide action taken by officers in relation to COVID related complaints.

Type of response	City Centre	Rest of city	Total
Complaint	23	123	146
Fixed Penalty Notice	1	10	11
Prohibition Notice	1	3	4

Reviews of Licences

The Licensing Act 2003 provides for an application to review a licence which can be brought by a responsible authority or any other person where a premises is undermining one or more of the licensing objectives. Once again, liaison is often the key to resolving problems before they reach the need for a review.

Over the past 12 months there have been 3 reviews brought before the Licensing Committee:

- New Middleton, LS10. Review brought by Entertainment Licensing due to persistent licence condition breaches, poor management control, anti-social behaviour, noise. The licence was revoked.
- Neil's Superstore, LS7. Review brought by West Yorkshire Police due to poor management, underage sales. The licence was revoked.
- Taag, LS1. Review brought by West Yorkshire Police due to poor management, breaches to COVID regulations. The review is still ongoing.

Future Projects

Online Applications

The Government Digital Service have announced a removal of online applications from GOV.UK, which has prompted Leeds CC to develop an alternative in-house solution that will work with the backend databases to find efficiencies and aid the continuation of remote working.

Gambling Act 2005 Statement of Licensing Policy Review

The Gambling Act 2005 requires licensing authorities to establish a statement of the principles it will apply in licence determinations under that Act. The Statement of Licensing Policy has a three year review timetable and is due for review in 2021. This will be undertaken with partners such as Financial Inclusion, Public Health, treatment services and will also include input from Licensing Committee members. The reviewed policy will be presented to Council for adoption in November 2021.

Licensing Act 2003 Statement of Licensing Policy

The Act places a responsibility on licensing authorities to establish a Statement of Licensing Policy which must set out how the authority intends to promote the licensing objectives. The Statement of Licensing Policy must be reviewed every five years, and was reviewed in 2018. It is not due to be reviewed again until 2022. However, depending on the review of the Cumulative Impact assessment, there may be a need to review and update the policy earlier.

Cumulative Impact Assessments

The Statement of Licensing Policy may provide for cumulative impact areas (CIAs) where it is identified that any of the licensing objectives are being undermined due to the concentration of licensed premises. Leeds has five areas to which the cumulative impact policy applies:

- City Centre
- Hyde Park
- Headingley
- Armley
- Harehills

The city centre area goes further to identify red zones which focus on the areas of Call Lane/Lower Briggate and Albion Street/Woodhouse Lane where it is considered that these areas cannot support any more licensed premises. The City Centre is reviewed on an annual basis.

However due to the coronavirus pandemic leading to the temporary closure of licensed premises, and severely restricted trading, the number of applications for new licences and variations has dropped. Similarly footfall in the city centre has been a fraction of its usual level. As such crime and disorder has dramatically reduced in the city centre red zone. For this reason the CIA has not been enforced, and each application has been evaluated on a case by case basis.

Place Shaping and the City Centre

The coronavirus pandemic has provided a rare opportunity to review the existing areas of cumulative impact. These are the areas which are most affected by the accumulation of predominantly late night wet led businesses. The sheer numbers of people traversing the streets during the evening and night time, has led to areas of high crime, especially acquisitive crime such as theft from person, and assault. However the national lockdowns and the wholesale closure of late night premises has reset some areas. The crime rate has fallen dramatically and this provides the opportunity of reshaping these areas to reduce the crime hot spots in the longer term.

It is likely that a number of businesses will become insolvent and not survive the restrictions placed on businesses during this time. It is important to provide new businesses taking over these premises with guidance and an expectation in regards to the look and feel of the city centre to encourage different styles of operation than those that attracted a criminal element. For example spreading late night wet led businesses across the city centre, to reduce the accumulation of customers on the street, and to intersperse daytime operators, such as retail, into these concentrated areas may reduce the crime created by large crowds of people who are in drink.

Part of this process would be in a major reworking of the council's Statement of Licensing Policy and the accompanying cumulative impact assessment. The CIA is due to be reviewed in 2021, so that it is in place for 2022. The Statement of Licensing Policy is due to be reviewed in 2022 to be in place for 2023. Both of these documents can be instrumental in providing such direction to new licensees.

Legislation Changes in 2020

There have been significant legislative changes in 2020, mostly related to the restrictions placed on premises by the coronavirus pandemic. These include closure, restrictions to trading, and the requirement to serve food, social distancing and restrictions on the numbers in groups. The legislation has been passed through the Houses with little consultation and with little warning, which has meant that both the trade and enforcement agencies have had to adjust quickly to the changes. Fortunately the Section has been assisted by Legal Services, communication and the Web Team in producing guidance for operators.

Taxi and Private Hire Licensing

Introduction

The aim of local authority licensing of the taxi and private hire trades is to protect the travelling public.

Legislation places a duty on the council for the licensing of Hackney Carriages ('taxis') and private hire vehicles, drivers of those vehicles and operators of those vehicles. The council understands the importance and responsibility it has to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that those involved in the trade are fit and proper to undertake the role.

2020 The year of the pandemic

There are currently 6328 people licensed, and many more supporting the trade, across Leeds. Whilst some are part-time workers, most are self-employed, working in a full time capacity. A half of the licensees are from the BAME population of Leeds, Bradford and surrounding towns. The effects of last year and this year's pandemic have had obvious effects on the wellbeing of many. The loss of loved ones, the closure of the Leeds night-time economy and reduction of travellers using the airport and railway station have all taken effect.

Contracts with companies, the local authority, hospitals and ambulance service have provided reassurance to some drivers and operators who have worked tirelessly to maintain their vehicles, abide by lock down rules and provide key services. Their commitment has to be congratulated.

The staff of the taxi and private hire service, to meet the licensing responsibilities of the Council, have transformed their way of working. The licensing office was closed to customers with staff who were able to attend the premises adhering to strict rules to maintain their own health and reduce all risk of infection. Others worked patiently from home.

To keep licensed vehicles safe and on the road, alternative and temporary processes were put in place during those times vehicle examiners were unable to inspect vehicles through 'national lockdown' or 'shielding'. Licensing staff managed applications differently by email and telephone. Enforcement officers supported other essential council security services whilst continuing to ensure compliance of taxi and private hire legislation, local conditions and byelaws.



Communications

The usual relationship between the service and the council's Licensing Committee has suffered this year because of the pandemic. There has been an element of disappointment in that development work from previous the year temporarily ceased. The CCTV working group was unable to conclude its work to finalise recommendations to the full committee, and the decision concerning the implementation of the remaining Suitability and Convictions policy clause still requires resolving.

To maintain our transparency and contribution to provide a safe and high quality transport service, we are determined to work with representatives of the community and those from particularly vulnerable groups: children, elderly, and disabled people.

This last year has made consultation with these and members of the trade problematic, but we are determined to find ways to overcome this.

To pass information directly to all licensees but especially drivers has been paramount in our strategy to maintain business as near normal. The use of GovDelivery, an email platform has allowed us to circulate our *Bulletin* to over 6000 recipients, sometimes twice a week providing not only trade information but changes in the way that we process applications, links to places where support for drivers unable to work can be obtained, locations for COVID testing and much more.

The same method has been used to pass information to the travelling public, especially when the Government introduced the statutory wearing of face coverings in taxis and private hire vehicles.

Vehicle emissions and Free Licensing Grant

The absence of motorised traffic on the roads of Leeds during the year affected the air quality to such extent that a joint review by the council and central Government concluded that the Leeds Clean Air Zone was no longer required.

The council are determined that the air quality improves further and will encourage owners of diesel and petrol taxi and private hire vehicles to replace these with ultra-low emission (electric, LPG and petrol hybrid) vehicles when they have ceased to be licensed.

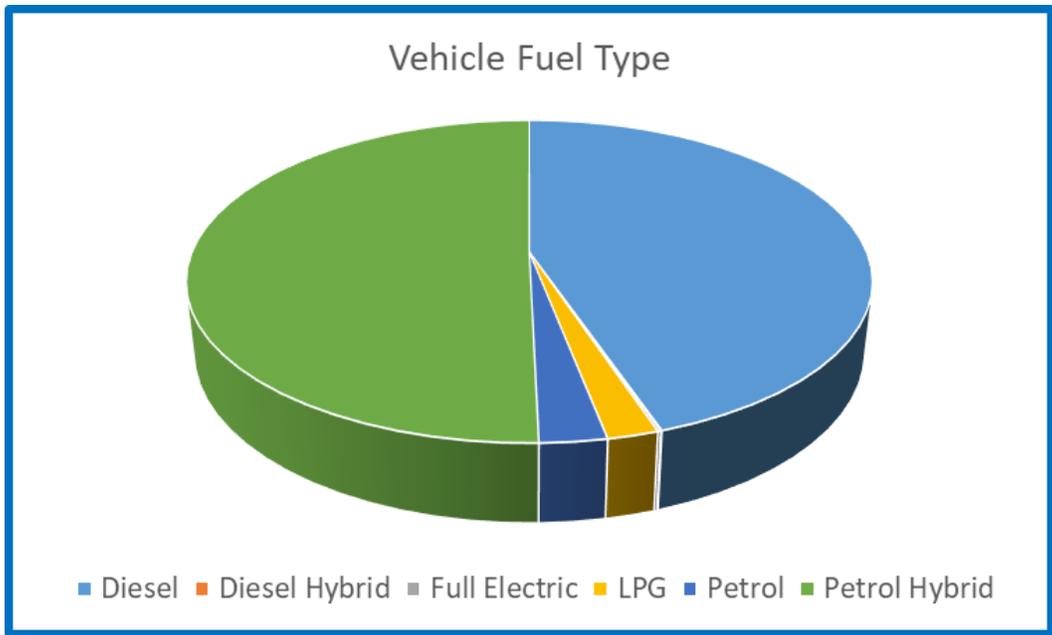


Those vehicle proprietors who obtained a grant from the council to purchase a ULEV and supported the Council in the clean air objective are to benefit from further financial support with a Free Vehicle Licensing Grant for their vehicles for the next three years. The decision also affects owners of ULEVs, wheelchair accessible vehicles and vehicles with seats for 5-7 passengers. The council is exploring ways in which self-employed licence holders can access funds from the council's Additional Restrictions Grant (ARG).

The service continues to support this strategy by working with the Leeds City Council’s Electric Vehicle Trial Centre. A fleet of Nissan Leaf cars are now licensed for use as private hire vehicles and will be loaned to drivers for evaluation.

The current licensed fleet in Leeds is around 45% diesel, and diesels of all types are the most polluting vehicles. This figure has fallen from 75% diesel at the end of 2018. Ultra-low emission (electric, LPG and petrol hybrid) vehicles now account for just over 52.4% of all taxi and private hire licensed vehicles in Leeds.

Fuel Type	Number licensed 19/01/2021	%
Diesel	2176	44.8%
Diesel Hybrid	2	0.1%
Full Electric	6	0.1%
LPG	99	2.0%
Petrol	130	2.7%
Petrol Hybrid	2447	50.3%
Total	4860	



Enforcement and Compliance

Vehicle compliance is paramount to the safety not of just passengers but drivers too. Our team of vehicle examiners are regularly trained and updated with developments in the motor industry. Whilst the majority of vehicles are submitted for inspection in a clean and well maintained condition occasions have occurred this year when this was not the case. On one occasion, a dangerously unsafe vehicle was removed from the premises on a low loader.

An authority from the council Executive allowed temporary changes to our processes due to the unavailability of our own staff on the premises due to national lockdown and related pandemic difficulties many older vehicles were examined by the Vehicle Standards Agency registered MOT stations. This ensured vehicle licences were maintained, and those vehicles could be kept on the road and working.

Our Enforcement Officers regularly conduct roadside vehicle inspections to check the road worthiness and fitness of our licensed vehicles. Officers will issue rectification notices and suspension notices for minor and major faults respectively.

The areas our officers' check include, but are not restricted to:

- Tyres
- Brakes
- Steering
- Lights
- Engine transmission
- Interior condition
- Bodywork condition
- Insurance certificate
- Driver and vehicle badges
- Meters (Hackney carriages)
- First extinguisher and first aid kit
- Rear and door plates
- Windscreen and rear window stickers
- Radios correctly fitted



Enforcement Officers will take action against drivers of private hire or Hackney Carriage vehicles who:

- Unlawfully ply for hire (private hire only)
- Drive without valid insurance
- Fail to wear or prominently display their badge
- Stand or wait on Hackney carriage ranks
- Obstruct or fail to comply with a request made by Authorised Officers or Police
- Fail to carry guide dogs
- Fail to carry or charge extra to passengers using wheelchairs
- Fail to report accidents to the licensing service
- Fail to report convictions and other associated matters

In 2020, our officers inspected 428 Leeds vehicles on street and/or checked driver details:

26 Suspension
21 Rectification
23 Pass and advise
358 Satisfactory

Our officers also checked 35 vehicles from outside Leeds on street, often in a joint operation with West Yorkshire Police. 13 warnings, tickets or suspensions were issued as a result.

In a normal year, unaffected by restrictions on working and proximity, we would expect these figures to be much higher, probably totalling more than 2000 vehicles inspected on street.

Licensing Statistics

Leeds currently has the following number of licences in place

	As at 1 st January 2019	As at 1 st January 2020	As at 9 th February 2021
Hackney Carriage Drivers	943	899	835
Hackney Carriage Vehicles	534	533	534
Private Hire Drivers	5456	5601	5356
Private Hire Vehicles	4358	4523	4129
Private Hire Operators	52	64	57

The COVID pandemic has affected both the number of licences – reduced the number of new licences, and affected the number of licences temporarily and voluntarily suspended. More than 700 hackney carriage and private hire drivers have reported to the council that they were not working, predominantly for reasons of COVID.

Decisions Taken

The application, renewal, refusal, suspension and revocation of driver licence figures for 1 January to 31 December 2020 are set out in the table below

When considering the above information it is important to note that there is no direct correlation between the number of suspensions and revocations in any period. For example, the number of licences revoked (final decision to end a licence) in the last six months will include a proportion which were suspended in the previous six months.

Year	Applications	Refusals	Revocations	Suspensions
2018	742	16	23	168
2019	570	18	30	202
2020	160	2	16	116

Licensing Income

The much lower level of new drivers and a smaller but still significant fall in the number of new vehicles has led to a significant fall of more than £500,000 in the council's licensing income. The council is claiming for such lost income from central government and will learn the value of the payment from central government in March 2021.

Refusal and Revocation Decisions

The refusal and revocation of licence figures for 1 January to 31 December 2020 are set out in the table below.

1 January – 31 December 2019, 18 licences were refused and 30 licences were revoked.

1 January – 31 December 2018, 16 licences were refused and 23 licences were revoked.

The reasons for refusal and revocation are set out in the table below:

Reason	2018		2019		2020	
	Refusal	Revocation	Refusal	Revocation	Refusal	Revocation
Dishonesty	3	0	2	0	1	1
Drugs	3	0	7	0	0	1
Violence	5	3	3	3	1	1
Sexual offences	3	4	0	0	0	1
Safeguarding concerns	0	0	2	0	0	0
Motoring offence	0	0	0	0	0	3
Driving disqualification	0	1	0	0	0	0
Plying for hire	0	8	1	20	0	2
Fail to comply with conditions	2	1	0	0	0	0
Disability offences	0	0	0	0	0	0
Inappropriate behaviour	0	6	2	7	0	6
No right to work in UK	0	0	0	0	0	0
Medical reason	0	0	0	0	0	0
DVLA licence expired	0	0	0	0	0	0
Non-completion of DBS	0	0	0	0	0	0
Unable to pass seminar	0	0	0	0	0	0
Firearms	0	0	1	0	0	0
TOTAL	16	23	18	30	2	15

Suspensions

In relation to suspensions, 106 licence holders were suspended between 1 January and 31 December 2020. This is a reduction from 202 licence holders suspended in 2019, and 168 licence holders in 2018. The largest category of suspensions in 2020 relate to a medical reason (accounting for almost half of licences suspended) and plying for hire.

Reason/Allegation	2018	2019	2020
Dishonesty	0	1	0
Drugs	0	9	6
Violence	2	12	8
Sexual offences	10	11	16
Safeguarding concerns	2	1	0
Motoring offences	15	12	13
Driving disqualification	1	10	0
Plying for hire	19	26	3
Fail to comply with conditions	23	1	2
Disability offences	0	0	0
Inappropriate behaviour	14	16	5
No right to work in the UK	1	0	0
Medical reason	57	96	45
DVLA licence expired	1	0	0
Non completion of DBS	24	6	4
Unable to pass seminar	0	1	0
Firearms	0	0	0
Other	0	12	4
Total	169	202	106

Complaints Received

In total, 582 complaints were made to the council about the taxi and private hire trade in 2020. In total 828 were received in 2019, and 755 in 2018.

The number of complaints is lower this year, which is not surprising, given that fewer journeys that have been made. The night-time economy has been shut down for most of the year; the pub and restaurant trades have faced severe restrictions day and night. What is surprising is the high number of complaints received given the reduction in journeys.

The largest number of complaints reported to the council in 2020 relate to driver conduct, standard of driving, licence breaches and parking. Licence breaches relate to the failing to report accidents, working for more than one operator, failing to notify change of operator, failing to display the correct vehicle livery. In the majority of such cases, licensed drivers are given verbal or written warnings, a record of which is placed on their licensing file. If a driver continues to receive complaints they may be referred for additional training.

Each complaint is dealt with on its own merits. Many complaints relate to the key aspect of the licensing scheme, namely the safety and comfort of the travelling public. Many relate to whether the driver is honest, reliable and trustworthy i.e. 'fit and proper' to hold a licence. Complaints regarding racial, sexual and disability discrimination relate directly to Equality law.

Category of Complaint	2018	2019	2020
Criminal Complaint	26	20	28
Defective Vehicle	18	14	1
Driver Behaviour - Disability Complaint	16	14	10
Driver Behaviour - Driver Conduct	199	354	229
Driver Behaviour - Driving Standard	147	154	93
Driver Behaviour - Drugs Allegation	0	13	5
Driver Behaviour - Overcharging	48	39	18
Driver Behaviour - Property	7	5	0
Driver Behaviour - Race Discrimination	13	12	11
Driver Behaviour - Refusal to Carry	10	9	5
Driver Behaviour - Rudeness	29	21	15
Driver Behaviour - Sex Discrimination	10	4	2
Driver Behaviour - Sexual	20	24	7
Driver Behaviour - Smoking	9	11	7
Environmental - Noise Nuisance	2	1	0
Environmental - Parking Nuisance	60	52	51
Licence breach	59	37	59
Operator - Operator	35	31	21
Ply for Hire - Ply for Hire	33	10	6
Ply for Hire - Unlicensed Driver	5	2	5
Uncategorised	2	1	9
Total	755	828	582

Appeals received

In total, 4 appeals were made against licensing decisions in 2020, compared to 13 appeals in 2019 and 17 appeals in 2018. The reason for the appeal and outcome are set out below:

2020	Number	Court	Result
Against suspension	4	Leeds Magistrates Court	1 dismissed 3 withdrawn

2019	Number	Court	Result
Against refusal to grant	4	Leeds Magistrates Court	2 dismissed 2 withdrawn
Against revocation	4	Leeds Magistrates Court	3 dismissed 1 withdrawn
Against suspension	4	Leeds Magistrates Court	1 dismissed 1 upheld 2 withdrawn

LCC Appeal to Leeds Crown Court following a Magistrates decision	1	Crown Court	1 withdrawn
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2018	Number	Court	Result
Against refusal to grant	4	Leeds Magistrates Court	2 dismissed 2 withdrawn
	1	Crown Court	1 dismissed
Against revocation	3	Leeds Magistrates Court	3 dismissed
Against suspension	9	Leeds Magistrates Court	9 dismissed

The year ahead

New guidance relating to taxi and private hire licensing was issued by the Department of Transport in July of this year to all local licensing authorities. The majority of the objectives set within the guidance have previously been implemented over the years by the Licensing Committee and few major changes are foreseen as a result of the guidance. These include a consolidation of all our policies into one summary document, and the reviewing of officer delegated powers. Even closer cooperation with the police and our neighbouring authorities is also advised.

The forced implementation during 2020 of digital working brought many frustrations to members of the trade and staff alike. Drivers who for decades had become reliant on personal face to face help and understanding from staff at a counter service suddenly had to contend with a new technical age.

Patience became the key word. Many lacked necessary equipment, more really on younger family members to manage applications on line. Aspirations are for a digital transformation of services, and we are pleased to say processes are in advanced stage to develop enhanced online forms.



Corporate Considerations

Consultation and engagement

Consultation is embedded into the newer licensing acts with, as an example, new and variation applications for alcohol licences subject to a 28 day consultation period.

Both sections undertake considerable consultation with the trade when developing and reviewing policy and consults on the licensing policies in accordance with local and government guidelines.

In addition, as part of ongoing partnership working, both sections engage the trade at trade meetings such as taxi association and PubWatch meetings.

Similarly both sections are active in working with partners from both council departments and external bodies through a range of meetings relating to night time enforcement.

Equality and diversity / cohesion and integration

The council's licensing policies are developed with matters of equality, diversity and human rights taken into consideration. Policies are regularly reviewed in line with the legislation.

The council has completed equality, diversity, cohesion screening and impact assessments with regards to the consultation process undertaken during the review of each policy

Council policies and Best Council Plan

When determining applications the licensing authority must have regard for governing legislation and will be assisted by any guidance issued by the Department for Transport, Home Office or Gambling Commission. In addition where there is an associated statement of licensing policy this will set out the principles the council will use to exercise its functions under that policy, and in making a decision the council will have regard to that policy.

The licensing regime contributes to Best Council Priorities 2019/20:

- Culture
- Safe, strong communities
- Inclusive Growth

Resources, procurement and value for money

The Section encourages partnership working with internal and external services making best use of resources and information sharing.

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Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 2nd March 2021

Subject: Review of the Gambling Act 2005 – Call for Evidence – Draft Response

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- On 8th December 2020 Nigel Huddleston, Minister for Sport, Tourism and Heritage announced an intention to review the Gambling Act 2005.
- A Call for Evidence has been issued with a closing date of 31st March 2021.
- A response has been coordinated by Entertainment Licensing on behalf of the Council and is now presented to Licensing Committee for endorsement.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The licensing regime contributes to Best City Priorities 2019/20:
 - Culture
 - Safe, Strong communities
- Inclusive Growth

3. Resource implications

- No resource implications for the licensing authority are identified.

Recommendations

- a) For Licensing Committee to consider the draft response prepared in conjunction with officers from Entertainment Licensing, Financial Inclusion and Public Health, and member of Licensing Committee.
- b) For Licensing Committee to endorse the draft response as the response from Leeds City Council.

1. Purpose of this report

- 1.1 The purpose of this report is to present the draft response to the Government's Call for Evidence on the review of the Gambling Act for endorsement.

2. Background information

- 2.1 The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). It also created and set the functions and objectives of the Gambling Commission as the principal regulator. In 2014, it was amended to cover all online gambling companies who offer gambling to customers in Great Britain, wherever they are based.
- 2.2 The government wants all those who choose to gamble in Great Britain to be able to do so in a safe way. The sector should have up to date legislation and protections, with a strong regulator with the powers and resources needed to oversee a responsible industry that offers customer choice, protects players, provides employment, and contributes to the economy.
- 2.3 The government is reviewing the Gambling Act 2005 to ensure the regulatory framework can protect children and vulnerable people, prevent gambling related crime, and keep gambling fair and open in the digital age.
- 2.4 Through this Review, the government's objectives are to:
 - Examine whether changes are needed to the system of gambling regulation in Great Britain to reflect changes to the gambling landscape since 2005, particularly due to technological advances
 - Ensure there is an appropriate balance between consumer freedoms and choice on the one hand, and prevention of harm to vulnerable groups and wider communities on the other
 - Make sure customers are suitably protected whenever and wherever they are gambling, and that there is an equitable approach to the regulation of the online and the land based industries.
- 2.5 The Review will be led by Ministers at the Department for Digital, Culture, Media & Sport, with engagement from across government, the Gambling Commission, the industry, health and charitable sector, those with lived experience of gambling harm, and other stakeholders.

2.6 After this initial 16 week call for evidence, the government will assess the evidence presented, alongside other data, with the aim of setting out conclusions and any proposals for reform in a white paper next year.

3. Main issues

3.1 The opportunity to provide information, evidence and experiences in relation to existing legislation is rare, and it is customary for the Council to compile a response.

3.2 In relation to previous gambling related consultation, for example with the Gambling Commission, officers from Entertainment Licensing, Financial Inclusion and Public Health have coordinated such a response which has been approved by Licensing Committee, either at a committee meeting or via email if timescales necessitate it.

3.3 However, the government has provided a 16 week consultation and this is a wide ranging scope, with particular regard to:

- The protection of online gamblers, including rules to minimise the risks associated with online products themselves, and the use of technology to support harm prevention
- The positive and negative impacts of the advertising and marketing of gambling products and brands
- The effectiveness of our regulatory system, including the Gambling Commission's powers and resources to regulate and keep pace with the licensed market and tackle unlicensed operators, and funding flows from the industry to the regulator
- The availability and suitability of redress arrangements for individual customers who feel they have been treated unfairly by gambling operators
- Children's access to Category D slot machines, the effectiveness of age controls, protections for young adults, and the age limit for society lotteries (currently available to 16 and 17 year olds)
- The outcome of changes to the land based sector introduced in the Gambling Act 2005, particularly for casinos, and whether they are still appropriate in a digital age

3.4 As requested by Licensing Committee at the January meeting, officers from Entertainment Licensing, financial Inclusion and Public Health have produced a draft response and distributed it to Licensing Committee members for comment. Those comments have been incorporated into the response which is attached at Appendix A.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 Consultation on this report has taken place with senior officers, and legal services during the report clearance process.

4.2 Equality and diversity / cohesion and integration

4.2.1 There are no implications for equality, diversity, cohesion or integration in relation to this report.

4.3 Council policies and the Best Council Plan

4.3.1 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

Climate Emergency

4.3.1 There are no implications for the climate emergency in relation to this report.

4.4 Resources, procurement and value for money

4.4.1 There are no implications on resources, procurement or value for money in relation to this report.

4.5 Legal implications, access to information, and call-in

4.5.1 There are no legal implications in relation to this report. As this report relates to a Government consultation there are no implications in relation to access to information or call-in.

4.6 Risk management

4.6.1 Members have the option of not responding to this consultation, which is low risk.

5. Conclusions

5.1 On 8th December 2020 Nigel Huddleston, Minister for Sport, Tourism and Heritage announced an intention to review the Gambling Act 2005. A Call for Evidence has been issued with a closing date of 31st March 2021. A response has been coordinated by Entertainment Licensing with input from financial inclusion, Public Health and Licensing Committee which is now presented to Licensing Committee for endorsement as the Leeds City Council response to the Call for Evidence regarding the review of the Gambling Act 2005.

6. Recommendations

6.1 For Licensing Committee to consider the draft response prepared in conjunction with officers from Entertainment Licensing, Financial Inclusion and Public Health, and members of Licensing Committee.

6.2 For Licensing Committee to endorse the draft response as the response from Leeds City Council.

7. Background documents¹

7.1 None

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

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DRAFT

This is the response to the Call for Evidence from Leeds City Council, licensing authority for the Leeds district. It was prepared in conjunction with Financial Inclusion and Public Health and ratified by the Licensing Committee as the response of Leeds City Council to this Call for Evidence.

Online protections - players and products

Q7: What evidence is there from behavioural science or other fields that the protections which operators must already offer, such as player-set spend limits, could be made more effective in preventing harm?

Building on the findings from the 2018-19 My Health My School survey work, council officers from Children's Services, Public Health and the Financial Inclusion Team are working with GamCare and the Young Gamblers and Gamers Education Trust (YGAM) to develop over the next year a communications campaign and a training programme to raise awareness of the issue.

The campaign and training is being developed through engagement with young people, to help understand and discuss their views on gambling and gaming, what activities they perceive as harmless or harmful, gambling advertising and regulation, and methods of promoting help and support services. The targeted age range for this work has been 11-18 years old.

Young people made suggestions in the focus groups and survey about player protection whilst gaming. They would like to see more warnings relating to time and money spent, spending limits, PIN authorisation, and tighter age verification.

Advertising, sponsorship and branding

Q15: Is there any additional evidence in this area the government should consider, including in relation to particularly vulnerable groups?

When licensed premises wish to advertise to local communities, a risk assessment with the Licensing Authority should be undertaken.

Due to conditions the Council was able to set as part of granting the licence to its Large Casino in Leeds, a mapping tool was developed to assist its large casino with their marketing campaigns. The casino wanted to advertise on bus shelters across the city but needed to ensure the most deprived areas and vulnerable client groups were not targeted.

In organising this mapping tool, the council created a list of potential areas that would be accessed by vulnerable groups and have asked the casino operators to consider not advertising their establishment on bus shelters that are located within 100m of these sites. On trying to agree a suitable distance, the council established the 100m distance from desktop research which revealed advertising site owners such as JC Decaux have a policy not to run gambling adverts within 50m of a school and operators such as Ladbrokes have a policy not to advertise within 100m of a school. However there is no consistent or standard distance to adhere to.

In order to protect those most vulnerable or susceptible to gambling related harm Leeds City Council took the following themes and mapped them for the casino operator to take into consideration:

- Under 18s - In order for the casino to not target their marketing campaigns to those under 18, all Universities, schools, colleges and early years centres were mapped across Leeds.
- Deprivation Areas – using the latest Index of Multiple Deprivation (IMD) measures. Leeds City Council highlighted on the map the most deprived areas on the map. The Council also highlighted areas with the highest Jobseeker Allowance Rates and asked the casino to be aware of vulnerable groups within these areas.
- Vulnerable groups - The council defined vulnerable groups as those who access supported accommodation and Food banks. The groups include:
 - homeless
 - young people
 - offenders
 - those with mental health conditions
 - those recovering from drug and alcohol addictions
 - older people
 - immigrants and/or people from certain minority ethnic groups

Data on the locations of vulnerable groups is highly sensitive and cannot be mapped. Therefore bus shelters that were located within 100 metres of such locations were highlighted instead. The Casino was then advised to avoid bus shelters that were labelled as ‘Restriction Zone Bus Shelters’.

Alongside using this method for where not to promote gambling activity, the Council developed a local campaign, Beat the Odds to promote awareness of local support services and to reduce the stigma for people experiencing gambling related harm. Digital and printed campaign material has been developed to allow targeting of vulnerable groups highlighted in the Leeds Beckett’s research via social media campaigns, community radio advertising as well as being visible on bus shelters, billboards in low income areas and public venues such as community hubs, libraries GP surgeries and health centres.

Building on the findings from the 2018-19 My Health My School survey work, council officers from Children’s Services, Public Health and the Financial Inclusion Team are working with GamCare and the Young Gamblers and Gamers Education Trust (YGAM) to develop over the next year a communications campaign and a training programme to raise awareness of the issue.

The campaign and training is being developed through engagement with young people, to help understand and discuss their views on gambling and gaming, what activities they perceive as harmless or harmful, gambling advertising and regulation, and methods of promoting help and support services. The targeted age range for this work has been 11-18 years old.

As part of this work the Council has undertaken focus groups and surveys with young people living in Leeds. The focus group involved 11 young people and the survey was completed by 130 young people. The headlines were:

- 88% of young people who responded to the online survey had seen gambling adverts and/or sponsorship.
- Out of the young people who said they had seen adverts, 67% saw them on TV (followed by YouTube, social media and billboards/posters)
- 29% of young people said there is too much advertising, 32% said it’s OK and the rest either did not know or had not seen any adverts and/or sponsorship.
- One focus group, with 5 participants, asked a question about “banning gambling adverts”. Overall young people did not agree that gambling adverts should be banned but they did agree that much more should be done to regulate them.

- **9% of young people said adverts had prompted them to take part in gambling when they were not planning to.**

The Council has facilitated five focus groups with the Chinese, Bangladeshi and Indian communities in Leeds and found that:

- Gambling is seen as a quick way to make money and men in particular enjoy the thrill. Casinos (or betting shops) are a 'culturally acceptable' meeting point for those working unsocial hours e.g. in hospitality industry, taxi drivers.
- In each focus group there was someone who had either been affected by problematic gambling themselves or knew someone in their community who had suffered gambling-related harms, in particular debt/financial hardship, domestic violence, and relationship breakdown.
- The Fever FM Radio mini campaign, which primarily aimed to engage the Pakistani community in Leeds, also confirmed hidden harms suffered by members of the community.
- The focus group with Bangladeshi women highlighted that publicity stunts such as free spins when you sign up to online companies are enticing young people to gamble. Betting on sports matches, particularly cricket is common in the community.
- Participants agreed they were less likely to come forward for support or treatment (compared to White British people) due to stigma and cultural barriers.

This strengthens the case for less advertising and promotion aimed at these communities and/or in areas where a higher concentration of low income, ethnic minority communities reside.

The focus group with Bangladeshi women highlighted that publicity stunts such as free spins when you sign up to online companies are enticing young people to gamble. Betting on sports matches, particularly cricket is common in the community.

Gambling Commission's powers and resources

Q24: Is there any additional evidence in this area the government should consider?

The GamCare Young Person Support Service has been in operation since September 2020 but as a national service the numbers for Leeds are very small, however the Government should investigate evidence from this support service.

Age limits and verification

Q29: What evidence is there on the effectiveness of current measures to prevent illegal underage gambling in land based venues and online?

The Leeds My Health, My School survey asks about young people's experience within the last 12 months on a range of topics from drugs and alcohol to social and emotional health and wellbeing. The 2019 survey included questions specifically about gambling behaviour. These questions were answered by 6,940 secondary school pupils across Leeds, in years 7, 9 & 11 (aged 11 to 15) and by 632 post 16 students in years 12 and 13.

The survey found that children have access to:

- The use/sales of scratch cards (12%) and Lotto tickets (7%) and some children (2%) are accessing scratch cards daily.
- Bingo (19.6%)
- Fruit/slot machines (15%) with 1.7% had used one every day (11-16), rising by age group to 2.3% (Year 9) and 3.3% (Year 11).

In 2019, the Gambling Commission completed a review of pubs in England and Wales which showed that 84% of them were failing to prevent under 18-year-olds from playing Category C gaming machines, also

known as fruit machines. The British Beer and Pub Association and UK Hospitality subsequently sent out guidance to their members but we still expect the lack of age verification to be widespread across Leeds, especially since our My Health My School survey found that more than 15% of secondary school pupils had used them in the last 12 months.

Q30: Is there evidence of best practice, for instance from other jurisdictions, in how to prevent illegal underage gambling?

In order to minimise risk to vulnerable groups and prevent underage gambling, Leeds City Council has been successful in implementing conditions upon new licensing applications in the city. These conditions have included:

- Restrictions to opening and closing times.
- Licence holders should be required to work with local authority and treatment partners in training their staff so that gambling harm prevention can be emphasised.
- Apply single manning operation restrictions (no lone working) due to concerns over timely age verification, safety of staff, supervision, ability to comply with company policies on problem gambling, and the ability to provide brief interventions.
- Use of security to minimise risk of disturbances including CCTV, physical security presence at the venue and whether security staff are SIA registered.
- Outline the amount and content of gambling harms support advertising that should be in the premises, including advertising of local treatment support.
- Specify the level of detail that should be collected in the incident log, including interventions made by staff to support customers who are gambling problematically. Define how often this information should be shared with the local authority.

The Gambling Act should include a public health objective. This would legislate the need to consider evidence relating to gambling harms as part of a Gambling Licensing decision. This could also require that density of venues and proximity to vulnerable groups should be considerations in licensing decisions.

Recent experience from Leeds, Tameside and London suggests that there is an increase in the number of adult gaming centres, countering the downward trend in the number of bookmakers following FOBT legislation changes. There is little specific reference to adult gaming centres in the current Gambling Act, but they should be emphasised in a new version.

Q31: What, if any, evidence is there on the number of 16 and 17 year olds participating in society lotteries?

The Leeds My Health, My School survey asks about young people's experience within the last 12 months on a range of topics from drugs and alcohol to social and emotional health and wellbeing. The 2019 survey included questions specifically about gambling behaviour. These questions were answered by 6,940 secondary school pupils across Leeds, in years 7, 9 & 11 (aged 11 to 15) and by 632 post 16 students in years 12 and 13. In summary the results reveal:

- 24% of secondary aged pupils in Leeds (NB 11-16 year olds, not 16/17 as stated in the question) had taken part in gambling activity in the last 12 months. In comparison to other addiction subjects, 13% of secondary pupils had smoked a cigarette, 7% had tried illegal drugs and 51% had tried alcohol.
- Of the secondary aged pupils that had gambled; 65% did so with their parent/carer's knowledge. 20% had gambled without their parent/carer's knowledge

- The most common form of gambling amongst secondary aged pupils was via gaming or skin betting, with 21% of pupils taking part in this activity on a regular basis. Bingo was the second most popular form of gambling with almost 20% of pupils taking part throughout the last 12 months. Betting on sporting events was the third most popular form of gambling amongst pupils, with 19% taking part.
- 32% post 16 pupils surveyed had taken part in gambling activity in the last 12 months. In comparison to other addiction subjects, 43% had smoked a cigarette, 24% had tried illegal drugs 80% had tried alcohol.
- Of the post 16 students that had gambled in the last 12 months, almost 70% did so with their parent/carer being aware; 20% did so without their parent/carer being aware.
- **The most common form of gambling for the post 16 year groups is national lottery scratch cards. Almost 24% of post 16 year groups have gambled through purchasing scratch cards. This could be attributed to this year group being legally able to purchase scratch cards and lottery tickets.** Placing a private bet with friends was the second most popular form of gambling amongst this age group with 18% taking part and betting on sporting events was the third most popular form of gambling with 17% taking part. NB. We did not include 'society lotteries' in the categories of answers that they could choose from so we do not have specific Leeds data on this.

This licensing authority sees children's exposure to small society lotteries, for example through raffle tickets in books bags to support school PTAs, as low risk. Children are exposed to gambling through mobile phone games being advertised on television, using their parents mobile phones and tablets, sports advertising, loot boxes etc.

Q38: Is there any additional evidence in this area the government should consider?

Problem gambling is gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits. "At risk" generally refers to people who are experiencing some difficulties with their gambling behaviour but are not considered to be problem gamblers.

The latest national data from 2019 suggests 0.5% of adults in England identified as problem gamblers and 3.5% were at risk of developing problems with their gambling. The national Young People and Gambling Survey from 2019 revealed that 11% of 11-16 year olds had gambled and 1.7% were problem gamblers.

In 2016, Leeds City Council commissioned Leeds Beckett University to conduct a study into the prevalence of problem gambling in Leeds. The research estimated that in Leeds and cities like Leeds that the prevalence is likely to be around double the national rate due to factors such as the demographic make-up and number of licensed premises.

The study revealed for Leeds that there are approximately 10,000 problem gamblers (1.8% of the adult population) and a further 30,000 people (5/6% of adult population) who may be at risk of harm from gambling.

The research also highlighted that whilst problem gambling can affect anyone at any time, there are certain groups are more vulnerable to gambling related harm;

- Young people (including students)
- Adults living in constrained economic circumstances
- Certain minority ethnic groups
- Homeless people
- Those living in areas of greatest deprivation
- Adults with mental health issues
- People with poorer intellectual functioning and learning disabilities
- Those who have been through the criminal justice process
- Immigrants

Land based gambling

Q39: What, if any, changes in the rules on land based gambling would support the government's objectives as set out in the document? Please provide evidence to support this position, for instance how changes have worked in other countries.

Gambling is highly regulated, with the Gambling Commission and local authorities able to enforce licensing conditions. However the current practice of the Gambling Commission working with the gambling industry to self-police age verification undermines the work local authorities undertake.

The Council recently sought to control a new bingo operation which appeared to be an exploitation of the gaming machine allowances. However the Gambling Commission had previously approved the bingo variant being proposed which effectively removed the decision from the local authority to refuse the application, and advised the Council to grant with conditions.

The Council would welcome more control, such as the ability to control numbers in a given area, for example in the same way as cumulative impact areas work for the Licensing Act 2003. This would prevent the proliferation of any single type of gambling premises in an area – such as betting shops, AGCs or bingo halls, which not only have an impact on the local high street but also seem to accumulate in deprived areas.

The Council would also welcome the ability to incorporate local conditions and requirements into the Statement of Licensing Policy to control matters such as single staffing, window displays, visibility of gaming and gambling machines, etc. to promote the protection of children and vulnerable people.

Q42: What is the evidence that the new types of casino created by the 2005 Act meet (or could meet) their objectives for the sector; supporting economic regeneration, tourism and growth while reducing risks of harm?

The industry should be encouraged to better engage at the local level. Local area risk profiles and assessments, when conducted properly, have the benefit of focussing the gaming industry on the potential risks of their activities on the local area. However, in order to take this from recognition to action, the industry should be encouraged to better engage with the local authority and local partners to actively address any negative impact their operations may be causing.

In Leeds, as part of the legal requirements which went alongside the granting of a large casino licence, a number of measures were stipulated to ensure that continued monitoring, management and mitigation of any social or health impact of the large casino. One of these measures includes establishing a Responsible Gambling Forum, led by the operator (with an independent Chair) and including a range of local partners including the local authority, health practitioners, support and advice organisations, the Police and faith representatives, although will not include any other industry representatives.

Ideally there should be an obligation for this type of forum to be set up in local areas with operators from all sectors of the gaming industry. This would facilitate increased understanding of the issue of problem gambling and gambling related harm, and also better understanding amongst local agencies of the measures being undertaken by the industry to mitigate harm.

In addition the licensing agreement includes a responsibility on the operator to donate an annual sum to Leeds City Council, which the Council used to establish a Social Inclusion Fund (SIF). The SIF is used for projects to alleviate poverty and financial inclusion and on projects to mitigate problem gambling.

This fund enabled the Council to commission the Leeds Becketts research study to understand the prevalence of problem gambling in Leeds and cities like Leeds. The research in turn provided the local evidence for a Leeds marketing campaign - Beat the Odds. This is a local campaign which regularly aims to raise awareness of available support as well as reducing the stigma associated with talking about problem gambling.

Q43: Is there evidence on whether licensing and local authorities have enough powers to fulfil their responsibilities in respect of premises licenses?

Future changes to the Gambling Act should give local authorities more autonomy to protect their communities from further gambling harms relating to new venues opening in their areas. One way of doing this would be to remove the “aim to permit” requirement in the Act. This requirement is often quoted at licensing hearings by operators and their agents as a strong reason why committees are required to grant the premises licence. As such it is difficult to refuse such applications despite strong local evidence of the potential harm to vulnerable people.

Q44: Is there evidence that we should moderately increase the threshold at which local authorities need to individually authorise the number of category D and C gaming machines in alcohol licensed premises?

In 2019, the Gambling Commission completed a review of pubs in England and Wales which showed that 84% of them were failing to prevent under 18-year-olds from playing Category C gaming machines, also known as fruit machines. The British Beer and Pub Association and UK Hospitality subsequently sent out guidance to their members but we still expect the lack of age verification to be widespread across Leeds, especially since our My Health My School survey found that more than 15% of secondary school pupils had used them in the last 12 months.

Q45: Is there any additional evidence in this area the government should consider?

Much of the narrative around the proposed changes to the Gambling Act relates to the regulation of online gambling. However, it is important not to forget how changes to the Act could help strengthen local authorities’ decision-making powers over new venue licence applications, allowing them to better protect vulnerable communities from gambling harms.

Recent experience from Licensing Committees at Leeds, Tameside and London suggests, that there is an increase in the number of adult gaming centres and bingo premises, which provide a large number of gaming machines on the high street, countering the downward trend in the number of bookmakers following FOBT legislation changes. There is little specific reference to adult gaming centres in the current Gambling Act, but they should be emphasised in a new version.

Despite the difficulty in challenging a new licence application, it is still possible to have an impact on how a new venue operates if the licence is approved. Future changes to the Gambling Act should give local authorities more autonomy to protect their communities from further gambling harms relating to new venues opening in their areas.

Instead of concentrating on a style of operation (betting shop, adult gaming centre, bingo premises) the licensing regime could concentrate on activity – gaming machines, betting, bingo, with licensing authorities able to remove/reduce licensable activities in vulnerable areas. An example of this is a recent application for a bingo premises licence which inferred that a new bingo hall would be opening on a deprived high street. The traditional bingo hall operation would be welcomed in this area as a supervised social outlet. However the premises was to be a double shop unit providing 38 gaming machines as well as electronic bingo which is a solitary form of gaming, rather than the traditional bingo live caller style operation. This is a completely different type of activity, and it was not possible under the current legislation to control the number of machines offered or the type of bingo variant on offer.

Applicant’s legal teams make strong arguments that under no circumstances can applications be rejected on “moral grounds”. Residents engaging with the licensing process can appear to be objecting on moral grounds if they use phrases such as “we don’t want another gambling premises in our area”, which under the ‘moral rule’, can’t be considered. Future legislation should allow the concerns of residents about new gambling premises to be more effectively considered, particularly if residents highlight that new establishments may negatively impact their wellbeing or harm their local community.

The council would strongly recommend that the Gambling Act should include a public health objective. This would legislate the need to consider evidence relating to gambling harms as part of a gambling licensing decision; currently not required. This could also require that density of venues and proximity to vulnerable groups in the local area should be considerations in licensing decisions as this would have direct impact on the promotion of public health and wellbeing in the area.

Although it is a requirement of the Gambling Commission’s Licensing Conditions and Codes of Practice (LCCP) attached to Operators Licences that all premises licence application should be accompanied by a local area risk assessment, it doesn’t allow the licensing authority to make locality based decisions. The Act should be strengthened to allow licensing authorities to consider locality based data when making licensing decisions, such as deprivation, looked after children, educational attainment, Audit-C scoring, alcohol related crime, people in treatment services etc, which could be based on a lower super output area data. Lower Layer Super Output Areas are a geographic hierarchy designed to improve the reporting of small area statistics in England and Wales. An LSOA is a designated area in which 1500 people live. In Leeds Public Health have produced and maintain a licensing matrix which ranks LSOAs (lower level super output area) against each other across 16 data sets which are related to alcohol related harm such as deprivation, looked after children, educational attainment, Audit-C scoring, alcohol related crime, people in treatment services etc. By entering the relevant postcode the matrix displays its ranking against licensing related data sets. This allows responsible authorities and the licensing authority to establish the problems being experienced in the area and the areas which are vulnerable to alcohol related harm. This same data matrix has been used to establish whether an area has a high number of vulnerable adults and children in relation to an application for a gambling premises licence. Although this is a powerful tool for establishing areas of concern, the Gambling Act’s requirement to ‘aim to permit’ gambling undermines the control licensing authorities have on the location of gambling premises.

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Report of Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 2nd March 2021

Subject: Gambling Act 2005 Statement of Licensing Policy Review

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- Every three years the Council is required by the Gambling Act 2005 to review the Gambling Act 2005 Statement of Licensing Policy (Licensing Policy), and to consult upon any changes. The three yearly annual review is due to take place this year.
- Officers are aware that some Members have an interest in gambling policy and may wish to be involved at an early stage of the policy review.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The licensing regime contributes to Best City Priorities 2019/20:
 - Culture
 - Safe, Strong communities
- Inclusive Growth

3. Resource implications

- No resource implications for the licensing authority are identified.

Recommendations

- a) For Licensing Committee to consider the best way to provide steer regarding the initial review of the Gambling Act 2005 Statement of Licensing Policy.

1. Purpose of this report

- 1.1 The purpose of this report is to advise Licensing Committee of the triennial review of the Gambling Act 2005 Statement of Licensing Policy (**Appendix A**) and to provide options regarding steer and feedback.

2. Background information

- 2.1 Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

3. Main issues

- 3.1 The current policy was adopted by Council in November 2018 and expires on 31st January 2022.
- 3.2 The approval of the policy is a matter for full Council. The approval process follows the Budgetary and Policy Framework. The suggested timescale for approval is as follows:

March – April	Review of existing policy
21 st May	Licensing Committee to approve consultation
1 st June to 24 th August	Public consultation
7 th September	Licensing Committee to refer to Exec Board
22 nd September	Exec Board to refer to Scrutiny
14 th October	Scrutiny Board
20 th October	Exec Board to refer to Council
10 th November	Full Council
1 st January	Start of 4 week notice period
Implementation	31 st January

- 3.3 Officers will work with Public Health and the council's Financial Inclusion Team to review the policy and to reflect findings from local research and surveys undertaken by both directorates.
- 3.4 There is an opportunity for interested Members to be involved in this early review, potentially by email or by virtual meeting.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The Licensing Policy is subject to a statutory consultation. It is planned to use this opportunity to consult with the statutory consultees and ward members, parish and town councils and Citizen Advice Bureau.

4.2 Equality and diversity / cohesion and integration

4.2.1 The Licensing Policy review process is subject to an EDCI Assessment, and a screening form will be completed during the review process.

4.3 Council policies and the Best Council Plan

4.3.1 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

Climate Emergency

4.3.2 There are no implications for the climate emergency in relation to this report.

4.4 Resources, procurement and value for money

4.4.1 There are no implications on resources, procurement or value for money in relation to this report.

4.5 Legal implications, access to information, and call-in

4.5.1 There are no legal implications in relation to this report. The review of the policy is subject to the Budget and Policy Framework and therefore will be presented to Scrutiny Board as a matter of course. As such there is no call-in process.

4.6 Risk management

4.6.1 There are no issues relating to risk management.

5. Conclusions

5.1 The triennial review of the Gambling Act 2005 Statement of Licensing Policy is now due, with a new policy to be in place for 31st January 2022 following approval by Council. There is an opportunity for early involvement by Members.

6. Recommendations

6.1 For Licensing Committee to consider the best way to provide steer regarding the initial review of the Gambling Act 2005 Statement of Licensing Policy.

7. Background documents¹

7.1 None

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

Statement of Licensing Policy 2019 – 2021

Gambling Act 2005



Further copies of this document can be obtained from:

Entertainment Licensing
Leeds City Council
Civic Hall
Leeds
LS1 1UR

Tel: 0113 378 5029

Fax: 0113 336 7124

Email: entertainment.licensing@leeds.gov.uk

Web: www.leeds.gov.uk/licensing

Please note:

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

Executive Summary 5

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Executive Summary

The Gambling Act 2005 obtained Royal Assent in 2005 and came into effect in 2007.

Under Section 349 of the Gambling Act 2005 the Licensing Authority is required to prepare a statement of principles that they propose to apply in exercising their functions under this Act. This process is to be repeated every three years from 31st January 2007.

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

The purpose of the Statement of Licensing Policy is to set out the principles that the Council propose to apply when determining licences, permits and registrations under the Gambling Act 2005.

Any decision taken by the Council in regard to determination of licences, permits and registrations should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives which are:

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

The principles to be applied specifically to the determination of premises licence applications include definition of premises, location, duplication with other regulatory regimes, conditions, door supervision, layout of the premises and supervision of gaming facilities. The policy also specifically mentions adult gaming centres, family entertainment centres, casinos, bingo premises, betting premises, tracks and travelling fairs.

The council has the ability to issue permits for prize gaming and unlicensed family entertainment centres. The council is able to specify the information it requires as part of the application process which will aid determination and this information is described in this Policy.

Club gaming and club machine permits are also issued by the council. The process for this is described, along with other processes specified in the legislation for example temporary use notices, occasional use notices and small society lotteries.

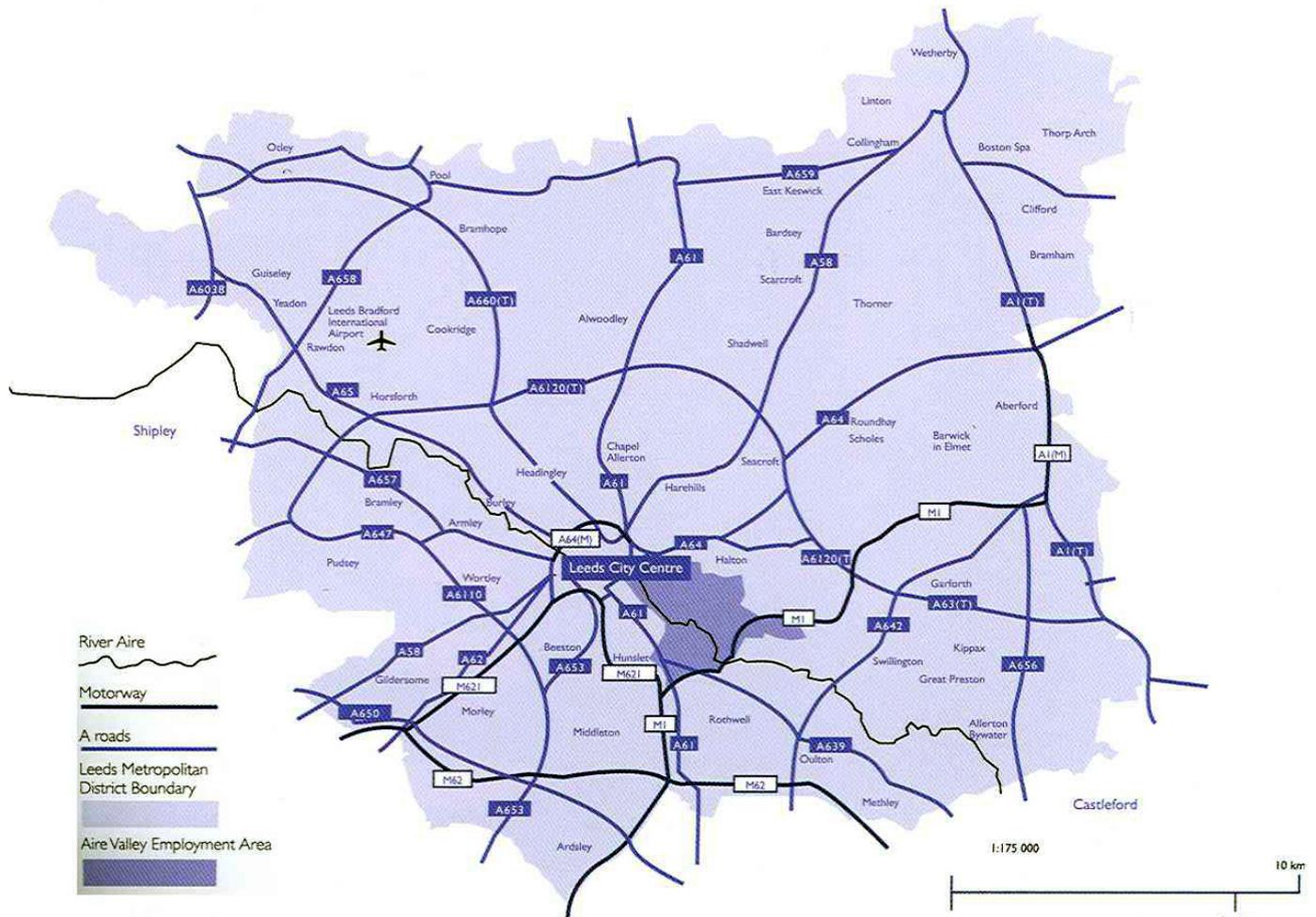
Enforcement of the legislation is a requirement of the Act that is undertaken by the council in conjunction with the Gambling Commission. The policy describes the council's enforcement principles and the principles underpinning the right of review.

The policy has three appendices, describing the stakes and prizes which determine the category of a gaming machine, a glossary of terms and exempt gaming in pubs and clubs.

1. The licensing objectives

- 1.1 Under the Gambling Act 2005 (the Act) Leeds City Council is the licensing authority for the Leeds district and licences premises for gambling activities as well as granting various other gambling permits. In this document, unless otherwise stated, any references to the council are to the Leeds Licensing Authority.
- 1.2 The council will carry out its functions under the Act with a view to aiming to permit the use of premises for gambling in so far as it is reasonably consistent with the three licensing objectives set out at Section 1 of the Act. The licensing objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 More information can be found about how the council will achieve this in Part B and C of this document.
- 1.4 The council will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.5 The council is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with this document.
- 1.6 The Gambling Commission's Licence Conditions and Code of Practice (LCCP) require gambling premises to undertake a risk assessment taking into consideration their local information. Specific information about localities is provided in this policy at Section 14.

2. The Leeds district



- 2.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within a 30 minute drive of the city centre.
- 2.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 784,846 (ONS Mid-year population estimates 2017). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with their very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 2.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the City coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes has many benefits including the creation of a vibrant 24-hour city. Leeds City Council has a policy promoting mixed use development including residential and evening uses throughout the city centre.

- 2.4 Leeds has strong artistic traditions and top performing artistes can be seen at the Leeds first direct Arena, Leeds Town Hall and at other indoor and outdoor venues across the city. The success of arts and heritage organisations including the Grand Theatre, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackray Medical Museum. The city also boasts a wealth of community based sports, entertainment, heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.
- 2.5 Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire Cricket Club's home in Headingley. Leeds has a world's first dual code rugby partnership – Leeds Rhino Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos in particular have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of the best jump courses in the country.
- 2.6 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up 18.9% of the city population.
- 2.7 Leeds has a strong economy that has enabled the city to recover well from the recession. However, Leeds is also a city marked by health inequalities, indicating that not everyone has benefited from the economic growth equally. The number of neighbourhoods falling into the 10% most deprived nationally has increased since 2010 but the number of least deprived neighbourhoods has also increased – the inequalities gap is getting wider.
- 2.8 Inclusive growth in Leeds should help reverse the worsening socio-economic position in many neighbourhoods, by focusing not just on quantity of growth but also quality; actions should reflect people's experience of opportunities, barriers, skills and employment and living standards.
- 2.9 Life expectancy in Leeds (2013-2015) is 80 years and 2.5 months. However for males and females living in deprived Leeds this is lower by 5 years 5 months and 4 years 8 months respectively.
- 2.10 A worrying trend of an increasing number of suicides among men was identified in Leeds. Although we are unable to establish to what extent gambling addiction has contributed to this, there is evidence that the majority of problem gamblers has contemplated suicide. Furthermore people with poor mental health are at significantly high risk of problem gambling (Geofutures 2015).
- 2.11 For further health and deprivation information about the local area visit <http://observatory.leeds.gov.uk>.

3. Integration with other guidance, policies, objectives and strategies

Vision for Leeds

- 3.1 The Vision for Leeds 2011-2030 sets the overall aim that “by 2030, Leeds will be locally and internationally recognised as the best city in the UK”. By 2030:
- Leeds will be fair, open and welcoming
 - Leeds’ economy will be prosperous and sustainable
 - All Leeds’ communities will be successful
- 3.2 This Statement of Licensing Policy seeks to promote the licensing objectives within the overall context of the three aims set out in the Vision for Leeds 2011-2030.

Best Council Plan 2018/19 – 2020/21

- 3.3 The Best Council Plan aims to address poverty and inequalities by maintaining a long-term strategic focus on strengthening the economy whilst supporting the most vulnerable. This policy seeks in particular to support the Best Council Plan priorities around, ‘Safe, Strong Communities’, ‘Inclusive Growth’, ‘Health and Wellbeing’ and ‘Child-friendly City’. The Best Council Plan is supported by a number of key strategies including the Health and Wellbeing Strategy 2016-2021, Inclusive Growth Strategy 2018-2023 and Children and Young People’s Plan 2018-2023.

Leeds Health and Wellbeing Strategy 2016-2021

- 3.4 Leeds Health and Wellbeing Strategy 2016-2021 describes the council’s vision for health and wellbeing as ‘Leeds will be a health and caring city for all ages, where people who are the poorest improve their health the fastest’. This policy is particularly affected by the following health and wellbeing priorities...
- Promote mental and physical health equally
 - Stronger focus on prevention
 - Housing and environment enable people... to be healthy

Leeds Inclusive Growth Strategy 2018-2023

- 3.5 The Leeds Inclusive Growth Strategy aims to further deliver growth across the city that is inclusive, draws on the talents of, and benefits all our citizens and communities. The strategy sets out how everyone can contribute to the city’s growth. It provides a framework for how all parts of the council will work with partners from all sectors across Leeds, the region and with national government to grow the economy. The strategy sets out 12 ‘big ideas’ to act as an action plan to encourage inclusive growth focusing on supporting people, places and productivity. This policy links in particular to the following ‘big ideas’:
- Best City for Health and Wellbeing
 - Working together to create better jobs, tackling low pay and boosting productivity
 - Putting children at the heart of the growth strategy

- 3.6 The UN convention on the rights of the child set out the basic rights for children worldwide. The UN developed the model for the child-friendly city model: a place where children's rights are known and understood by children and adults alike and where these rights are reflected in policies and budgets.
- 3.7 The Leeds Children and Young People's Plan helps deliver Leeds' 'child-friendly city' aspiration, whereby the voices, needs and priorities of the more than 190,000 children and young people (aged 0-19 years) in Leeds are heard, responded to and inform the way we make decisions and take action. We aim to improve outcomes for all our children, whilst recognising the need for outcomes to improve faster for children and young people from vulnerable and deprived backgrounds. The Plan is focused on delivering five outcomes whereby all children and young people:
- Are safe from harm
 - Do well at all levels of learning and have skills for life
 - Enjoy healthy lifestyles
 - Have fun growing up
 - Are active citizens who feel they have a voice and influence
- 3.8 This policy contributes to all these outcomes and also a number of the priorities within the Children and Young People's Plan, including:
- Ensuring that the most vulnerable are protected
 - Improving social, emotional, and mental health and wellbeing
 - Supporting young people to make good choices and minimise risk-taking behaviours

4. The purpose of the Gambling Act 2005 – Statement of Licensing Policy

- 4.1 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions under the Act. This document fulfils this requirement. Such statement must be published at least every three years. The statement can also be reviewed from "time to time" and any amendments must be consulted upon. The statement must then be re-published.
- 4.2 Leeds City Council consulted widely upon this policy statement before finalising and publishing it. 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 170 emails and 526 letters were sent advising interested parties of the consultation. The consultation was also advertised via a press release.
- 4.3 The consultation took place between 11th June and 5th August 2018 and followed the Cabinet Office's Code of Practice on Consultation. The consultation elicited five responses which are available on request. The policy was approved at a meeting of the Full Council on 14th November 2018.

5. The licensing framework

- 5.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 5.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premises must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission is able to screen applicants and organisations to ensure they have the correct credentials to operate gambling premises. The council's role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 5.3 The council does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.

6. Declaration

- 6.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 6.2 In producing this document, the council declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

7. Responsible authorities

- 7.1 The Act empowers certain agencies to act as responsible authorities so that they can employ their particular area of expertise to help promote the licensing objectives. Responsible authorities are able to make representations about licence applications, or apply for a review of an existing licence. Responsible authorities will also offer advice and guidance to applicants.
- 7.2 The council is required by regulations to state the principles it will apply to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected people, rather than any particular vested interest group etc.

7.3 In accordance with the regulations the council designates the Leeds Safeguarding Children Partnership for this purpose. Leeds Safeguarding Children Partnership has produced a "West Yorkshire Consortium Procedures Manual which can be found at <http://westyorkscb.proceduresonline.com>. Applicants may find this manual useful as a point of reference, a guide for good practice and the mechanism by which to make a referral to Social Care, when producing their own policies and procedures in relation to the objective of protection of children and vulnerable people.

7.4 The contact details of all the responsible authorities under the Gambling Act 2005 are available on the council's website within the guidance documents at <http://www.leeds.gov.uk/Business/Pages/Gambling-Premises-Licences.aspx>.

8. Interested parties

8.1 Interested parties are certain types of people or organisations that have the right to make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

8.2 The council is required by regulations to state the principles it will apply to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The council will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to local authorities.
- Within this framework the council will accept representations made on behalf of residents and tenants associations.
- In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place.

8.3 The council will provide more detailed information on the making of representations in a separate guidance note. The guidance note has been prepared in accordance with relevant Statutory Instruments and Gambling Commission guidance.

9. Exchange of information

- 9.1 Licensing authorities are required to include in their policy statement the principles to be applied by the authority with regards to the exchange of information between it and the Gambling Commission, as well as other people listed in Schedule 6 to the Act.
- 9.2 The principle that the council applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened. The council will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10. Licensing authority functions

- 10.1 Licensing authorities are responsible under the Act for:
- licensing premises where gambling activities are to take place by issuing premises licences
 - issuing provisional statements
 - regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - issuing Club Machine Permits to commercial clubs
 - granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centres
 - receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
 - granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
 - registering small society lotteries below prescribed thresholds
 - issuing Prize Gaming Permits
 - receiving and endorsing Temporary Use Notices
 - receiving Occasional Use Notices (for tracks)
 - providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
 - maintaining registers of the permits and licences that are issued under these functions.
- 10.2 The council will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

11. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 11.1 The Gambling Commission will take a lead role in keeping gambling crime free by vetting all applicants for personal and operator licences. The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there (see paragraph 14.8 and 14.9) and whether conditions may be required such as the provision of door supervision (see paragraph 14.31).
- 11.2 There is a distinction between disorder and nuisance. In order to make the distinction, when incidents of this nature occur, the council will consider factors such as whether police assistance was required and how threatening the behaviour was.
- 11.3 Issues of nuisance cannot be addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.
- 11.4 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. Ensuring that gambling is conducted in a fair and open way

- 12.1 The council is aware that except in the case of tracks (see section 18) generally the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 12.2 However the council will familiarise itself with operator licence conditions and will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.
- 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.

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

Protection of children

13.1 This licensing objective means preventing children from taking part in most types of gambling. The council will therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.

13.2 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.

13.3 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.

13.4 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

13.5 The council is aware of the difficulty in defining the term “vulnerable person”. In most recent literature it is not a term that is used, with the term “adults at risk of abuse or neglect” or “adults at risk” being the preferred terms.

13.6 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.”

13.7 The Care Act 2014 imposes a requirement on a local authority to “make enquiries if it has reasonable cause to suspect that an adult in its area, whether or not ordinarily resident there, has needs for care and support, is experiencing, or is at risk of, abuse or neglect, and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it”.

- 13.8 The local authority must make whatever enquiries it thinks necessary to enable it to decide whether any action should be taken in the adult's case (whether under this Part or otherwise) and, if so, what and by whom. "Abuse" includes financial abuse; and for that purpose "financial abuse" includes having money or other property stolen, being defrauded, being put under pressure in relation to money or other property, and having money or other property misused.
- 13.9 Department of Health document "No Secrets" from 2000 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."
- 13.10 In 2016 Leeds City Council commissioned Leeds Beckett University to undertake research into Problem Gambling in Leeds (*Problem Gambling in Leeds; Kenyon, Ormerod, Parsons and Wardle, 2016*). This research looked specifically at identifying groups of the society that could be considered vulnerable to problem gambling:
- 13.11 **Young people** – rates of problem gambling among young people who gamble are higher than older adults and youth gambling behaviours are consistent with the harm paradox, whereby these age groups are less likely to gamble generally but those that do are more likely to experience difficulties with their behaviour (Wardle, 2015).
- 13.12 **Minority ethnic groups** – There is consistent evidence that those from Asian or Black backgrounds are more vulnerable to gambling problems and there is clear evidence of the harm paradox (Wardle, 2015).
- 13.13 **Unemployed and constrained economic circumstance** – generally those of lower income are less likely to gamble but those that do spend a higher proportion of their income on gambling. This is highlighted as a concern given the lesser ability of lower income households to protect themselves from financial instability (Brown et al, 2011).
- 13.14 There is evidence that those in debt and those using money lenders and/or pawnbrokers are more likely to be problem or at risk gamblers (Meltzer et al, 2012). The relationship between constrained economic circumstances and gambling problems is likely to be complex and multi-faceted. It may be mediated by other economic opportunities and personal feelings about how well off you are compared with others. Despite this complexity, there is a consistent body of evidence showing that, for whatever reason, those who are unemployed and who gamble are more likely to experience adverse outcomes from their gambling than those in paid employment.
- 13.15 **Area deprivation** – There are a number of British surveys that have consistently shown that those living in more deprived areas are more likely to experience problems with their gambling behaviour. This was despite having roughly the similar levels of past year gambling participation to those who live in less deprived areas.

- 13.16 Wardle (2015) looked at the distribution of machines and licensed betting offices and argues that there was clear and consistent evidence of a spatial skew, whereby high density machine zones or areas with licensed betting offices are more deprived than others. Recent research has shown that among gamblers who held loyalty cards, rates of problem gambling (28%) were higher among those who lived within 400 metres of a concentration of betting offices than those who did not (22%) (Astbury & Wardle, 2016).
- 13.17 **Homeless** – The rates of problem gambling are higher among those who are homeless than those who are not. Although studies are small, they show that there is a significant relationship with gambling preceding homelessness. Little is known about why rates of problem gambling among homeless population groups is higher than the general population but given associations with other mental health conditions, homeless people should be considered a vulnerable group.
- 13.18 **Mental ill health** – There is a strong association between mental ill health and problem gambling. Associations were found between problem gambling and general anxiety disorder, phobia, obsessive compulsive disorder, panic disorders, eating disorders, probably psychosis, attention deficit hyperactivity disorder, post-traumatic stress disorder, harmful and hazardous levels of alcohol consumption and drug addiction. Overall three quarters of problems gamblers seeking treatment also experience co-morbid mental health disorders.
- 13.19 Being a problem or at risk gambler is associated with latter onset of major depressive disorder, alcohol use and dependence, drug use and experience of any mental disorder. Illegal drug use and experience of any mental disorder is also associated with the subsequent onset of at risk and problem gambling. These findings seem to confirm the conclusion that the relationship between problem gambling and mental ill health may be cyclical.
- 13.20 **Substance abuse/misuse** – The evidence base relating to the relationship between substance abuse/misuse and experience of problem gambling broadly measures that of mental ill health. Evidence from British based surveys has shown that rates of problem gambling were higher among those with alcohol dependence (3.4%) or drug dependence (4.4%) than the general population (0.74%) (Wardle, 2015). A systemic review of those seeking treatment for gambling problems showed that 15% also experience alcohol dependence and 7% have other substance abuse disorders (Dowling et al, 2015). There is strong evidence that alcohol and substance misuse are associated with problem gambling. As with other mental health conditions, these conditions can occur at the same time.
- 13.21 **Personality traits/cognitive distortions** – There is a strong body of evidence highlighting the relationship between various personality traits, such as cognitive distortions or impulsivity, with problem gambling. Cognitive distortions, such as erroneous perceptions of gambling and illusion of control are well established risk factors for problem gambling (Johansson et al, 2009). However little research has been conducted to explore the complex interaction of personality traits with other factors and their combined influence on the experience of broader gambling harms. Certain personality traits and/or cognitive distortions are just one potential aspect of vulnerability which is likely to be affected by a range of other factors.

- 13.22 **Problem gamblers seeking treatment** – Because this group is in the process of attempting to recover from gambling problems they should be treated as a vulnerable group in their own right (Wardle, 2015).
- 13.23 Problem gambling can affect anyone at any time. Whilst rates of problem gambling among all adults in Britain tend to be less than 1% (1.4% in large metropolitan areas such as Leeds), there are some groups that are more likely to experience problems. These groups could all be considered vulnerable to gambling problems. Leeds City Council already works with many of these groups however operators should consider these groups in their Local Risk Assessments, especially in relation to identifying the people in these groups, and mitigating harm experienced by them.
- 13.24 In the case of premises licences the council is aware of the extensive requirements set out for operators in the Gambling Commission’s Code of Practice regarding social responsibility. 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 people
 - Information on how to gamble responsibly and help for problem gamblers
 - Customer interaction
 - Self-exclusion
 - Employment of children and young people
- 13.25 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.
- 13.26 Applicants may also like to make reference to Leeds Safeguarding Adults Partnership document entitled “Multi Agency Safeguarding Adults Policies and Procedures – West and North Yorkshire and York” 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>
- 13.27 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, 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 people who may be vulnerable (see 12.4.1).
 - trained personnel for the purpose of identifying and providing support to vulnerable people
 - self exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people

- posters with GamCare Helpline and website in prominent locations
- windows, entrances and advertisements to be positioned or designed not to entice children or vulnerable people.

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

13.29 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.

14. General Requirements

- 14.1 The council will issue premises licences to allow those premises to be used for certain types of gambling. For example premises licences will be issued to amusement arcades, bingo halls, bookmakers and casinos.
- 14.2 Premises licences are subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach other conditions, where it is believed to be necessary and proportionate.
- 14.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The council will also have regard to these Codes of Practice.

Definition of “premises”

- 14.4 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 14.5 The council will take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the council will assess entrances and exits from parts of a building covered by one or more licences to satisfy itself that they are separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 14.6 The council will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that the council will consider before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 14.7 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Location

- 14.8 The council is aware that demand issues (e.g. the likely demand or need for gambling facilities in an area) cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. The council will pay particular attention to the protection of children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder.
- 14.9 With regards to these objectives it is the council's policy, upon receipt of any relevant representations, to look at specific location issues including:
- the possible impact a gambling premises may have on any premises that provide services to children or young people, for example a school, or vulnerable adult centres in the area
 - the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children
 - the size of the premises and the nature of the activities taking place
 - any levels of organised crime in the area.
- 14.10 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.
- 14.11 Although the council cannot consider if there is a need or demand for the gambling facilities applied for, applicants should consider the proximity of other gambling premises in the Local Risk Assessment and the impact this will have on residents, including children and other vulnerable groups.

Local Risk Assessments

- 14.12 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 (except for those which hold betting licences for tracks) 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.
- 14.13 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.

14.14 The council will expect the local risk assessment to consider the urban setting:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- 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.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- 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 place of worship.

14.15 The local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected:

- 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.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gaming trends.
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- Arrangements for monitoring and dealing with under age people and vulnerable people, which may include:
 - dedicated and trained personnel,
 - leaflets and posters,
 - self-exclusion schemes,
 - window displays and advertisements designed to not entice children and vulnerable people.
- 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.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

14.16 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

14.17 Other matters that the assessment may include:

- 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 people 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 people using the premises.
- 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.

14.18 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

14.19 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

Local Area Profile

14.20 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.

14.21 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.

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

Duplication with other regulatory regimes

14.23 The council will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. The council will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

Conditions

14.24 The council is aware that the Secretary of State has set mandatory conditions and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.

14.25 Where there are specific risks or problems associated with a particular locality, or specific premises, or class of premises, the council will attach individual conditions to address this.

14.26 Any conditions attached to a licence issued by the council will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

14.27 Decisions about individual conditions will be made on a case by case basis, although there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The council will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

14.28 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.

- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

14.29 This list is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

14.30 There are conditions which the council cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible for the applicant to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
- conditions in relation to stakes, fees, winnings or prizes.

Door supervision

14.31 The council will consider whether there is a need for door supervision in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority. Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

15. Adult gaming centres

15.1 Adult gaming centres are a category of premises introduced by the Act that are most closely related to adult only amusement arcades seen in many city centres.

- 15.2 Under the Act a premises holding an adult gaming centre licence will be able to make category B, C and D gaming machines available and no one under 18 will be permitted to enter such premises.
- 15.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 15.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the council may consider licence conditions to address such issues.

16. Licensed family entertainment centres (FECs)

- 16.1 Licensed family entertainment centres are those premises which usually provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes. Licensed family entertainment centres will be able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix 1).
- 16.2 Where category C or above machines are available in premises to which children are admitted then the council will ensure that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least 1 meter high
 - only adults are admitted to the area where the machines (category C) are located
 - access to the area where the machines are located is supervised at all times
 - the area where the machines are located is arranged so that it can be observed by staff; and
 - at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18.
- 16.3 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 16.4 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.

- 16.5 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 the supervision of the premises either by staff or the use of a suitable CCTV system. Advice regarding the suitability of a CCTV system can be obtained from West Yorkshire Police.
- 16.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 16.7 The council will refer to the Commission's website to familiarise itself with any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. The council will also make itself aware of the mandatory or default conditions and any Gambling Commission Codes of Practice on these premises licences.

17. Casinos

- 17.1 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.
- 17.2 The Gambling Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games whereby casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.

Licence considerations / conditions

- 17.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for converted casino licences.
- 17.4 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

17.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Licence Conditions and Codes of Practice or by the applicant, the council may consider licence conditions to cover certain issues.

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

18. Bingo premises

18.1 There is no official definition for bingo in the Gambling Act 2005 however from a licensing point of view there is a category of premises licence specifically for bingo premises which is used by traditional commercial bingo halls for both cash and prize bingo. In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix 1).

18.2 The council is aware that it is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted then the council will ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance. For this purpose a rope, floor markings or similar provision will not suffice and the council may insist on a permanent barrier of at least one meter high
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised at all times
- the area where the machines are located is arranged so that it can be observed by staff
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to people under 18
- children will not be admitted to bingo premises unless accompanied by an adult.

18.3 The Gambling Commission has provided Guidance for Licensing Authorities and Licence Conditions and Code of Practice which are applied to Operator's Licences. The council will take this into consideration when determining licence applications for bingo premises.

18.4 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

19. Betting premises

19.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.

- 19.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

Betting machines

- 19.3 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 19.4 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including any Fixed Odds Betting Terminals (FOBTs), then applicants should consider the control measures related to the protection of vulnerable people, highlighted in section 13.
- 19.5 Where certain measures are not already addressed by the mandatory/default conditions, Gambling Commission Code of Practice or the applicant, the council may consider licence conditions to address such issues.

20. Tracks

- 20.1 Tracks are sites (including racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totaliser” or “tote”), and also general betting, often known as “fixed-odds” betting. Multiple betting outlets are usually located on tracks such as ‘on-course’ betting operators who come onto the track just on race days to provide betting for the races taking place on that track. There can also be ‘off-course’ betting operators who may operate self-contained facilities at the tracks which offer customers the chance to bet on other events, not just those taking place on the track.
- 20.2 All tracks will require a primary ‘general betting premises licence’ that the track operator will hold. It should be noted that track operators do not require an operating licence from the Gambling Commission although they may apply for one. This is because the various other gambling operators offering betting at the track will each hold an operating licence.
- 20.3 Tracks may also be subject to one or more premises licences, provided each licence relates to a specified area of the track. This may be preferable for any self-contained premises providing off-course betting facilities at the track. The council will however assess each individual case on its merits before deciding if this is necessary. Where possible the council will be happy for the track operator to decide if any particular off-course operators should apply for a separate premises licence.

- 20.4 If any off-course operators are permitted to provide betting facilities under the authorisation of the track operator's premises licence, then it will be the responsibility of the premises licence holder to ensure the proper conduct of such betting within the premises boundary.
- 20.5 Gambling Commission guidance also indicates that it would be possible for other types of gambling premises to be located at a track under the authorisation of separate premises licences, e.g. a casino premises licence or adult gaming centre premises licence. If you require further guidance on this provision please contact the Entertainment Licensing Section.
- 20.6 Children and young people will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines and betting machines (other than category D machines) are provided.
- 20.7 The council will consider the impact upon the protection of children licensing objective and the need to ensure that entrances to each type of betting premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Betting machines

- 20.8 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions and the location of the machines, in order to ensure they are in a properly segregated area where children are not permitted.
- 20.9 Where certain measures are not already addressed by the mandatory/default conditions, the Gambling Commission's Licence Conditions and Code of Practice or the applicant, the council may consider licence conditions to address such issues.

21. Travelling fairs

- 21.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the new Act.
- 21.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix 1).
- 21.3 The council will consider whether any fairs which take up the above entitlement fall within the statutory definition of a travelling fair.

21.4 The council is aware that the 27 day statutory maximum for the land being used as a fair is per calendar year and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The council will work with its neighbouring authorities to ensure that land which crosses the council boundary is monitored so that the statutory limits are not exceeded.

22. Provisional statements

22.1 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).

22.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the council may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) which could not have been raised by objectors at the provisional licence stage; or
- b) which in the authority's opinion reflect a change in the operator's circumstances.

22.3 When determining a provisional statement application the council will operate in accordance with the Act and will not have regard to any issues related to planning consent or building regulations, e.g. the likelihood that planning consent will be granted.

23. Unlicensed family entertainment centre gaming machine permits (UFECs)

- 23.1 The term ‘unlicensed family entertainment centre’ is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny pushers. The premises is ‘unlicensed’ in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a ‘licensed family entertainment centre’ which requires a premises licence because it contains both category C and D gaming machines.
- 23.2 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 10, Para 7 of the Act states “In preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.
- 23.3 In line with the above provision the council has prepared a ‘Statement of Principles’ in relation to unlicensed family entertainment centre gaming machines as follows:

Statement of Principles

- 23.4 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.
- 23.5 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.
- 23.6 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

- 23.7 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
 - That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 23.8 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- 23.9 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

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

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the council. The council can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
 - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming; or
 - an offence under the Gambling Act has been committed on the premises.
- 24.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the council must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” The council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable people from harm or being exploited by gambling. The council will also expect the applicant to satisfy the authority that there will be sufficient measures to ensure that children and young people under the age of 18 do not have access to the adult only gaming machines.
- 24.3 All alcohol licensed premises with gaming machines must have regard to the need to protect children and vulnerable people 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.

- 24.4 Measures which may satisfy the council that people under 18 years will be prevented from using the machines may include the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised. Notices and signage may also help. As regards the protection of vulnerable people, applicants may wish to consider the provision of information leaflets and or helpline numbers for organisations such as GamCare.
- 24.5 The council can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 24.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 24.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.
- 24.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix 3 of this document.

25. Prize gaming permits

- 25.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.
- 25.2 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 25.3 The Gambling Act 2005 contains provision for local authorities to prepare a “Statement of Principles” that they propose to consider in determining the suitability of an applicant for a permit. Schedule 14, Para 8 of the Act states, “in preparing this statement, and/or considering applications, it [the council] need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under Section 25.
- 25.4 In line with the above provision the council has prepared a Statement of Principles in relation to prize gaming permits as follows:

Statement of Principles

- 25.5 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

- 25.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
- appropriate measures and training for staff as regards suspected truant children on the premises
 - measures and training covering how staff would deal with unsupervised very young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises.
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of West Yorkshire Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation.
- 25.7 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 25.8 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible
 - That the gaming offered is within the law.
- 25.9 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.
- 25.10 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.
- 25.11 There are conditions in the Gambling Act 2005 by which the permit holder must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

26. Club gaming and club machine permits

- 26.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D). Commercial clubs may apply for a 'club machine permit' only.
- 26.2 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.
- 26.3 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18 year olds do not use the adult only gaming machines. These measures may include:
- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
 - notices and signage
 - the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 26.4 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.
- 26.5 The council may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied;
 - (b) the applicant's premises are used wholly or mainly by children and/or young people;
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - (d) a permit held by the applicant has been cancelled in the previous ten years; or
 - (e) an objection has been lodged by the Commission or the police.
- 26.6 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are:
- (a) that the club is established primarily for gaming,
 - (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

27. Temporary use notices

- 27.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 27.2 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.
- 27.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 27.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.
- 27.5 The Act makes a special reference, in the context of temporary use notices, to a “set of premises” to try and ensure that large premises which cannot reasonably be viewed as separate are not used for more temporary use notices than permitted under the Act. The council considers that the determination of what constitutes “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a “set of premises”, the council will look at, amongst other things, the ownership/occupation and control of the premises. The council will be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises.

28. Occasional use notices (for tracks)

- 28.1 There is a special provision in the Act which provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Track operators and occupiers need to be aware that the procedure for applying for an occasional use notice is different to that for a temporary use notice. The application may be made in writing, to the council by the person responsible for the administration of the events on a track or by an occupier of the track.
- 28.2 The council has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The council will however consider the definition of a ‘track’ and whether the applicant is entitled to benefit from such notice.

29. Small society lottery registrations

29.1 A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part.

29.2 The Act creates two principal classes of lotteries: Licensed lotteries and exempt lotteries. Licensed lotteries are large society lotteries and lotteries run for the benefit of local authorities. These will be regulated by the Gambling Commission. Within the class of exempt lotteries there are four sub classes, one of which is small society lotteries.

29.3 A small society lottery is a lottery promoted on behalf of a non-commercial society as defined in the Act which also meets specific financial requirements set out in the Act. These will be administered by the council for small societies who have a principal office in Leeds and want to run such lottery.

29.4 A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less.

29.5 To be 'non-commercial' a society must be established and conducted:

- for charitable purposes,
- for the purpose of enabling participation in, or supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

29.6 The other types of exempt lotteries are 'incidental non-commercial lotteries', 'private lotteries' and 'customer lotteries'. If you require guidance on the different categories of lotteries please contact the council.

29.7 The National lottery is not licensed by the Gambling Act 2005 and continues to be regulated by the National Lottery Commission under the National Lottery Act 1993.

30. Enforcement principles

30.1 The council will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation. Specifically the council is subject to the Regulators' Code which provides the following six provisions which the Council should follow in its enforcement activities, unless it concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or outweighed by another relevant consideration.

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activities on risk
4. Regulators should share information about compliance and risk
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

30.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

Consistent: rules and standards must be joined up and implemented fairly;

Transparent: regulators should be open, and keep regulations simple and user friendly; and

Targeted: regulation should be focused on the problem, and minimise side effects.

30.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

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

Coral	London Borough of Newham
William Hill	City of Westminster
Ladbrokes	Milton Keynes
Paddy Power	Reading

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

30.6 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

30.7 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission. In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

30.8 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

30.9 The council's enforcement/compliance protocols/written agreements will be available upon request.

31. Reviews

31.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

31.2 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is:

- i) in accordance with any relevant code of practice issued by the Gambling Commission
- ii) in accordance with any relevant guidance issued by the Gambling Commission
- iii) reasonably consistent with the licensing objectives and
- iv) in accordance with this authority's Gambling Act 2005 – Statement of Licensing Policy.

- 31.3 In addition the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.
- 31.4 The council can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

Appendix 1 Gaming machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the current proposals for the different categories with the maximum stakes and prizes that will apply. This table will be updated as soon as the proposals are confirmed.
- Table 2 overleaf shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
¹ B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£15 (of which no more than £8 may be a money prize)

¹ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have ‘touch-screen’ displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular. The Government has announced a reduction in the stakes of B2 machines to £2 in April 2018.

Table 2

Premises Type	Machine category							
	A	B1	B2	B3	B4	C	D	
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)						
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)						
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead						
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)						
Bingo Premises ¹					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Adult gaming centre ²					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*	No limit C or D machines		
Licensed family entertainment centre ³							No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines	
Clubs or miners' welfare institutes with permits ⁴					Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises							1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit		
Travelling fair							No limit on category D machines	
	A	B1	B2	B3	B4	C	D	

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licence was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.
2. Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.
3. Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.
4. Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.
5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

Appendix 2 Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting Machines / Bet Receipt Terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter.
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack etc.
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth.
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal Chance Gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed Odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.

Term	Description
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing Objectives	<p>The licensing objectives are three principal goals which form the basis of the Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are:</p> <ul style="list-style-type: none"> • Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. • Ensuring that gambling is conducted in a fair and open way. • Protecting children and other vulnerable people from being harmed or exploited by gambling.
Lottery	<p>A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).</p>
Mandatory condition	<p>A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.</p>
Money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a money prize.</p>
Non-money prize machine	<p>A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by:</p> <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>

Term	Description
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off-course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Pool Betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Regulations or Statutory instruments	Regulations are a form of law, often referred to as delegated or secondary legislation. They have the same binding legal effect as Acts and usually state rules that apply generally, rather than to specific people or things. However, regulations are not made by Parliament. Rather, they are made by people or bodies to whom Parliament has delegated the authority to make them, such as a minister or an administrative agency.
Representations	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (authorities)	Responsible authorities (RAs) are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed. For Leeds the RAs include West Yorkshire Police, The local Safeguarding Children Board, Leeds City Council's Development Department as well as several others.

Term	Description
Skill machine / Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting, and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine.
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place. Examples of tracks within the Leeds district would be Elland Road Football ground and Headingley Stadium.

Appendix 3 Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	<u>Bridge and/or whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

Appendix 4 Large Casino

The current status of the Large Casino is that a premises licence has been granted. The following process will apply should the current licence cease to exist because it has either been surrendered or revoked.

1. Background

- 1.1 The Act introduces three new categories of casino; one regional casino, eight large casinos and eight small casinos. In 2006 the council submitted a proposal for a regional and large casino to the Casino Advisory Panel.
- 1.2 On 15th May 2008 the Categories of Casino Regulation 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 was approved. This specified which licensing authorities could issue premises licences for large and small casinos. Leeds City Council was authorised to issue a large casino premises licence.
- 1.3 On 26th February 2008 the Secretary of State for Culture, Media and Sport issued the Code of Practice on Determinations Relating to Large and Small Casinos (Code of Practice). The council will comply with this Code which sets out:
 - a. the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005 and
 - b. matters to which the Licensing Authority should have regard in making these determinations.
- 1.4 The council recognises that applicants may either apply for a casino premises licence or a provisional statement. As for all premises licences, applicants for a casino premises licence must fulfil certain criteria in that they must:
 - a. hold or have applied for an operating licence from the Gambling Commission; and
 - b. have the right to occupy the premises in question.
- 1.5 Should an applicant be unable to meet these two criteria they should apply for a provisional statement.
- 1.6 Unless otherwise specified, any reference to the application and procedures for a premises licence for a casino in the following parts of this section will also include the application and procedures for a provisional statement for a casino.
- 1.7 Where a provisional statement application is successful, the council may limit the period of time for which the statement will have effect. This period may be extended if the applicant so applies.

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

2. Application Process

Stage 1

- 2.1 The council will publish an invitation calling for applications. This invitation will be published in a trade newspaper, journal or similar publication. It will state the latest date the application must be made and the place from which a person may obtain an application pack.
- 2.2 The part of the application pack which relates to stage 1 will include, as a minimum, the following:
- Guidance for applicants
 - Application form for Stage 1
 - Example notices
- 2.3 With regard to stage 1 of the application process, the general principles as stated in Part C of this gambling policy will apply to all applications.
- 2.4 At stage 1 the Licensing Committee or sub-committee, will determine, if there are valid representations, which applications would be granted if they were able to grant more than one application.

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

Stage 2

2.6 Should more than one applicant pass through stage 1, the process will proceed to the second stage with each successful applicant being invited to submit information about how their application would, if granted, benefit the area.

2.7 The part of the application pack which relates to stage 2 will include, as a minimum, the following:

- Stage 2 evaluation methodology, including scoring matrix
- Details of current Licensing Committee
- Details of the Advisory Panel
- Terms of reference for Advisory Panel
- Example Schedule 9 agreement
- Glossary
- Vision for Leeds 2011 to 2030

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

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

Advisory Panel

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

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

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

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

- 2.14 The Advisory Panel will report its findings to the Licensing Committee. The report will be made available to the applicant before being submitted to ensure that the information provided within it is accurate. Should the applicant disagree with the evaluation, this will be noted and reported to the Licensing Committee, together with any necessary changes to the Advisory Panel's report.
- 2.15 The Licensing Committee will consider all the applications at Stage 2, and the report of the Advisory Panel. They will evaluate the proposals, in line with the principles below and determine which application, if granted, is likely to result in the greatest benefit to the area. This will involve an evaluation both of the benefits and the likelihood of their delivery.
- 2.16 The Licensing Committee will instruct officers to complete negotiations on any written agreements made under Paragraph 5(3)(b) of Schedule 9 of the Act. Once the negotiations have been completed officers will report to Licensing Committee who will then grant the licence to the successful applicant and reject the remaining applications.
- 2.17 In line with paragraph 5.7.4 of the Code of Practice, in determining the principles the council intends to apply in making any determination for a casino premises licence, the council has had specific regard to the following:
- a. The financial and other contribution a second stage applicant proposes to make to the Leeds metropolitan area,
 - b. The likely effects of an application on employment, the local economy and regeneration within the authority's area,
 - c. Whether, and the extent to which, the benefits offered are pursuant to an agreement under paragraph 5(3)(b) of Schedule 9 or otherwise.
- 2.18 In line with paragraph 3.3 of the Code of Practice, in determining the principles the council intend to apply at Stage 2, it disregarded the existence of any contract, arrangement or other relationship already in place; and will
- put in place arrangements to ensure that any such contract, arrangement or other relationship does not, actually or apparently, prejudice its ability to conduct the procedure fairly; and will
 - prepare a register of interests disclosing their interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant.

3. Principles

- 3.1 At stage 2 the applicant will be required to state and demonstrate the benefit that they can bring to Leeds metropolitan area.
- 3.2 The council will seek to determine the greatest benefit through the following principles:
- Financial** To seek to maximise the financial return to the council.

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

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

4. Evaluation Criteria

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

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

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

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

Financial Contribution

4.4 The council is seeking to identify and quantify the level of financial contribution that could be secured for the Leeds metropolitan area. It is expected that the contribution will comprise a mixture of annual payments received from the applicant and a lump sum payable upon signing of any agreements and on specified dates and/or events thereafter.

4.5 The financial contribution will be used by the council to establish and maintain the council administered Social Inclusion Fund (SIF) which will facilitate the delivery of programmes and projects that support the council’s social and economic inclusion agenda, for the benefit of the Leeds metropolitan area.

4.6 The financial contribution will be evaluated in terms of its ability to fund a credible and sustainable SIF. As such a mixture of upfront and annual payments is required.

4.7 The scoring of financial contributions will be weighted as follows:

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

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

Socio-economic

4.9 The council is seeking to identify and quantify the level of expected net socio-economic benefits that could be secured for the Leeds metropolitan area based on the projected gross levels applicants believe their proposals will generate.

4.10 The council will expect to see that the applicant has tailored its proposals specifically to the requirements of Leeds through research and detailed assessment of the physical, social and economic position as outlined in its vision documents. These documents will be made available in the stage 2 application pack.

4.11 Applicants should have regard to the proposed location of the premises, with regard to meeting the licensing objective which seeks to protect children and vulnerable people from being harmed or exploited by gambling. Applicants will be asked to provide information related to the area in which their proposed development is situated in their strategy and vision documents.

4.12 Applicants will be asked to provide information on how their development will impact on employment and training, including amongst others, graduate training, NEETs and vocational qualifications as well as opportunities for Leeds businesses and the local supply chain.

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

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

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

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

Risk and deliverability

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

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

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

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

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

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

**Produced by
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Report of the Chief Officer Elections and Regulatory

Report to Licensing Committee

Date: 2nd March 2021

Subject: Licensing Act 2003

Regulation 28 Report to Prevent Future Deaths

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

Summary of Main Issues

A Premises Licence issued under the Licensing Act 2003 is held by Festival Republic for the Bramham Park Estate, Leeds 23. The Premises licence authorises licensable activities during the course of the annual Leeds Festival held over August Bank Holiday weekend.

Following the Inquest into a fatality at the 2019 Festival, Leeds City Council has been served with a Regulation 28 Report to Prevent Future Deaths by the Senior Coroner for the Coroner area of West Yorkshire.

The report requested that the council provide the Senior Coroner with a response by the 12th March 2021, since extended to 23rd April 2021. A working group of the Licensing Committee has been established to consider the contents of the report.

1.0 Best Council Plan Implications (see the [latest version of the Best Council Plan](#))

The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

2.0 Resource implications

2.1 No resource implications for the licensing authority are identified.

3.0 Recommendations

3.1 Members of the Licensing Committee are asked to:

3.2 Note the establishment of the working group and consider any recommendations from that group if available at the date of the Licensing Committee on 2nd March 2021.

3.3 To agree:

- that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and Leeds City Council, by 23rd April 2021, or
- that the matter be brought back before the Licensing Committee in April 2021.

4.0 Purpose of this Report

4.1 This report is to provide Members with detail of the Regulation 28 Report to Prevent Future Deaths, received following the inquest into a fatality at the 2019 Leeds Festival.

4.2 If Members consider it necessary for the public to be excluded from any part of the meeting to allow further detailed discussion, this can be considered under the Access to Information Procedure Rules.

5.0 Background Information

5.1 The Premises Licence for the Leeds Festival was considered and approved by the Licensing Committee on the 28 April 2006.

5.2 The Licence granted to Festival Republic Ltd., is held for Bramham Park and allows the Festival to take place each August Bank Holiday weekend.

5.3 The Licence is subject to the following conditions:

- 1) The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
- 2) There shall be an Event Management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year.

- 3) The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival
- 4) The maximum permitted capacity at the event is 85,000 ticket holders and 4999 guests (89999 persons in total). The proposed capacity for each event will form part of the Event Management Plan notified to the Licensing Authority and the Multi Agency partners under the conditions of this Licence.

5.4 The Committee reserve the right to determine how the final Event Management Plan (EMP) for the Festival should be agreed with the facility for the final EMP to be agreed by the Committee or officers under delegated authority.

6.0 Main Issues

6.1 The last occasion that the Festival took place was over the August Bank Holiday weekend in 2019. The 2020 Festival did not proceed due to the Covid-19 pandemic.

6.2 During the 2019 Festival there was an incident involving a female of 17 years of age, and despite all best efforts by the medical services, it resulted in a fatality.

6.3 An Inquest was held at Wakefield Coroner's Court, which concluded on the 13th January 2021. The Senior Coroner, after hearing the circumstances of death has set out his concerns in a Regulation 28 Report to Prevent Future Deaths (the report) which has been served on Leeds City Council, the licensing authority for Leeds Festival, as well as the organisers of the event.

6.4 A working group has been established to consider the contents of the report. The working group membership includes Members of the Licensing Committee with contributions from representatives of Leeds Safety Advisory Group, Safer Leeds, West Yorkshire Police, Health & Safety, Public Health, Yorkshire Ambulance Service, Childrens & Families, Legal Services and Entertainment Licensing.

6.5 The first meeting of the working group took place on the 9th February 2021 from which it was agreed to ask the Senior Coroner for an extension to the original deadline of the 12th March 2021, to allow for further information to be gathered and presented, including from the organisers of the event.

6.6 It has subsequently been confirmed that an extension to the response has been granted until the 23rd April 2021.

6.7 The second meeting of the working group is scheduled to take place on 22nd February 2020, to which representatives of Festival Republic have been invited.

7.0 Corporate Considerations

7.1 Consultation and Engagement

7.1.1 The application for the Premises Licence in 2006 was subject to the statutory consultation process as prescribed by the Licensing Act 2003.

7.1.2 Each year the licence holder provides an Event Management Plan through the Safety Advisory Group which is approved by the Licensing Committee before the annual Festival taking place.

7.2 Equality and Diversity/Cohesion and Integration

7.2.1 There are no identified implications for equality and diversity. Any decision taken by the Licensing Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003 and the Council's Statement of Licensing Policy (Licensing Act 2003).

7.3 Council policies and the Best Council Plan

7.3.1 The licensing regime contributes to Best City Priorities 2019/20:

- Culture
- Safe, Strong communities
- Inclusive Growth

7.4 Climate Emergency

7.4.1 There are no implications for the climate emergency in relation to this report.

7.5 Resources, Procurement and Value for Money

7.5.1 There are no implications to the licensing authority identified at the time of this report.

7.6 Legal Implications, Access to Information and Call In

7.6.1 The licensing regime must be carried out in accordance with the Licensing Act 2003. The Regulation 28 report requests that the response sent to the Senior Coroner sets out what action, if any, the local authority intends to take and if no action an explanation for this. The report and response would then be published by the Senior Coroner.

7.7 Risk Management

7.7.1 The Event Management Plan is taken through the Safety Advisory Group process. Any legal implications for the premises licence will need to be considered.

8.0 Conclusions

8.1 A working group involving key services has been established to consider the content of the Regulation 28 Report to Prevent Future Deaths.

9.0 Recommendations

9.1 Members of the Licensing Committee are asked to:

9.2 Note the establishment of the working group and consider any recommendations from that group if available at the date of the Licensing Committee on 2nd March 2021.

9.3 To agree:

- that the Chair of the Licensing Committee respond to the Senior Coroner in relation to the Regulation 28 report, on behalf of the Licensing Committee and Leeds City council, by 23rd April 2021, or
- that the matter be brought back before the Licensing Committee in April 2021.

10.0 Background Papers

Premises Licence number PREM/02193/012 (public register copy)¹.

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

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Details of premises licence

For: Leeds Festival



This document provides details of the premises licence issued to the stated premises and is not a licence itself.

Licence number: PREM/02193/012

Premises the licence relates to: Leeds Festival, Bramham Park, Thorer Road, Wothersome, Wetherby, Leeds, LS23 6ND

Date licence first effective: 28th April 2006

Date current version effective from: 3rd August 2018

Licensable activities authorised by the licence:

Sale by retail of alcohol
Every Day 00:01 - 00:00

Provision of late night refreshment
Wednesday to Sunday 23:00 - 05:00

Performance of a play
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 03:00

Exhibition of a film
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 06:00

Performance of live music
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 06:00

Performance of recorded music
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 06:00

Performance of dance
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 03:00

Entertainment similar to live music, recorded music or dance
Thursday 19:00 - 03:00
Friday to Sunday 12:00 - 06:00

Opening hours of the premises:

Details of licence numbered : PREM/02193/012

Everyday

00:01 - 00:00

Premises licence holder(s):

Festival Republic Ltd, 30 St. John Street, London, England, EC1M 4AY

Designated premises supervisor:

Mr Ian Donaldson

Access to the premises by children

Access to the premises by children is restricted

Annex 1 – Mandatory Conditions

1. Only individuals licensed by the Security Industry Authority may be used at the premises to guard against:-
 - a. unauthorised access or occupation (e.g. through door supervision), or
 - b. outbreaks of disorder, or
 - c. damage
2. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made
 - a. By the British Board of Film Classification (BBFC,) where the film has been classified by the Board, or
 - b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or,
 - c. where the licensing authority has notified the licence holder that section 20 (3) (b) (74 (3) (b) for clubs) of the Licensing Act 2003 applies to the film.
5. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- a. games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- e. dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- a. a holographic mark, or
- b. an ultraviolet feature.

8. The responsible person must ensure that -

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- i. beer or cider: ½ pint;
- ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
- iii. still wine in a glass: 125 ml;

- b. these measures are displayed in a menu; price list or other printed material which is available to customers on the premises; and

- c. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

9. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- b. "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where -
 - i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- c. "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e. "value added tax" mean value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Additional details in respect of licensable activities authorised by this licence

Provision of late night refreshment

Location of activity: Both indoors and outdoors

Performance of a play

Location of activity: Both indoors and outdoors

Exhibition of a film

Location of activity: Both indoors and outdoors

Performance of live music

Location of activity: Both indoors and outdoors

Performance of recorded music

Location of activity: Both indoors and outdoors

Performance of dance

Location of activity: Both indoors and outdoors

Entertainment similar to live music, recorded music or dance

Location of activity: Both indoors and outdoors

All activities

Non-standard timings: The times and dates of licensable activities will be submitted and agreed within the Multi Agency forum at least 6 months prior to the festival or such lesser period as agreed from time to time within the multi-agency forum.

The premises licence is for the on and off sales of alcohol to ticket holders for 24 hours on the dates which will be agreed within the multi-agency forum.

The licence also provides for the supply of alcohol to staff 24 hours on the dates which will be submitted and agreed with the multi-agency forum at least 6 months prior to the festival each year or such lesser period as agreed from time to time with the multi-agency forum.

The application for an extension of existing hours from 03:00hrs to 06:00hrs Saturday, Sunday and Monday submitted in March 2008 applies to the following campsites only:

Brown/Green campsite DJ
Orange campsite DJ
Yellow Bubble campsite DJ
Blue Valley campsite DJ
Red campsite DJ
Piccadilly campsite DJ
Silent Disco

The location and names of these campsites may be determined from a site plan submitted each year.

Conditions consistent with the operating schedule relating to the licensing objectives

General – All four licensing objectives

10. The Premises Licence Holder shall comply with the terms and requirements of the Event Management Plan each year.
11. There shall be an Event Management Plan which incorporates the Operating Schedule submitted to the Licensing Authority at least six months prior to the festival each year.
12. The Event Management Plan and any revisions to the Event Management Plan must be approved by the Licensing Authority prior to the Festival

Public safety

13. The maximum permitted capacity at the event is 85,000 ticket holders and 4999 guests (89999 persons in total). The proposed capacity for each event will form part of the Event Management Plan notified to the Licensing Authority and the Multi Agency partners under the conditions of this Licence.

Annex 3 – Conditions attached after a hearing by the licensing authority

None